

## National Type Evaluation Program (NTEP) Committee Interim Agenda

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Reference  
Key Number

### 500 INTRODUCTION

The NTEP Committee will address the following items at its 2008 Interim Meeting. Except when posted, all meetings are open to the membership. The members will be invited to dialogue with the NTEP Committee on issues on its agenda. The NTEP Committee is currently working on the following issues:

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**Index to Reference Key Items**

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\*Drafts of the sector summaries can be viewed at - <http://www.ncwm.net/ntep/index.cfm?fuseaction=meetings>

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**Table C**  
**Glossary of Acronyms\***

BIML	Bureau of International Legal Metrology	IR	International Recommendation
CD	Committee Draft <sup>1</sup>	MAA	Mutual Acceptance Arrangement
CIML	International Committee of Legal Metrology	OIML	International Organization of Legal Metrology
CPR	Committee on Participation Review	R	Recommendation
DD	Draft Document <sup>2</sup>	SC	Subcommittee
DR	Draft Recommendation <sup>2</sup>	TC	Technical Committee
DV	Draft Vocabulary <sup>2</sup>	WD	Working Document <sup>3</sup>
DoMC	Declarations of Mutual Confidence		

<sup>1</sup>CD: a draft at the stage of development within a technical committee or subcommittee; in this document, successive drafts are numbered 1 CD, 2 CD, etc.

<sup>2</sup>DD, DR, DV: draft documents approved at the level of the technical committee or subcommittee concerned and sent to BIML for approval by CIML.

<sup>3</sup>WD: precedes the development of a CD; in this document, successive drafts are number 1 WD, 2 WD, etc.

\*Explanation of acronyms provided by OIML.

**Details of All Items**  
**(In Order by Reference Key Number)**

**1. Mutual Recognition Arrangement (MRA)**

**Background:** Both Measurement Canada and the NTEP Labs are engaged in dialog to improve the data exchange under the Mutual Recognition Arrangement (MRA). During the recent NTEP Lab meeting, an entire day was spent exchanging information regarding the current MRA for weighing devices. Several areas of improvement were identified, including initial review of new applications to establish an agreed-upon test plan for the evaluation. In addition, a training session was conducted to improve the consistency of data collected by the labs. This will help to improve the ability of the various labs to exchange data more consistently.

**Current Comment:** Over the past several months, NTEP and Measurement Canada have been in continuous contact regarding the flow of information related to the MRA. Measurement Canada has also supplied the U.S. NTEP labs with an updated version of an Excel spreadsheet program to standardize the test report forms for devices that fall under the MRA. This updated version of the spreadsheet has been well received by the labs. There is also continued dialog between the labs and the NTEP Director.

**2. Mutual Acceptance Arrangement (MAA)**

**Background:** The NTEP Director attended the third meeting of the Committee on Performance Review (CPR) in Tsukuba, Japan, on June 7 and 8, 2007. One agenda item focused on a proposed change to the current policy of the Mutual Acceptance Arrangement (MAA) to include data submitted by a manufacturer to be included in the Evaluation Report. It is the belief of the NTEP Committee that such data are a conflict of interest and are not acceptable. The NTEP Director strongly expressed this position to the attendees of that meeting. There was no change in the current policy of not accepting a manufacturer's data.

**Current Comment:** In September 2007, the NCWM returned an affirmative vote regarding “Acceptance of new participants in the R 60 DoMC.”

Currently, NTEP has not received any OIML Evaluation Reports for load cells.

To date, two MAA Certificates for R 76 (Japan and New Zealand) have been issued (details can be found on the OIML website, <http://www.oiml.org>).

Chuck Ehrlich reported that at the October 2007 CIML meeting in Shanghai, China, the "old" OIML Certificate System might be retained indefinitely to accommodate the acceptance of manufacturers’ test data in that System for those countries wishing to do so. It was also reported that the registration fee for "old-style" OIML Certificates and for MAA Certificates might be set to the same value (around 250 Euros).

Dr. Ehrlich also reported that it is anticipated that a meeting of OIML TC 3/SC 5 will be held in late May 2008 to begin revision of the OIML documents on the Certificate System and the MAA. The meeting also will cover development of an OIML document on the incorporation of measurement uncertainty in conformity assessment decisions in legal metrology.

### 3. NTEP Participating Laboratories and Evaluations Reports

**Background:** At the 2007 NCWM Annual Meeting, Stephen Patoray, NTEP Director, updated the Committee on NTEP laboratory and administrative activities since October 1, 2006.

