

**PROPOSED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

**LCB File No. R103-22**

August 12, 2022

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

AUTHORITY: §§ 1 and 2, NRS 459.3818; §§ 3-7 and 15, NRS 459.3818, 459.3824 and 459.3833; § 8, NRS 459.3818 and 459.382; § 9, NRS 459.3818 and 459.3829; §§ 10, 13 and 14, NRS 459.3818 and 459.3833; § 11, NRS 459.3818, 459.38195 and 459.3824; § 12, NRS 459.3818, 459.3822 and 459.3824.

A REGULATION relating to hazardous substances; requiring, under certain circumstances, the new owner or operator of certain facilities to pay a fee for the transfer of ownership of the facility; increasing certain fees, rates and charges related to certain facilities; updating the address of the Division of Environmental Protection of the State Department of Conservation and Natural Resources in certain regulations relating to hazardous substances; revising information about certain publications that are adopted by reference; establishing a fee for submitting a request for the Division to protect the confidentiality of certain information; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes the State Environmental Commission to adopt regulations for the State Department of Conservation and Natural Resources to carry out a program to prevent and minimize the consequences of the accidental release of hazardous substances. (NRS 459.3833) Existing regulations set forth various provisions related to this program, known as the Chemical Accident Prevention Program or “C.A.P.P.” (NAC 459.952-459.95528)

Existing regulations provide that if a facility with a process subject to C.A.P.P. changes ownership, the new owner or operator is required, under certain circumstances, to satisfy the requirements for registration with the Division of Environmental Protection of the Department not later than 14 days after the transfer of ownership. (NAC 459.95333) **Section 3** of this regulation requires, under certain circumstances, the new owner or operator to also pay a fee of \$1,000 not later than 14 days after the transfer of ownership.

Existing regulations require the owner or operator of a facility that contains one or more processes and does not have an explosive manufacturing operation to pay an annual fee to the Division, that is the sum of a base fee and a graduated fee based on the quantity of highly hazardous substances located at the facility. (NAC 459.95334) **Section 4** of this regulation increases the base fee and graduated fee, effective for the period beginning July 1, 2023, and ending on June 30, 2024. **Section 5** of this regulation provides an additional increase in the base

fee and graduated fee, effective July 1, 2024. **Section 5** further: (1) requires the base fee and graduated fee to increase by 2 percent every fiscal year, beginning July 1, 2025; and (2) authorizes the Director of the State Department of Conservation and Natural Resources to suspend any such increase during any fiscal year.

Existing regulations require the owner or operator of a facility that has an explosives manufacturing operation to pay to the Division certain flat annual fees. (NAC 459.953345) **Section 6** of this regulation: (1) provides instead that the annual fee consists of a base fee and a graduated fee per unit of explosives that is based on the quantity of explosives located at the facility; and (2) sets an amount for the base fee and graduated fee, effective for the period beginning July 1, 2023, and ending on June 30, 2024. **Section 7** of this regulation provides an additional increase in the base fee and graduated fee, effective July 1, 2024. **Section 7** further: (1) requires the base fee and graduated fee to increase by 2 percent every fiscal year, beginning July 1, 2025; and (2) authorizes the Director of the State Department of Conservation and Natural Resources to suspend any such increase during any fiscal year.

Existing regulations require certain government entities or agencies to submit a report to the Division that contains certain information relating to highly hazardous substances or explosives at a facility. (NAC 459.95344) **Section 8** of this regulation updates the address of the Division where the form is required to be submitted.

