

JOE LOMBARDO
Governor



DR. KRISTOPHER SANCHEZ
Director

VICTORIA CARREÓN
Administrator

JODIE TONKIN
Deputy Administrator

**DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS**

SMALL BUSINESS IMPACT STATEMENT
AS REQUIRED BY NRS 233B.0608 AND 233B.0609
LCB FILE NO. R026-23
May 31, 2024

Note: Small Business is defined as “a business conducted for profit which employs fewer than 150 full-time or part-time employees.” (NRS 233B.0382).

1. Describe the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

ANSWER: To determine whether the proposed regulations are likely to have an impact on small businesses, the Division considered the purpose and scope of the proposed regulations. The proposed regulations revise provisions of NAC 512 as well as pertinent portions of NAC 455C by revising provisions relating to the safety of boilers and pressure vessels in the context of mines for consistency with similar provisions governing boilers, pressure vessels and water heaters generally; prohibiting the operation of a new boiler, pressure vessel or water heater in this State under certain circumstances; and providing other matters properly relating thereto.

In addition, on May 21, 2024, the Division sent out a Small Business Impact Statement Questionnaire to interested parties on the Division’s Listserv, which includes 130 recipients. Moreover, the Questionnaire was posted on the Division’s website. The Questionnaire inquired from small businesses whether they believed there would be any economic effects, adverse or beneficial, direct or indirect, on their respective businesses from the proposed regulation. The deadline to return the questionnaire was May 29, 2024. As of the undersigned date, the Division received three (3) responses as follows:

1. Hiliary N. Wilson, on behalf of Nevada Gold Mines LLC – Ms. Wilson indicated that Nevada Gold Mines, LLC, employed 150 employees or more in her response.
2. Troy Pierson, on behalf of Spec Aggregates – Mr. Pierson did not believe that the proposed regulation would have any economic effects, adverse or beneficial, on his business. Mr. Pierson also indicated that he did not believe that the proposed regulation would have any indirect effects, adverse or beneficial, on his business.
3. Justin Semadeni, on behalf of TonaTec Exploration, LLC – Mr. Semadeni did not believe that the proposed regulation would have any economic effects, adverse or beneficial, on his business. Mr. Semadeni also indicated that he did not believe that

the proposed regulation would have any indirect effects, adverse or beneficial, on his business.

A summary may be obtained by contacting Rosalind Jenkins, Legal Secretary II, Division of Industrial Relations, (702) 486-9014, or by writing to the Division of Industrial Relations, 3360 W. Sahara Ave., Ste. 250, Las Vegas, Nevada 89102.

2. The manner in which the analysis was conducted.

ANSWER: As noted in Answer 1, on May 21, 2024, the Division sent out a Small Business Impact Statement Questionnaire to interested parties on the Division's Listserv. The Questionnaire inquired from small businesses whether they believed there would be any economic effects, adverse or beneficial, direct or indirect, on their respective businesses from the proposed regulation. The deadline to return the questionnaire was May 29, 2024. As of the undersigned date, the Division received three (3) responses as follows:

1. Hiliary N. Wilson, on behalf of Nevada Gold Mines LLC – Ms. Wilson indicated that Nevada Gold Mines, LLC, employed 150 employees or more in her response.
2. Troy Pierson, on behalf of Spec Aggregates – Mr. Pierson did not believe that the proposed regulation would have any economic effects, adverse or beneficial, on his business. Mr. Pierson also indicated that he did not believe that the proposed regulation would have any indirect effects, adverse or beneficial, on his business.
3. Justin Semadeni, on behalf of TonaTec Exploration, LLC – Mr. Semadeni did not believe that the proposed regulation would have any economic effects, adverse or beneficial, on his business. Mr. Semadeni also indicated that he did not believe that the proposed regulation would have any indirect effects, adverse or beneficial, on his business.

3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

- (a) Both adverse and beneficial effects; and
- (b) Both direct and indirect effects.

ANSWER: The Division anticipates no adverse or beneficial effects, either direct or indirect, on regulated businesses as the result of these regulations. The effects, if any, are difficult to determine at this time. There will be no direct or indirect cost to regulated or small businesses.

4. Describe the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

ANSWER: Because there will be no adverse impacts on small businesses in general, there are no methods available to reduce the impact the Division could have considered.

5. The estimated cost to the agency for enforcement of the proposed regulation.

ANSWER: There is no additional cost to the agency for enforcement of this regulation.

6. If the proposed regulation provides a new fee or increases an existing fee, the total

annual amount the agency expects to collect and the manner in which the money will be used.

ANSWER: The proposed regulation does not provide for a new fee or increase an existing fee payable to the Division.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

ANSWER: The proposed regulation does not include any provisions which duplicate or are more stringent than existing federal, state, or local standards.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.

ANSWER: The Division complied with NRS 233B.0608 by considering the purpose and scope of the proposed amendments. The proposed regulations revise provisions relating to the safety of boilers and pressure vessels in the context of mines for consistency with similar provisions governing boilers, pressure vessels and water heaters generally; prohibit the operation of a new boiler, pressure vessel or water heater in this State under certain circumstances; and provide other matters properly relating thereto.

In addition, on May 21, 2024, the Division sent out a Small Business Impact Statement Questionnaire to interested parties on the Division's Listserv, which includes 130 recipients. Moreover, the Questionnaire was posted on the Division's website. The Questionnaire inquired from small businesses whether they believed there would be any economic effects, adverse or beneficial, direct or indirect, on their respective businesses from the proposed regulation. The deadline to return the questionnaire was May 29, 2024. As of the undersigned date, the Division received three (3) responses as follows:

1. Hiliary N. Wilson, on behalf of Nevada Gold Mines LLC – Ms. Wilson indicated that Nevada Gold Mines, LLC, employed 150 employees or more in her response.
2. Troy Pierson, on behalf of Spec Aggregates – Mr. Pierson did not believe that the proposed regulation would have any economic effects, adverse or beneficial, on his business. Mr. Pierson also indicated that he did not believe that the proposed regulation would have any indirect effects, adverse or beneficial, on his business.
3. Justin Semadeni, on behalf of TonaTec Exploration, LLC – Mr. Semadeni did not believe that the proposed regulation would have any economic effects, adverse or beneficial, on his business. Mr. Semadeni also indicated that he did not believe that the proposed regulation would have any indirect effects, adverse or beneficial, on his business.

///

///

///

///

Based on the review and the responses, the Division determined that this regulation will have no direct effect on small businesses, either adverse or beneficial, and will also have no indirect adverse effect on small businesses.

I, VICTORIA CARREÓN, Administrator of the Division of Industrial Relations, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement was prepared properly and is accurate.

DATED this 31st day of May, 2024.


VICTORIA CARREÓN, Administrator