required to meet only the applicable require-
ments of the 2008 edition of the NIST Hand-
book-44. Pursuant to the provisions of 5
U.S.C. 552(a), with the exception of the Hand-
book 44 requirements listed in paragraph (b),
the materials in Handbooks 44 and 105–1 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. This incorpora-
tion by reference was approved by the Direc-
tor of the Federal Register on March 8, 2011,
in accordance with 5 U.S.C. 552(a) and 1 CFR
part 51. The NIST Handbooks are for sale by
the National Conference of Weights and
Measures (NCWM), 1135 M Street, Suite 110,
Lincoln, Nebraska 68508. Information on
these materials may be obtained from
NCWM by calling 402–434–4880, by E-mailing
info@ncwm.net, or on the Internet at http://
www.nist.gov/owm.

(b) The following Handbook 44 require-
ments are not incorporated by reference:

Scales (2.20)
S.1.8. Computing 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
S.3.3.2. 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.6. 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 sec-
tions)
T.3.3.9. Materials Test on Customer—Oper-
ated Bulk—Weighing Systems for Recycled
Materials
UR.1.4. Grain Test Scales: Value of Scale Di-
visions
UR.3.1. Recommended Minimum Load
UR.3.1.1. Minimum Load, Grain Dockage

Automatic Bulk Weighing Systems (2.22)
N.1.3. Decreasing-Load Test

§ 802.1 Qualified laboratories.

(a) Metrology laboratories. (1) Any
State metrology laboratory currently
approved by the NBS ongoing certifi-
cation program having auditing capa-
bility 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 cali-
bration 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 lab-
oratory primarily involved in the busi-
ness 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 jurisdic-
tion. 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 Serv-
vice’s granting approval to any commer-
cial 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 pre-
scribed 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 indus-
trial laboratory will be at the Service’s
discretion. Once it has obtained ap-
proval, the commercial industrial lab-
oratory maintains its site in a manner
prescribed by the State and the Serv-
vice.

(b) Type evaluation laboratories. Any
State measurement laboratory cur-
cently 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]