Existing law authorizes the Division to charge and collect a fee for the issuance of a permit to construct or commence operation of certain processes. (NRS 459.3829) Existing regulations establish: (1) a fee for a completed application for a permit and require the Division to issue invoices for the costs to the Division that exceed the fee, unless the new process has a certain number of diagrams; (2) fees for a completed application for a permit with a certain number of diagrams, subject to certain exceptions; and (3) the hourly rate that may be charged for activities relating to permitting that are performed by personnel of the Division. (NAC 459.953475) **Section 9** of this regulation: (1) eliminates the fees based on the number of diagrams and revises the fee for a completed application for a permit; (2) increases the hourly rate charged for activities performed by the personnel of the Division; (3) requires such fees and rates to increase by 2 percent every fiscal year, beginning on July 1, 2024; and (4) authorizes the Director of the State Department of Conservation and Natural Resources to suspend any such increase during any fiscal year..

Existing regulations establish the hourly rate that may be charged by the Division for work performed by personnel of the Division in connection with the investigation of an accident at a facility. (NAC 459.95521) **Section 11** of this regulation: (1) increases the hourly rate; and (2) requires the hourly rate to increase by 2 percent every fiscal year, beginning July 1, 2024; and (3) authorizes the Director of the State Department of Conservation and Natural Resources to suspend any such increase during any fiscal year.

Existing law requires the Division to protect the confidentiality of certain information obtained pursuant to C.A.P.P. upon request of the owner or operator of a facility. (NRS 459.3822) Existing regulations set forth certain requirements for submitting such a request. (NAC 459.95523) **Section 12** of this regulation requires an owner or operator of a facility to also pay a fee of \$1,000 per request.

Existing regulations adopt by reference certain codes and standards relating to hazardous materials. (NAC 459.95364, 459.95526, 459.95528) **Sections 10, 13 and 14** of this regulation update the information relating to certain publications that are adopted by reference.

**Section 1** of this regulation defines the term “Director” to mean the Director of the State Department of Conservation and Natural Resources. **Section 2** of this regulation makes a conforming change to indicate the placement of **section 1** in the Nevada Administrative Code.

**Section 1.** Chapter 459 of NAC is hereby amended by adding thereto a new section to read as follows:

*“Director” means the Director of the State Department of Conservation and Natural Resources.*

**Sec. 2.** NAC 459.952 is hereby amended to read as follows:

459.952 As used in NAC 459.952 to 459.95528, inclusive, unless the context otherwise requires, the words and terms defined in NAC 459.95211 to 459.95312, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 3.** NAC 459.95333 is hereby amended to read as follows:

459.95333 If a facility with a process that is subject to C.A.P.P. changes ownership, the new owner or operator shall assume responsibility for full compliance with the requirements of NRS 459.380 to 459.3874, inclusive, and any regulations adopted pursuant thereto and:

1. If the annual registration required pursuant to NAC 459.95348 is not due, satisfy the requirements for registration set forth in NAC 459.95337 and 459.9535 *and pay a fee of \$1,000* not later than 14 days after the transfer of ownership; or

2. If the annual registration required pursuant to NAC 459.95348 is due, submit the annual registration.

**Sec. 4.** NAC 459.95334 is hereby amended to read as follows:

459.95334 1. Except as otherwise provided in NAC 459.953345 and 459.95335, the owner or operator of a facility that contains one or more processes and does not have an

NEW  
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SECTION

explosive manufacturing operation shall pay the fee required by subsections 1 and 2 of NRS 459.3824 before July 31 of each year.

2. The amount of this annual fee for each facility will equal the sum of:

(a) A base fee that is established pursuant to subsection 4; and

(b) A graduated fee that is established pursuant to subsection 5.

3. The total annual fee required by this section must not exceed ~~[\$35,000]~~ \$45,000 for a facility.

4. The amount of the annual base fee that is authorized pursuant to subsection 1 of NRS 459.3824 is ~~[\$5,600.]~~ \$7,050.

5. The amount of the annual graduated fee that is authorized pursuant to subsection 2 of NRS 459.3824 is ~~[\$39]~~ \$49 per unit of highly hazardous substance at a facility. A unit of highly hazardous substance is equal to the total amount of the highly hazardous substance present at a facility, divided by the corresponding threshold quantity set forth in subsection 1 of NAC 459.9533 for that highly hazardous substance.