The NTEP weighing and measuring laboratories held a joint meeting in May 2007 in Sacramento, California. The NTEP weighing laboratories also met in September 2007 before the meeting of the Weighing Sector in Sacramento, California. The NTEP measuring laboratories also met in October 2007 prior to the Measuring Sector meeting in Little Rock, Arkansas.

During the 2007 NCWM Annual Meeting, the NTEP Committee Chair announced that Minnesota has been authorized by NCWM as a field laboratory to conduct evaluation on weighing/load-receiving elements.

The NTEP director reported that the backlog in the NTEP labs is now below historical levels and is approximately 25 % below the peak backlog seen during the past year. NTEP continues to assign devices to the appropriate laboratory to distribute the evaluations more evenly and continue to reduce the backlog.

**Current Comment:** Steve Patoray will update the Committee on any outstanding issues related to the NTEP participating labs.

With the assistance of NIST Advisor, G. Diane Lee, the NTEP director conducted a laboratory audit, based on ISO 17025, of the California NTEP lab in October 2007. Results of this audit were discussed with laboratory personnel.

Upcoming meetings: (all dates are currently tentative)

NTEP Laboratory Meeting	May 2008	Ottawa, Canada
Software Sector	May 2008	Ottawa, Canada
Grain Analyzer Sector	August 2008	Kansas City, Missouri
Weighing Sector	September 2008	Ottawa, Canada
Measuring Sector	October 2008	Atlanta, Georgia

#### 4. NTETC Sector Reports

##### Background:

**Grain Moisture Meter and NIR Protein Analyzer Sectors:** The NTETC Grain Moisture Meter and NIR Protein Analyzer Sectors held a joint meeting in Kansas City, Missouri, August 22 and 23, 2007. A draft of the final summary will be provided to the Committee prior to the 2007 NCWM Interim Meeting for review and approval.

The next meeting of the Grain Moisture Meter and NIR Protein Analyzer Sectors is scheduled for August 2008 in Kansas City, Missouri. For questions on the current status of Sector work or to propose items for a future meeting, please contact the Sector technical advisors:

Diane Lee  
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100 Bureau Drive, Stop 2600  
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**Measuring Sector:** The NTETC Measuring Sector met October 19 and 20, 2007, in Little Rock, Arkansas. A draft of the final summary will also be provided to the NTEP Committee prior to the 2007 NCWM Interim Meeting for review and approval.

The next meeting of the Measuring Sector is scheduled for October 2008 in Atlanta, Georgia, in conjunction with the Southern Weights and Measures Association's Annual Meeting. For questions on the current status of Sector work or to propose items for a future meeting, please contact the Sector technical advisor:

Richard Suiter  
NIST WMD  
100 Bureau Drive, Stop 2600  
Gaithersburg, MD 20899-2600

Phone: (301) 975-4406  
Fax: (301) 975-8091  
e-mail: rsuiter@nist.gov

**Weighing Sector:** The NTETC Weighing Sector met September 6 - 8, 2007, in Sacramento, California. A final draft of the meeting summary will also be provided to the Committee prior to the 2007 NCWM Interim Meeting for review and approval.

The next Weighing Sector meeting is scheduled for September 2008 in Ottawa, Canada. For questions on the current status of Sector work or to propose items for a future meeting, please contact the Sector technical advisor:

Steven Cook  
NIST WMD  
100 Bureau Drive, Stop 2600  
Gaithersburg, MD 20899-2600

Phone: (301) 975-4003  
Fax: (301) 975-8091  
e-mail: steven.cook@nist.gov

**NTETC Sector Summaries:** The NTEP Committee will receive copies of the summaries prior to the NCWM Interim Meeting for its review and approval.

Steve Patoray reported that the previous year's Sector reports could be found on the NCWM website. He also reported that, if contacted, he could supply anyone interested with all previous Sector reports.

**Current Comment:** The Committee will hear an update on the activities of the NTETC Sectors at the 2008 NCWM Interim Meeting.

## 5. NTEP Participation in U.S. National Work Group on Harmonization of NIST Handbook 44, NCWM Publication 14 and OIML R 76 and R 60

**Background:** At its October 2006 meeting in Cape Town, South Africa, the 41<sup>st</sup> CIML approved DR 7: R 76-1 Non-automatic weighing instruments. Part 1: Metrological and technical requirements – Tests. The DoMC for R 76 will need to be updated to reflect the changes included in the new revision of R 76. Further updates on the current status of this project will be provided by Steve Cook.

