

**STATE OF NEVADA**  
**Division of Industrial Relations**  
**Mine Safety and Training Section**

**NOTICE OF INTENT TO ACT UPON PROPOSED REGULATIONS**  
**Notice of Public Hearing**  
**for Adoption/Amendment/Repeal of Regulations**

The Department of Business and Industry, Division of Industrial Relations (Division), Mine Safety and Training Section (MSATS), will hold a public hearing to receive comments from the public regarding the Adoption, Amendment, and Repeal of regulations pertaining to Chapter 512 of the Nevada Administrative Code.

The public hearing to adopt proposed regulations will be held at **10:30 a.m., 1 Dec, 2010**, at the following location:

**Western Nevada Community College**  
**Reynolds Building, Room 102**  
**2201 West College Parkway**  
**Carson City, NV 89703**

The hearing will also be broadcast, via videoconference, to the following site:

**Great Basin Community College**  
**Greenhaw Technical Arts Building, Room 130**  
**1500 College Parkway**  
**Elko, NV 89801**

Pursuant to NRS 233B.060, MSATS provides the following information pertaining to the public hearing and the proposed regulations:

***Need and purpose of the proposed regulation:***

The Division is dedicated to providing a safe work place for Nevada Miners. The proposed regulation requires operators of underground mines to establish a ground support plan for underground mine excavation, requires certain records and training logs be established and maintained at certain underground or surface mines, revises some provisions relating to mercury extraction areas, health and safety standards for mines including respiratory protection, air contaminants, hazard communication, subchapter K of 30 CFR Parts 56 and 57 relating to surface metal and non-metal mines, occupational noise exposure.

***Copies of the proposed regulation:***

Copies of the Legislative Counsel Bureau's revised text of the proposed regulations are available at the state and county libraries and can also be accessed at the Mine Safety and Training Web site at: <http://dirweb.state.nv.us/MSTS/msts.htm>

***Estimated economic effect of the proposed regulations on a) regulated businesses and b) the public, including i) adverse and beneficial effects and ii) immediate and long-term effects:***

a) Mining industry: MSATS believes that the immediate adverse economic effect of the proposed regulations on the mining industry is minimal pertaining to the implementation of ground support plans for underground mines prepared by engineering staff (Section 5), written plans to provide a secondary power supply source (Section 10), training programs (Sections 5, 7, 14) and maintenance of written records (Sections 5, 6, 7, 8). Costs for development of secondary or emergency hoisting machinery with a secondary power supply source, and supplemental hoisting machinery in an additional shaft and construction of a drift or decline (Section 10) will depend upon individual mines and whether existing structures are satisfactory or whether renovation or new construction is necessary. The requirement for collection and submission to medical laboratories of monthly urine samples by workers in mercury extraction areas and where mercury-bearing ore is produced (Section 14) will be additional monthly costs to mine operators. MSATS believes the long-term adverse economic effect of the regulations is minimal.

Immediate and long-term benefits will result from increased safety and reduced workers' compensation costs due to early intervention and prevention.

b) Public: MSATS believes there is no immediate or long-term adverse economic effect; there is a beneficial effect of improving general mining safety of mine employees for their families and communities.

***Methods used by MSATS to determine the impact on small business pursuant to NRS 233B.0608(3):***

MSATS invited and reviewed public comment, both oral comment at its public workshop and through written submission, as well as informal communication with the mining community.

***Estimated cost to MSATS for enforcement of the proposed regulation:***

MSATS estimates that any costs are minimal and will not place a significant economic burden on the Division.

***Other state or local governmental agencies' regulations which may overlap or duplicate proposed regulation. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.***

MSATS believes the proposed regulations do not overlap or duplicate those of other state or local governmental agencies. Regulations proposed in Section 12 adopt 29 C.F.R. §§1910.134 and 1910.1000; and 30 C.F.R. Parts 47, 56, 57 and 62.

***If the regulation is required pursuant to federal law, a citation and description of the federal law.*** None.

***If the regulation includes provisions which are more stringent than a federal regulation that regulates mining, a summary of such provisions.***

MSATS believes the proposed regulations are not more stringent than federal mining regulations.

***Whether the proposed regulation establishes a new fee or increases an existing fee.***

No new fees or increases in existing fees are proposed in these regulations.

All interested persons wishing to comment upon the proposed regulations of MSATS may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form, addressed to: Jeff Bixler, Safety Manager II, DIR, MSATS, 400 West King Street, Ste. 210, Carson City, Nevada 89703 (Tele: 775/684-7085; Fax: 775/687-8259. ***Written submissions must be received by MSATS on or before 15 Dec, 2010.*** If no person who is directly affected by the proposed regulation appears to make oral comments, MSATS will proceed immediately to act upon any written submissions.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

Persons with disabilities as defined by the Americans with Disabilities Act who require special assistance to participate in the public hearing may contact, at least two business days prior to the hearing, Lisa Barnes at DIR MSATS, 400 West King Street, Ste. 210, Carson City, Nevada 89703, or by calling 775/684-7085 to arrange for reasonable accommodations.

A copy of this notice and proposed regulation will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the Notice and proposed Regulations are also posted at the following locations:

DIR-MSATS, 400 West King Street, Ste. 210, Carson City, NV 89703  
DIR, 1301 North Green Valley Parkway, Ste. 200, Henderson, NV 89074  
DIR, Occupational Safety and Health Enforcement Section, 4600 Kietzke Lane,  
Bldg F, Ste. 153, Reno, NV 89502  
Legislative Counsel Bureau, 401 South Carson Street, Carson City, NV 89701  
Nevada Legislative Building, 401 S. Carson Street, Carson City, NV 89701  
Grant Sawyer State Office Bldg, 555 E. Washington Avenue, Las Vegas, NV 89101  
All State and County libraries, and also  
posted on Division of Industrial Relations Website:  
<http://dirweb.state.nv.us/MSTS/msts.htm>

This Notice of Intent to Act Upon Regulations has also been sent to all persons on MSATS's mailing list for administrative regulations.

Dated this 22nd day of October, 2010.

Division of Industrial Relations  
Mine Safety & Training Section

By: \_\_\_\_\_  
JEFF BIXLER, Safety Manager II