**Sec. 5.** NAC 459.95334 is hereby amended to read as follows:

NEW THIRD  
PARALLEL  
SECTION

459.95334 1. Except as otherwise provided in NAC 459.953345 and 459.95335, the owner or operator of a facility that contains one or more processes and does not have an explosive manufacturing operation shall pay the fee required by subsections 1 and 2 of NRS 459.3824 before July 31 of each year.

2. The amount of this annual fee for each facility will equal the sum of:

(a) A base fee that is established pursuant to subsection 4; and

(b) A graduated fee that is established pursuant to subsection 5.

3. ~~The~~ *Except as otherwise provided in subsection 6, the* total annual fee required by this section must not exceed ~~[\$45,000]~~ *\$55,000* for a facility.

4. ~~The~~ *Except as otherwise provided in subsection 6, the* amount of the annual base fee that is authorized pursuant to subsection 1 of NRS 459.3824 is ~~[\$7,050.]~~ *\$8,500.*

5. ~~The~~ *Except as otherwise provided in subsection 6, the* amount of the annual graduated fee that is authorized pursuant to subsection 2 of NRS 459.3824 is ~~[\$49]~~ *\$59* per unit of highly hazardous substance at a facility. A unit of highly hazardous substance is equal to the total amount of the highly hazardous substance present at a facility, divided by the corresponding threshold quantity set forth in subsection 1 of NAC 459.9533 for that highly hazardous substance.

*6. For the fiscal year beginning on July 1, 2025, and for each fiscal year thereafter, the Director shall increase each fee set forth in subsections 3, 4 and 5 by an amount that is equal to 2 percent of the fee for the immediately preceding fiscal year. The Director may, during any fiscal year, suspend an increase in a fee specified in this subsection.*

*7. The Director shall post on the Internet website of the Division the fees required pursuant to this section that are applicable for each fiscal year.*

**Sec. 6.** NAC 459.953345 is hereby amended to read as follows:

459.953345 1. Except as otherwise provided in NAC 459.95335, an owner or operator of a facility that has an explosives manufacturing operation shall pay to the Division an annual fee before July 31, as prescribed in this section.

2. If the explosives manufacturing operation includes only the combining of ammonium nitrate and fuel oil mixture, the owner or operator of the facility of which the operation is a part

NEW  
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shall pay to the Division an annual *base* fee of ~~[\$5,600.]~~ *\$7,050 and an annual graduated fee of \$49 per unit of explosives at the facility.*

3. If the explosives manufacturing operation includes any other type of explosives manufacturing, the owner or operator of the facility of which the operation is a part shall pay to the Division an annual *base* fee of ~~[\$13,500.]~~ *\$17,250 and an annual graduated fee of \$49 per unit of explosives at the facility. A unit of explosives is equal to the total amount of explosives present at the facility, divided by 10,000 pounds.*

4. If a facility that has an explosives manufacturing operation also has a highly hazardous substance in a process in excess of the threshold quantity set forth for that highly hazardous substance in subsection 1 of NAC 459.9533, the owner or operator of the facility shall pay, in addition to the fees set forth in this section, the graduated fee set forth in subsection 5 of NAC 459.95334 and is exempt from the base fee set forth in subsection 4 of NAC 459.95334.

5. The total annual fee required by this section must not exceed ~~[\$35,000]~~ *\$45,000* at any facility.

**Sec. 7.** NAC 459.953345 is hereby amended to read as follows:

NEW THIRD  
PARALLEL  
SECTION

459.953345 1. Except as otherwise provided in NAC 459.95335, an owner or operator of a facility that has an explosives manufacturing operation shall pay to the Division an annual fee before July 31, as prescribed in this section.

2. If the explosives manufacturing operation includes only the combining of ammonium nitrate and fuel oil mixture, *except as otherwise provided in subsection 6*, the owner or operator of the facility of which the operation is a part shall pay to the Division an annual base fee of ~~[\$7,050]~~ *\$8,500* and an annual graduated fee of ~~[\$49]~~ *\$59* per unit of explosives at the facility.