**Current Comment:** Steven Cook reported that the revision of R 76 “Non-automatic Weighing Instruments” is of major importance to U.S. interests because the Recommendation serves as the foundation for a majority of the laws and regulations governing weighing instruments around the world. The revision includes new language addressing metrological controls for type evaluations, conformity, initial and subsequent inspections, suitability of separable components and requirements for metrological software. The USNWG was consulted concerning proposals to harmonize Handbook 44 and R 76. As reported at the 2007 NCWM Interim Meeting, the DR of R 76-1 was approved by the CIML in October, 2006. Most recently, the United States voted “yes” on the DR of R 76-2 “Test Report Format.” It is anticipated that the revision of R 76 will be published and posted on the OIML website prior to the 2008 NCWM Interim Meeting. Once the final version of R 76 is published, the Secretariat (U.S.) to OIML R 60 – “Metrological regulation for load cells” will send a questionnaire to the members of OIML TC1 and the USNWG requesting input on whether or not to recommend a revision to R 60. The questionnaire will ask for feedback on a broad scope of topics from the basic principles of R 60 (e.g., tolerances and accuracy classes) to exploring the addition of new requirements. For more information on these efforts, please contact Steve Cook at (301) 975-4003 or steven.cook@nist.gov.

For additional background information, refer to the Committee’s 2007 Annual Report.

## 6. Conformity Assessment Program

**Background:** The Conformity Assessment Program was established to ensure devices produced after the device has been type evaluated and certified by NTEP continue to meet the same requirements. This program has three major elements: (1) Certificate Review (administrative); (2) Initial Verification (inspection and performance testing); and (3) Verified Conformity Assessment (influence factors). This item is included on the Committee’s agenda to provide an update on these elements.

**Certificate Review:** The question addresses how this would be accomplished given the limited resources of NCWM. It was suggested this item may need to continue on a “back burner” until resources can be clearly identified to proceed with the project in an efficient, thorough and accurate manner.

During the 92<sup>nd</sup> NCWM it was reported that this item continues on the “back burner” until funding can be identified for this project.

**Initial Verification:** During the 2007 NCWM Interim Meeting, the WG chair, Lou Straub, received data from several states on small-capacity price computing scales and reported that the pilot of Initial Verification for small-capacity scales has been completed. There were several state and local jurisdictions that submitted information. All data has been forwarded to NCWM staff for safekeeping. It was also reported that Steve Malone, Nebraska, is working on a database format for logging in the data. In addition, Lou Straub reported that the WG continues to develop a checklist for vehicle scales and retail motor-fuel dispensers (RMFDs).

During the 2007 Annual Meeting, the WG chair, Lou Straub, reported that the WG is currently looking for direction from the NTEP Committee on how to proceed to the next step since they have completed work on the checklists for both vehicle scales and RMFDs. The WG has received some data for the vehicle scales checklist. The WG is seeking volunteers for RMFDs at this time. Mr. Straub clarified that not all states or jurisdictions need to participate in submitting information to NCWM on initial verification. A subset of states would be sufficient. NTEP Committee chair, Don Onwiler, instructed the WG to proceed with development of additional checklists. The NTEP committee will also consider how to process the data generated from initial verification.

**Verified Conformity Assessment Program (VCAP):** The WG chairman provided the NCWM Board with a final version of the WG report at the 2006 NCWM Annual Meeting. While this report will form the basis of the technical policy, additional work will be needed. Steve Patoray reported that the NCWM Board at its October 2006 meeting directed him to form a small WG to develop the necessary details to define the program based on the final report of the VCAP WG. Steve reported that the WG had met one time and had identified seven action items. The information will be developed over the next several months and will be sent to others for comment and review.

While the WG intended to make a formal presentation of its progress at the NCWM Annual Meeting in 2007, NTEP Director, Steve Patoray, reported that further meetings of the WG did not occur since the WG believed the initial direction of developing a detailed checklist for VCAP was not the correct direction. With this new insight, actual progress on VCAP should begin over the next several months with development of final material based on the current information available and some additional information regarding the selection of a certified auditor. Mr. Patoray anticipates that beta testing of VCAP will take place over the next several months.

**Current Comment:** Steve Patoray will update the NTEP Committee and the NCWM Board regarding the current status of these items.

## 7. NTEP Certification of Residential-Type Water and Vapor Meters

**Background:** NTEP received a request from one state for NTEP to conduct evaluations and certify residential-type water meters and vapor meters. The main usage of such device is in sub-metering. A discussion was held on this item at the Measuring Sector meeting in October 2006. There was insufficient representation from the manufacturers of this type of device to come to consensus on this item. However, two work groups were formed consisting of interested parties regarding these device types. The Sector chair, Mike Keilty, sent a letter to manufacturers of this device type with a request for comments, recommendations, and additional information on sub-metering standards and policies from other agencies and municipalities.

