

or breaking the seals; and otherwise be designed, constructed, and installed in a manner to prevent deception by any person.

(f) *Installation requirements.* Official sampling and inspection equipment and related sample handling systems shall be installed (1) at a site approved by the Service, (2) according to the manufacturer's instructions, and (3) in such a manner that neither the operation nor the performance of the equipment or system will be adversely affected by the foundation, supports, or any other characteristic of the installation.

**§ 801.12 Design requirements incorporated by reference.**

(a) *Moisture meters.* All moisture meters approved for use in official grain moisture determination and certification shall meet applicable requirements contained in the FGIS Moisture Handbook and the General Code and Grain Moisture Meters Code of the 1991 edition of the National Institute of Standards and Technology's (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices." Pursuant to the provisions of 5 U.S.C. 552(a), the materials in Handbook 44 are incorporated by reference as they exist on the date of approval and a notice of any change in these materials will be published in the FEDERAL REGISTER.

The NIST Handbook is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20403. It is also available for inspection at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

The following Handbook 44 requirements are not incorporated by reference:

*General Code (1.10.)*

- G-S.5.5. Money Values, Mathematical Agreement
- G-T.1. Acceptance Tolerances
- G-UR.3.3. Position of Equipment
- G-UR.3.4. Responsibility, Money-Operated Devices

*Grain Moisture Meters (5.56.)*

- N.1.1. Transfer Standards
- N.1.2. Minimum Test
- N.1.3. Temperature Measuring Equipment
- T.2. Tolerance Values
- T.3. For Test Weight Per Bushel Indications or Recorded Representations

- UR.3.2. Other Devices not used for Commercial Measurement
- UR.3.7. Location
- UR.3.11. Posting of Meter Operating Range
- (b) [Reserved]

[57 FR 2673, Jan. 23, 1992]

**PART 802—OFFICIAL PERFORMANCE AND PROCEDURAL REQUIREMENTS FOR GRAIN WEIGHING EQUIPMENT AND RELATED GRAIN HANDLING SYSTEMS**

Sec.

- 802.0 Applicability.
- 802.1 Qualified laboratories.

AUTHORITY: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

**§ 802.0 Applicability.**

(a) The requirements set forth in this part 802 describe certain specifications, tolerances, and other technical requirements for grain weighing equipment and related grain handling systems used in performing Class X and Class Y weighing services, official inspection services, and commercial services under the Act. All scales used for official grain weight and inspection certification services provided by FGIS shall meet applicable requirements contained in the FGIS Weighing Handbook, the General Code, the Scales Code, the Automatic Bulk Weighing Systems Code, and the Weights Code of the 1994 edition of National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices" (Handbook 44); and NIST HANDBOOK 105-1 (1990 Edition), "Specifications and Tolerances for Reference Standards and Field Standard Weights and Measures" (Handbook 105-1). These requirements are confirmed to be met by having National Type Evaluation Program or Federal Grain Inspection Service type approval. Scales used for commercial purposes will be required to meet only the applicable requirements of the 1994 edition of the NIST Handbook-44. Pursuant to the provisions of 5 U.S.C. 552(a), with the exception of the Handbook 44 requirements listed in paragraph (b) of this section, the materials in Handbooks 44 and 105-1 are incorporated by reference as they

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exist on the date of approval and a notice of any change in these materials will be published in the FEDERAL REGISTER. The NIST Handbooks are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20403. They are also available for inspect at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(b) The following Handbook 44 requirements are not incorporated by reference:

### *Scales Code (2.20)*

S.1.8. Computer Scales  
S.1.8.2. Money-Value Computation  
S.1.8.3. Customer's Indications  
S.1.8.4. Recorded Representations, Point of Sale  
S.2.5.2. Jeweler's, Prescription, & Class I & II Scales  
S.3.3. Scoop Counterbalance  
N.1.3.2. Dairy-Product Test Scales  
N.1.5. Discrimination Test (Not adopted for Grain Test Scales only)  
N.1.8. Material Tests  
N.3.1.2. Interim Approval  
N.3.1.3. Enforcement Action for Inaccuracy  
N.4. Coupled-in-Motion Railroad Weighing Systems  
N.5. Nominal Capacity of Prescription Scales  
T.1.2. Postal and Parcel Post Scales  
T.2.3. Prescription Scales  
T.2.4. Jewelers' Scales (all sections)  
T.2.5. Dairy—Product-Test Scales (all sections)  
T.N.3.9. Materials Test on Customer-Operated Bulk-Weighing Systems for Recycled Materials  
UR.1.4. Grain Test Scales: Value of Scale Divisions  
UR.3.1. Recommended Minimum Load  
UR.3.1.1. Minimum Load, Grain Dockage Automatic Bulk Weighing Systems (2.22):  
UR.1.1. Selection Requirements for Systems Used to Weight Grain.

[60 FR 31910, June 19, 1995]

### § 802.1 **Qualified laboratories.**

(a) *Metrology laboratories.* (1) Any State metrology laboratory currently approved by the NBS ongoing certification program having auditing capability is automatically approved by the Service.

(2) Any county or city weights and measures jurisdiction approved by NBS or by their respective NBS-Certified

State laboratory as being equipped with appropriate traceable standards and trained staff to provide valid calibration is approved by the Service. The State approval may be documented by a certificate or letter. The jurisdiction must be equipped to provide suitable certification documentation.

(3) Any commercial industrial laboratory primarily involved in the business of sealing and calibrating test weights (standards) will be approved by the Service provided:

(i) It requests written authority to perform tolerance testing of weights used within the Service's program(s) through their approved State jurisdiction. Copies of its request and written reference regarding the State decision shall be provided to the Service. A positive decision by the State will be required as a prerequisite to the Service's granting approval to any commercial laboratory to tolerance test the weights used in testing scales under the jurisdiction of the Service;

(ii) It has NBS traceable standards (through the State) and trained staff to perform calibrations in a manner prescribed by NBS and/or the State;

(iii) It is equipped to provide suitable certification documentation;

(iv) It permits the Service to make onsite visits to laboratory testing space.

(4) Approval of the commercial industrial laboratory will be at the Service's discretion. Once it has obtained approval, the commercial industrial laboratory maintains its site in a manner prescribed by the State and the Service.

(b) *Type evaluation laboratories.* Any State measurement laboratory currently certified by NBS in accordance with its program for the Certification of Capability of State Measurement Laboratories to conduct evaluations under the National Type Evaluation Program is approved by the Service.

(Approved by the Office of Management and Budget under control number 0580-0011)

[51 FR 7052, Feb. 28, 1986, as amended at 54 FR 5925, Feb. 7, 1989]