

LCB File No. R002-04

**PROPOSED REGULATION OF THE DIVISION OF
MEASUREMENT STANDARDS OF THE STATE
DEPARTMENT OF AGRICULTURE**

**NOTICE OF INTENT TO ADOPT REGULATIONS
(LAS VEGAS)**

Proposed amendment to NAC 590.065 pertaining to the gasoline vapor pressure requirement of the 38th parallel.

Need and purpose of the proposed amendments:

The need of the amendment is remove the requirement of different vapor pressures within the State. The change is to apply table 4 of ASTM procedure 4814.01. Additionally, fuel supplies to the rural areas will be better served.

Economic effect of these proposed amendments on the businesses that it is to regulate:

None

Economic effects of the proposed amendments on the public:

None

Economic cost to the agency for enforcement of the proposed amendments:

None

Description of any regulations of any other state, local, or federal regulation that the proposed amendments overlap or duplicate:

None

Fees:

Remain the same

The date, time, place and manner in which interested parties may present their views on the proposed amendments:

DATE: Thursday, February 19, 2004

TIME: 10:30 A.M.

PLACE: Nevada Department of Agriculture
Division of Measurement Standards
2300 McLeod
Las Vegas, NV 89104

MANNER: Written comments and testimony may be submitted prior to the hearing date and will be included with any testimony presented at the hearing. All verbal and written testimony will be in the record of the hearing.

Addresses at which the text of the proposed regulations may be inspected and copied:

The Nevada State Library in Carson City, all Nevada county libraries. The Department of Agriculture, Division of Measurement Standards offices in Reno, Sparks, Elko, Winnemucca, and Las Vegas during the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

Nevada Department of Agriculture Division of Measurement Standards 2150 Frazer Ave Sparks, NV 89431	Nevada Department of Agriculture 350 Capitol Hill Ave Reno, NV 89502
Nevada Department of Agriculture Division of Measurement Standards 1351 Elm St Elko, NV 89801	Nevada Department of Agriculture 1550 S. Wells Ave Reno, NV 89502
Nevada Department of Agriculture Division of Measurement Standards 2300 McLeod Las Vegas, NV 89104	Nevada Department of Agriculture 1200 E. Winnemucca Blvd Winnemucca, NV 89445

Note: We will make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements are necessary, call Steven Grabski at the Division of Measurement Standards (775) 688-1166 as soon as possible.

NRS 233B.064 Permanent regulations not to be adopted or revised by the Legislative Council; agency’s reasons for adoption.

Upon adoption of any regulations, the agency, if requested to do so by an interested person before adoption, or within 30 days thereafter, shall issue a concise statement of the principle reasons for or against adoption, and incorporate therein its reasons for overruling the consideration urged against adoption.

**NOTICE OF WORKSHOP
(LAS VEGAS)**

A workshop will be held on proposed amendments to NAC 590.065, pertaining to the gasoline vapor pressure requirement of the 38th parallel.

DATE: Thursday, February 19, 2004

TIME: 9:00 A.M.

PLACE: Nevada Department of Agriculture
Division of Measurement Standards
2300 McLeod
Las Vegas, NV 89104

For clarification on the proposed amendments contact Steven Grabski at (775) 688-1166.

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**NOTICE OF INTENT TO ADOPT REGULATIONS
(SPARKS)**

Proposed amendment to NAC 590.065 pertaining to the gasoline vapor pressure requirement of the 38th parallel.

Need and purpose of the proposed amendments:

The need of the amendment is remove the requirement of different vapor pressures within the State. The change is to apply table 4 of ASTM procedure 4814.01

Economic effect of these proposed amendments on the businesses that it is to regulate:

None

Economic effects of the proposed amendments on the public:

None

Economic cost to the agency for enforcement of the proposed amendments:

None

Description of any regulations of any other state, local, or federal regulation that the proposed amendments overlap or duplicate:

None

Fees:

Remain the same

The date, time, place and manner in which interested parties may present their views on the proposed amendments:

DATE: Monday, February 23, 2004

TIME: 10:30 A.M.

