

PROPOSED REGULATION OF THE STATE SEALER OF CONSUMER EQUITABILITY

LCB File No. R094-15

(This replaces the draft posted on September 15, 2015. Parts of this regulation have been split out for separate consideration; see LCB File No. R107-15).

Statutory Authority – NRS 590

Regulatory Authority – Board of Agriculture

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

Section 1. NAC 590.050 is hereby amended to read as follows:

1. Except as otherwise provided in subsection 2, the State Board of Agriculture hereby adopts by reference ASTM D975, “Standard Specification for Diesel Fuel Oils,” contained in Volume 05.01, “Petroleum Products and Lubricants,” of the 2010 Annual Book of ASTM Standards published by ASTM International. Each new revision of that standard shall be deemed approved by the Board unless the revision is disapproved by the Board or its designee within 120 days after the date of publication of the revision by ASTM International. A copy of the standard is available for inspection pursuant to NAC 590.045 and may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, or at the Internet address <http://www.astm.org>, for the price of \$~~59~~62.

2. *(a)* The flash point for No. 2 diesel fuel oil must not be lower than 37.8 degrees Celsius (100 degrees Fahrenheit) when the No. 2 diesel fuel oil has been treated to prevent gelling and the No. 2 diesel fuel oil has been labeled “winterized.”

(b) It is not necessary for labeling on diesel dispensers to use the terms “ULSD” or “Ultra Low Level Sulfur Diesel.”

Section 2. NAC 590.051 is hereby amended to read as follows:

1. (c) ASTM D975, “Standard Specification for Diesel Fuel Oils.” Each new revision of those standards shall be deemed approved by the Board unless the revision is disapproved by the Board or its designee within 120 days after the date of publication of the revision by ASTM International. Each standard is available for inspection pursuant to NAC 590.045 and may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428, or at the Internet address <http://www.astm.org>. The price of ASTM D6751 is \$~~441~~43, the price of ASTM D7467 is \$~~471~~62 and the price of ASTM D975 is \$~~591~~62.

Section 3. NAC 590.052 is hereby amended to read as follows:

2. The standard is available for inspection pursuant to NAC 590.045 and may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, or at the Internet address <http://www.astm.org>, for the price of \$~~471~~49.

Section 4. NAC 590.053 is hereby amended to read as follows:

2. The standard is available for inspection pursuant to NAC 590.045 and may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, or at the Internet address <http://www.astm.org>, for the price of \$~~441~~43.

Section 5. NAC 590.054 is hereby amended to read as follows:

1. The State Board of Agriculture hereby adopts by reference ASTM D2650, “Standard Test Method for Chemical Composition of Gases By Mass Spectrometry,” set forth in Volume 05.01, “Petroleum Products and Lubricants,” of the 2010 Annual Book of ASTM Standards published by ASTM International. Each new revision of that standard shall be deemed approved by the

Board unless the revision is disapproved by the Board or its designee within 120 days after the date of publication of the revision by ASTM International. The standard is available for inspection pursuant to NAC 590.045 and may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, or at the Internet address <http://www.astm.org>, for the price of \$~~41~~43.

Section 7. NAC 590.065 is hereby amended to read as follows:

1. Except as otherwise provided in this section, the State Board of Agriculture hereby adopts by reference ASTM D4814, “Standard Specification for Automotive Spark-Ignition Engine Fuel,” contained in Volume 05.02, “Petroleum Products and Lubricants,” of the 2010 Annual Book of ASTM Standards published by ASTM International. Each new revision of that standard shall be deemed approved by the Board unless the revision is disapproved by the Board or its designee within 120 days after the date of publication of the revision by ASTM International. The standard is available for inspection pursuant to NAC 590.045 and may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, or at the Internet address <http://www.astm.org>, for the price of \$~~59~~62.

Section 8. NAC 590.065 is hereby amended to read as follows:

~~{4.— Until May 1, 2012, or until ASTM D4814 is amended to incorporate changes to the minimum temperature for vapor lock for the following classes to include the effects of volatility of not more than 10 percent of ethanol by volume, whichever occurs first, the minimum temperature for a vapor-liquid ratio of 20 for the applicable class of vapor lock protection for a blend of gasoline and ethanol is:~~

- ~~—(a) For class 1, 54 degrees Centigrade (129 degrees Fahrenheit).~~
- ~~—(b) For class 2, 50 degrees Centigrade (122 degrees Fahrenheit).~~

- ~~—(c) For class 3, 47 degrees Centigrade (116 degrees Fahrenheit).~~
- ~~—(d) For class 4, 41.5 degrees Centigrade (107 degrees Fahrenheit).~~
- ~~—(e) For class 5, 39 degrees Centigrade (102 degrees Fahrenheit).~~
- ~~—(f) For class 6, 35 degrees Centigrade (95 degrees Fahrenheit).~~

~~Gasoline and any blend of gasoline and ethanol that is sold in the area of this State which is east of the 117th degree of west longitude and north of the 38th degree of north latitude must meet the minimum temperatures for vapor lock protection set forth in ASTM D4814.~~

~~{5.}~~**4.** Gasoline and any blend of gasoline and ethanol sold in Clark County between October 1 and the following March 31 must not exceed a vapor pressure of 13.5 pounds per square inch.

~~{6.}~~**5.** A person shall not sell, offer for sale, supply or offer to supply in this State any gasoline intended for use in a vehicle which is primarily driven on a highway if:

- (a) It contains more than 0.05 gram of lead per gallon;
- (b) It contains more than 0.005 gram of phosphorus per gallon;
- (c) It contains more than 10 percent ethanol by volume; or
- (d) It contains more than 95 parts per million of sulfur.

~~{7.}~~**6.** Any other test method may be used if the State Sealer of Consumer Equitability determines that another method produces results equivalent to the results of the specified method. A method approved by ASTM International that has not yet been published shall be deemed to meet the appropriate criteria.

Section 2. NAC 590.015 is hereby amended to read as follows:

A manufacturer, packer, seller or distributor of antifreeze shall pay an inspection fee of \$~~50~~¹⁰⁰ for each brand of antifreeze submitted to the State Sealer of Consumer Equitability for inspection pursuant to NRS 590.380.