3. If the explosives manufacturing operation includes any other type of explosives manufacturing, *except as otherwise provided in subsection 6*, the owner or operator of the facility of which the operation is a part shall pay to the Division an annual base fee of ~~[\$17,250]~~ *\$21,000* and an annual graduated fee of ~~[\$49]~~ *\$59* per unit of explosives at the facility. A unit of explosives is equal to the total amount of explosives present at the facility, divided by 10,000 pounds.

4. If a facility that has an explosives manufacturing operation also has a highly hazardous substance in a process in excess of the threshold quantity set forth for that highly hazardous substance in subsection 1 of NAC 459.9533, the owner or operator of the facility shall pay, in addition to the fees set forth in this section, the graduated fee set forth in subsection 5 of NAC 459.95334 and is exempt from the base fee set forth in subsection 4 of NAC 459.95334.

5. ~~[The]~~ *Except as otherwise provided in subsection 6, the* total annual fee required by this section must not exceed ~~[\$45,000]~~ *\$55,000* at any facility.

*6. For the fiscal year beginning on July 1, 2025, and for each fiscal year thereafter, the Director shall increase each fee set forth in this section by an amount that is equal to 2 percent of the fee for the immediately preceding fiscal year. The Director may, during any fiscal year, suspend an increase in a fee specified in this subsection.*

*7. The Director shall post on the Internet website of the Division the fees required pursuant to this section that are applicable for each fiscal year.*

**Sec. 8.** NAC 459.95344 is hereby amended to read as follows:

459.95344 A governmental entity or agency of the State that is required by subsection 1 of NRS 459.382 to submit a report to the Division shall do so, upon request, within 10 working days after a determination is made or an action is taken related to hazards involving highly

hazardous substances or explosives at a facility. The report must be submitted on the following form:

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION  
CHEMICAL ACCIDENT PREVENTION PROGRAM  
GOVERNMENTAL AGENCY REPORTING FORM

A facility which produces, uses, stores or handles a highly hazardous substance or manufactures an explosive for sale in a process subject to NAC 459.95323 is subject to the provisions of NRS 459.380 to 459.3874, inclusive. Pursuant to NRS 459.382, governmental entities or agencies of the State are required to complete the following information whenever a determination is made or an action is taken related to hazards involving highly hazardous substances or explosives at a facility. Please complete this form and return it to the Nevada Division of Environmental Protection, ~~333 West Nye Lane, Room 138,~~ **901 South Stewart Street, Suite 4001**, Carson City, Nevada ~~89706-0851,~~ **89701**.

1. Facility Name .....

2. Facility Location .....

.....  
.....

3. Highly Hazardous Substances or Explosives Present at the Facility



Substance	Estimated Quantity (lbs.)
.....	.....
.....	.....
.....	.....

4. Describe any specific hazards related to highly hazardous substances or explosives which were noticed by regulatory or inspection staff at the facility.....

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5. Describe any action your agency has taken at this facility related to highly hazardous substances or explosives. Include orders, notices, penalties, etc. ....

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6. List statutes, regulations, standards or codes related to or controlling actions taken by your agency.....

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7. Agency contact: ..... Phone: .....

8. Authorized signature: ..... Date: .....

Attach additional sheets if required.

**Sec. 9.** NAC 459.953475 is hereby amended to read as follows:

459.953475 1. An owner or operator of a new process shall remit fees to the Division for activities conducted by the Division relating to permitting activities conducted pursuant to NAC 459.95345 to 459.953473, inclusive.

