

September 2, 2005

Don Henderson
Director Department of Agriculture
Bureau of Petroleum Technology
350 Capital Hill Avenue
Reno, Nevada 89502

Subject: State of Nevada Enforcement Discretion for Nevada Gasoline Volatility Requirements and Diesel Sulfur Specifications

The Nevada Department of Agriculture, in consultation with the EPA, representatives of the petroleum industry and local government, has decided to exercise its discretion and not take enforcement action on Nevada Gasoline Volatility requirements (NAC 590.065.2) and diesel sulfur specifications (NAC 590.050.1b.) This action is being taken in concurrence with the U.S. Environmental Protection Agency's (EPA) Emergency Fuel Waiver concerning Diesel Fuel and Gasoline in response to Hurricane Katrina.

As of August 31, 2005, the Environmental Protection agency has decided to allow retailers to sell winter gasoline 2 weeks earlier and temporarily relax the sulfur content of diesel. The Department's and the EPA's enforcement discretion regarding diesel fuel and gasoline will continue through September 15, 2005. Please contact Vernon Miller with any questions regarding this enforcement discretion.

Respectfully,

Don Henderson
Director

Vernon Miller
Senior Petroleum Chemist, Bureau of Petroleum Technology