PLACE: Nevada Department of Agriculture
Division of Measurement Standards
2150 Frazer Ave
Sparks, NV 89431

MANNER: Written comments and testimony may be submitted prior to the hearing date and will be included with any testimony presented at the hearing. All verbal and written testimony will be in the record of the hearing.

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(SPARKS)**

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DATE: Monday, February 23, 2004

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**PROPOSED REGULATION OF THE DIVISION OF
MEASUREMENT STANDARDS OF THE STATE
DEPARTMENT OF AGRICULTURE**

NAC 590.065 Gasoline: Adoption of specification guides by reference; exemption from strict compliance with standards; limitations on vapor pressure; limitations on contents. (NRS 561.105, 590.070)

1. Except as otherwise provided in this section, the state board of agriculture hereby adopts by reference the specification guides for gasoline contained in volume 05.02, "Petroleum Products and Lubricants," of the *2002 Annual Book of ASTM Standards*, ASTM designation D 4814-01a.; *except, Table 4 schedule of seasonal and geographical volatility classes, the north 38 schedule shall apply to the entire state unless the counties require another standard to meet EPA requirements.*

2. Except as otherwise provided in subsection 3, gasoline containing 9.0 percent ethanol by volume or more is permitted an additional 1.0 pound per square inch on the vapor pressure specification.

3. Gasoline sold in Clark County between October 1 and the following March 31 must not exceed a vapor pressure of 9.0 pounds per square inch and must meet the specifications relating to distillation set forth for volatility class A, B or C in ASTM designation D 4814-01a.

4. 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) Manganese or any compound of manganese has been added to the gasoline; or
- (d) It contains more than 10 percent ethanol by volume.

5. A person shall not sell, offer for sale, supply or offer to supply in:

(a) The area of this state which is east of the 118th degree of west longitude and north of the 38th degree of north latitude, any gasoline which contains more than 800 parts per million of sulfur.

(b) Any other area of this state which is not described in paragraph (a), any gasoline which contains more than 300 parts per million of sulfur.

6. Any other test method may be used if the state sealer of weights and measures 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.

SMALL BUSINESS IMPACT STATEMENT

The purpose of this Small Business Impact Form is to provide a framework pursuant to NRS 233B.0608 to determine where a small business impact statement is required for submittal of a proposed regulation before the Nevada Department of Agriculture. If questions one (1) and two (2) are answered No, then a small business impact statement is not required. If question one (1) or two (2) is answered with a YES, then a small business impact statement is required prior to conducting public workshops by the Department. (This form must be submitted with the proposed regulation when submitted for drafting by LCB and adoption by the Nevada State Board of Agriculture.)

Proposed regulation: Temporary amendments to NAC 581 and 582

Part 1

1. Does this proposed regulation impose a direct and significant economic burden upon a small business? No
2. Does this proposed regulation restrict the formation, operation or expansion of a small business? No

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).

3. If **YES** to either of questions 1 & 2, the following action must be taken:
 - a. Was a small business impact statement prepared and was it available at the public workshop?
 - b. Attach the small business impact statement (part 2) as part of this form upon submission for drafting by LCB and adoption by the Nevada Board of Agriculture.

Part 2

1. Describe the manner in which comments were solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.
2. The estimated economic effect of the proposed regulation on small business:
 - a. Both adverse and beneficial effects
 - b. Both direct and indirect effects

3. The description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses.
 - a. Simplification of the proposed regulation.
 - b. Establishment of different standards of compliance for a small business.
 - c. Modification of fees or other monetary interests that a small business is authorized to pay at a lower fee.

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

5. If this regulation provides for 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.

6. If the proposed regulation includes provisions that duplicate or are more stringent than federal, state or local standards relating to the same activity, provide an explanation of why the proposed regulation is duplicative or more stringent and why it is necessary.