2. Upon the determination by the Division that an application for a permit to construct a new process is complete, *except as otherwise provided in subsection 4*, the owner or operator shall remit ~~[\$5,000]~~ *a fee of \$7,600* to the Division. The Division shall issue invoices to the owner or operator for any costs in excess of ~~[\$5,000, except that:~~

- ~~—(a) If the new process has 5 or less piping and instrument diagrams, not including drawing legend sheets and utility piping and instrument diagrams, invoices may not be issued for more than a cumulative amount of \$40,000;~~
- ~~—(b) If the new process has at least 6 but not more than 20 piping and instrument diagrams, not including drawing legend sheets and utility piping and instrument diagrams, invoices may not be issued for more than a cumulative amount of \$50,000; or~~
- ~~—(c) If the new process has more than 20 piping and instrument diagrams, not including drawing legend sheets and utility piping and instrument diagrams, invoices may not be issued for more than a cumulative amount of \$50,000, plus \$500 for each piping and instrument diagram in excess of 20 diagrams.] \$7,600.~~

3. The Division shall accrue charges for activities relating to the permitting of the new process conducted by:

(a) Personnel of the Division , *except as otherwise provided in subsection 4*, in the amount of ~~[\$68]~~ *\$103* per hour; and

(b) Contractors in an amount equal to the cost to the Division, plus 5 percent.

4. ~~[The Division shall not require the owner or operator to pay more than the maximum cumulative amount for the respective new process as set forth in subsection 2, except that fees related to:~~

~~—(a) The review of the concrete foundations or structural steel design; and~~

~~—(b) Reviewing corrections;~~

~~↪ must not be considered when determining the maximum fee owed by the owner or operator.]~~

*For the fiscal year beginning on July 1, 2024, and for each fiscal year thereafter, the Director shall increase each fee or charge set forth in subsections 2 and 3 by an amount that is equal to*

*2 percent of the fee or charge for the immediately preceding fiscal year. The Director may, during any fiscal year, suspend an increase in a fee or charge specified in this subsection.*

*5. The Director shall post on the Internet website of the Division the fees and charges required pursuant to this section that are applicable for each fiscal year.*

6. After issuing a permit to operate to an owner or operator, the Division shall refund any excess fee paid to the Division by the owner or operator pursuant to this section.

~~6.~~ 7. The owner or operator may request in writing that the Division cease work on evaluating the application for a permit to construct, or evaluating whether the owner or operator has satisfied the requirements for the issuance of a permit to operate, at any time before the permit is issued. Upon receipt of such a request, the Division shall stop its evaluation and:

(a) Issue an invoice to the owner or operator for any outstanding money due pursuant to this section, including any money committed to any engineering contractor for review services; or

(b) Refund any excess fee paid to the Division by the owner or operator pursuant to this section,

↪ as appropriate.

**Sec. 10.** NAC 459.95364 is hereby amended to read as follows:

459.95364 1. An owner or operator shall use the following endpoints when preparing an analysis of off-site consequences:

(a) For toxic highly hazardous substances, the toxic endpoints provided pursuant to NAC 459.9533;

(b) For flammable highly hazardous substances and explosives:

(1) In a scenario that studies the potential effects of an explosion, an overpressure of 1 psi (0.0703 kilograms per square centimeter);

(2) In a scenario that studies radiant heat and exposure time, a radiant heat of 5 kw/m<sup>2</sup> (1586 BTU per hour per square foot) for 40 seconds; or

(3) In a scenario that studies the lower flammability limit, the lower flammability limit provided by the N.F.P.A. or other generally recognized sources; or

(c) If an endpoint is not provided pursuant to NAC 459.9533 or a substance is not designated or classified as toxic, flammable or explosive pursuant to NAC 459.9533, the owner or operator shall define an appropriate endpoint that results in the greatest impact to employees and public receptors. The owner or operator shall define a toxic endpoint in a manner that is comparable to the health impacts defined by ~~ERPG-2 of~~ the [2020 Emergency Response ~~Planning Guidelines Series,~~ Guidebook](#), which is adopted by reference pursuant to NAC 459.95528, and shall define a flammable or explosive endpoint as set forth in paragraph (b).

2. The owner or operator shall use a wind speed of 1.5 meters per second (4.9 feet per second) and an atmospheric stability class of F when preparing the worst-case release analysis, except that, if the owner or operator demonstrates that local meteorological data show a higher minimum wind speed or less stable atmosphere at all times during the previous 3 years, these minimums may be used. For an analysis of an alternative scenario, the owner or operator shall use the typical meteorological conditions.

3. Except as otherwise provided in this subsection, the owner or operator shall use the highest daily maximum temperature during the previous 3 years and the average humidity for the site based on temperature and humidity data gathered on-site or at a local meteorological station for a worst-case release analysis involving a toxic highly hazardous substance. A facility using the *R.M.P. Guidance for Off-Site Consequence Analysis*, which is adopted by reference pursuant to NAC 459.95528, may use 25°C (77°F) and 50 percent humidity as values for these variables.

For an analysis of an alternative scenario, the owner or operator may use typical temperature and humidity data gathered on-site or at a local meteorological station.

4. The owner or operator shall analyze:

(a) A worst-case release of a toxic highly hazardous substance assuming a ground level (0 feet) release.

(b) An alternative scenario involving a toxic highly hazardous substance using the release height that is determined by the release scenario.

5. The owner or operator shall use urban or rural topography for a worst-case release scenario or an alternative scenario, as appropriate. An urban topography has many obstacles, such as buildings and trees, in the immediate area. A rural topography has no buildings in the immediate area, and the terrain is generally flat and unobstructed.

6. The owner or operator shall ensure that any table or model used for a dispersion analysis of a toxic highly hazardous substance appropriately accounts for gas density.

7. For a worst-case release analysis, the owner or operator shall assume that a liquid other than a gas which is liquefied by refrigeration only is released at the highest daily maximum temperature based on data for the previous 3 years appropriate for the facility, or at process temperature, whichever is higher. For an alternative scenario, the owner or operator may assume that the substance is released at a process or ambient temperature which is appropriate for the scenario.

8. As used in this section, “typical meteorological conditions” means the temperature, wind speed, cloud cover and atmospheric stability class that prevail at the site based on data gathered at or near the site or from a local meteorological station.

**Sec. 11.** NAC 459.95521 is hereby amended to read as follows:

459.95521 1. The Division may investigate an accident occurring in connection with a process that involves one or more highly hazardous substances or explosives at a facility which results in an uncontrolled emission, fire or explosion and which presents or presented an imminent and substantial danger to the health of the employees of the facility, the public health or the environment, to determine the cause of the accident if the owner or operator of the facility:

(a) Is unwilling to commence and has not commenced an investigation of the accident in a timely manner; or

(b) Is not capable of conducting an investigation and has not retained persons who have expertise to conduct an investigation of the accident.

2. Except as otherwise provided in subsection 3, before the Division commences an investigation of an accident, the Division must provide written notice to the owner or operator:

(a) Defining the scope of the investigation;

(b) Citing the Division's authority and the reasons pursuant to subsection 1 for conducting the investigation;

(c) Providing an explanation of how the Division's costs will be recovered; and

(d) Informing the owner or operator that if the owner or operator fails to commence an investigation of the accident within 24 hours after receiving the written notice, the Division will commence its investigation of the accident and begin accruing costs.

3. The provisions of subsection 2 do not preclude the Division from commencing its investigation immediately if the Division determines that time is of the essence in gathering data.

4. The decision by the Division to conduct an investigation pursuant to this section does not relieve the owner or operator of the obligation to investigate pursuant to NAC 459.95429.

5. Except as otherwise provided in subsection 6, the Division shall accrue costs for the investigation and invoice the owner or operator the following amounts:

(a) For activities conducted by personnel of the Division, *except as otherwise provided in subsection 7*, the amount of ~~[\$68]~~ \$103 per hour;

(b) For activities conducted by contractors, an amount equal to the cost to the Division; and

(c) Such other amounts as are necessary for the Division to recover all costs incurred by the Division in conducting the investigation.

6. In no event may the total amount invoiced by the Division pursuant to subsection 5 for an investigation exceed the total costs incurred by the Division in conducting the investigation.

7. *For the fiscal year beginning on July 1, 2024, and for each fiscal year thereafter, the Director shall increase the hourly rate set forth in subsection 5 by an amount that is equal to 2 percent of the hourly rate for the immediately preceding fiscal year. The Director may, during any fiscal year, suspend an increase in a rate specified in this subsection.*

8. *The Director shall post on the Internet website of the Division the hourly rate set forth in subsection 5 that is applicable for each fiscal year.*

9. An investigation conducted by the Division pursuant to this section shall be deemed complete when, to the satisfaction of the Division:

(a) The direct cause of the accident and each contributing cause or potential cause of the accident has been identified;

(b) Each root cause of the accident, or each potential root cause, has been identified;

(c) The remedial steps to prevent recurrence of the accident have been identified; and

(d) The remedial steps so identified have been implemented.

~~[8:]~~ 10. As used in this section:



(a) “Direct cause of the accident” means the condition or event that resulted in the accident.

(b) “Expertise to conduct an investigation” means having technical or operational knowledge plus knowledge of investigative techniques to make a determination of the direct, contributing and root causes of an accident.

(c) “In a timely manner” means to start the investigation process with a formally defined investigation team within 48 hours after the accident.

(d) “Is not capable of conducting an investigation” means that the owner or operator does not have the expertise to conduct an investigation within the group of employees and contractors of the owner or operator.

(e) “Root cause of the accident” means a condition or event that, if corrected, would prevent recurrence of the accident.

**Sec. 12.** NAC 459.95523 is hereby amended to read as follows:

459.95523 1. The Division shall, in accordance with this section and NRS 459.3822, protect the confidentiality of any information that is obtained pursuant to C.A.P.P., including any information obtained through an observation made by the Division during a visit to a facility.

2. To protect the confidentiality of information, the owner or operator of the facility must request such protection in writing, indicating which information is to be protected and stating how the conditions in NRS 459.3822 are satisfied ~~§~~, *and pay a fee of \$1,000 per request.*

3. A request for, and the granting of, the protection of the confidentiality of information made pursuant to this section does not constitute a request for, or the granting of, an extension of any deadlines for reporting required pursuant to C.A.P.P., and the pending status of such a request does not prohibit access to the information or facility by the Division.

4. In addition to providing the confidential information to the Division, the owner or operator of the facility for which protection of the confidentiality of information is obtained pursuant to this section shall, upon the request of the Division, provide a redacted version of any submitted information that is intended for public review which substitutes the term “CBI” or provides generic information for the information deemed confidential.

**Sec. 13.** NAC 459.95526 is hereby amended to read as follows:

459.95526 1. The provisions of this section apply only during periods when federal authority is delegated to the Division pursuant to Subpart E of 40 C.F.R. Part 63.

2. Upon receiving delegation of federal authority pursuant to Subpart E of 40 C.F.R. Part 63, the Division shall administer and enforce the provisions of 40 C.F.R. §§ 68.3 to 68.215, inclusive, and Appendix A of 40 C.F.R. Part 68, which are hereby adopted by reference.

3. A copy of the volume that contains 40 C.F.R. §§ 68.3 to 68.215, inclusive, or Appendix A of 40 C.F.R. Part 68 can be obtained by mail from the ~~Superintendent of Documents,~~ U.S. Government ~~Printing~~ *Publishing* Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800, at a cost of ~~[\$29.]~~ *\$34*. These sections are also available, free of charge, from the ~~Government Printing Office~~ *electronic Code of Federal Regulations* at the Internet address ~~[http://www.gpoaccess.gov.]~~ <http://www.ecfr.gov>.

**Sec. 14.** NAC 459.95528 is hereby amended to read as follows:

459.95528 The following provisions are hereby adopted by reference:

1. Codes 211112, 32211, 32411, 32511, 325181, 325188, 325192, 325199, 325211, 325311 and 32532 of the 2002 version of the N.A.I.C.S. A copy of the N.A.I.C.S. ~~[may be obtained from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.]~~

is available, free of charge, at ~~[a cost of \$49.]~~ the Internet address

~~http://www.census.gov/naics.~~

2. N.F.P.A. 704: *Standard System for the Identification of the Hazards of Materials for Emergency Response*, 2001 edition. A copy may be obtained from the National Fire Protection Association, 1 Batterymarch Park, ~~[P.O. Box 9101,]~~ Quincy, Massachusetts ~~[02269-9101,]~~ **02169-7471** at a cost of ~~[\$28.75.]~~ **\$62.50**.

3. N.F.P.A. 30: *Flammable and Combustible Liquids Code*, 2003 edition. A copy may be obtained from the National Fire Protection Association, 1 Batterymarch Park, ~~[P.O. Box 9101,]~~ Quincy, Massachusetts ~~[02269-9101,]~~ **02169-7471** at a cost of ~~[\$38.25.]~~ **\$93.50**.

4. ~~[ERPG-2 of the]~~ **2020** *Emergency Response* ~~[Planning Guidelines Series.]~~ **Guidebook**. A copy ~~[of ERPG-2 may be obtained from the American Industrial Hygiene Association, 2700 Prosperity Avenue, Suite 250, Fairfax, Virginia 22031,]~~ **may be obtained free of charge**, at ~~[a cost of \$15.]~~ the Internet address **<http://www.phmsa.dot.gov>**.

5. R.M.P. *Guidance for Off-Site Consequence Analysis*. A copy may be obtained free of charge from the United States Environmental Protection Agency, National Service Center for Environmental Publications, ~~[P.O. Box 42419, Cincinnati, Ohio 45242-2419.]~~ **at the Internet address <http://www.epa.gov/rmp>**.

6. N.F.P.A. 70, the 2002 version of the *National Electrical Code*. A copy may be obtained from the National Fire Protection Association, 1 Batterymarch Park, ~~[P.O. Box 9101,]~~ Quincy, Massachusetts ~~[02269-9101,]~~ **02169-7471** at a cost of ~~[\$65.]~~ **\$130**.

7. 49 C.F.R. § 172.101. A copy of the volume that contains 49 C.F.R. § 172.101 may be obtained by mail from the ~~[Superintendent of Documents,]~~ U.S. Government ~~[Printing]~~ **Publishing** Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone

at (866) 512-1800, at a cost of ~~[\$49.]~~ **\$70**. That section is also available, free of charge, from the ~~[Government Printing Office]~~ ***electronic Code of Federal Regulations*** at the Internet address ~~[http://www.gpoaccess.gov.]~~ **<http://www.ecfr.gov>**.

8. *ASME B31.3 - 1999 Process Piping with Addenda*. A copy of this standard ~~[may be obtained from the American Society of Mechanical Engineers, P.O. Box 2300, Fairfield, New Jersey 07007-2300,]~~ ***is available for public inspection*** at ~~[a cost of \$255.]~~ ***the main office of the Division, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701.***

9. *ASME B31.5 - 2001 Refrigeration Piping and Heat Transfer Components*. A copy of this standard ~~[may be obtained from the American Society of Mechanical Engineers, P.O. Box 2300, Fairfield, New Jersey 07007-2300,]~~ ***is available for public inspection*** at ~~[a cost of \$105.]~~ ***the main office of the Division, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701.***

**Sec. 15.** 1. This section and sections 1, 2, 3 and 8 to 14, inclusive, of this regulation become effective on the date on which the Legislative Counsel files this regulation with the Secretary of State pursuant to NRS 233B.070.

2. Sections 4 and 6 of this regulation become effective on July 1, 2023.

3. Sections 5 and 7 of this regulation become effective on July 1, 2024.