Following is the position of the NTEP Committee:

Due to the need for certification of these types of devices in sub-metering applications, NTEP should proceed with development of a checklist for these types of devices. It has been noted that California currently has checklists for both of these device types and has many years of experience certifying these devices at the state level. NTEP will utilize these current checklists as much as possible in developing checklists for Publication 14.

The Sector chair for measuring devices, Michael Keilty, reported to the NTEP Committee that he has been in contact with the American Waterworks Association (AWWA) and has attended a recent meeting of this organization. He has passed along information regarding NCWM and NTEP along with contact information to this organization.

**Current Comment:** Steve Patoray (NTEP director) and Dick Suiter (NIST technical advisor to the Measuring Sector) will update the NTEP Committee on the status of this item. At its October 2007 meeting, the Measuring Sector discussed this item and made several recommendations regarding residential water meters. These recommendations will be presented to the NTEP Committee for approval.

## 8. Use of NTEP Logo

**Background:** The NTEP Logo is a registered trademark of NCWM. NCWM Publication 14 Administrative Policy provides some parameters on appropriate use of the logo. Over the past several months, NTEP has been attempting to resolve an issue of misuse of the NTEP logo. During this time, the NTEP Committee and the NCWM Board discussed developing a systematic method of addressing misuse of the NTEP logo in the future. A work group was formed during the 2006 Annual Meeting with the charge to develop draft form letters that could be used by NTEP to inform anyone believed to be misusing the NTEP logo. Additionally, NCWM staff was directed by the Board to obtain advice from legal counsel as to the appropriate methods of deterring misuse of the logo.

Legal counsel recommended that a license agreement be implemented between NCWM and anyone wishing to use the NTEP logo. This agreement would provide allowances and limitations on the use of the logo. The license agreement, along with form letters drawn up by legal counsel, was submitted to the NCWM Board for discussion. The Board has recognized the change in policy related to the use of the NTEP logo was significant. Therefore, the NTEP Committee presented the proposed license agreement for review and requested comment from NCWM membership during the 2007 Interim Meeting. A draft copy of the license agreement can be found in the 2007 NCWM Annual Report of the NTEP Committee, as Appendix A.

**Current Comment:** The documents were finalized, the policy was completed and the information regarding the use of the NTEP logo was placed on the NCWM website: <http://www.ncwm.net/ntep/index.cfm?fuseaction=logo>. The abbreviated license agreement was sent out to all active holders of NTEP Certificates of Conformance with the maintenance fee invoices. The NCWM received a positive response from the mailing, and several companies have been contacted regarding the misuse of the NTEP logo.

## 9. NTEP Policy for issuing Certificates of Conformance for Software (New Item)

**Source:** NTETC Software Sector

**Background:** Excerpts of reports from the 1995 - 1998 Executive Committee were provided to NTETC Software Sector members at their April 2006 meeting. The chair asked the Sector to review the following NTEP policy decision adopted by the NCWM in 1998 relative to the issuance of a separate Certificate of Conformance (CC) for software.

During the 1998 NCWM, the following recommendation was adopted as NTEP policy:

- "Software, regardless of its form, shall not be subject to evaluation for the purpose of receiving a separate, software Certificate of Conformance from the National Type Evaluation Program."
- "Remove all of the software categories from the index of NCWM Publication 5, NTEP Index of Device Evaluations."
- "Reclassify all existing software CCs according to their applicable device categories."

The policy is still in effect today.

Also noteworthy is a statement in Section C of NCWM Publication 14, Administrative Policy. It states:

"In general, type evaluations will be conducted on all equipment that affect the measurement process or the validity of the transaction (e.g. electronic cash registers interfaced with scales and service station consoles interfaced with retail fuel dispensers); and all equipment to the point of the first indicated or recorded representation of the final quantity on which the transaction will be based."

Software which is implemented as an add-on to other NTEP-Certified main elements to create a weighing or measuring system and its metrological functions are significant in determining the first indication of the final quantity. Such software is considered to be a main element of the system requiring traceability to a Certificate of Conformance. Current policy, however, prohibits NTEP from issuing a separate certificate just for the software. The certificate must be issued on the entire system.

The Software Sector considered the possibility of amending the 1998 policy to allow NTEP to issue separate Certificates of Conformance for software. This new policy would not change how NTEP evaluates software; it would simply change how the software is represented on the certificate. For example, software designed to act as a point-of-sale would be represented on the Certificate as "Software" with further description as "Point-of-Sale System." The certificate would allow this software to be implemented as a main element of a weighing system using compatible hardware including scanner/scale, cash register, printer, computer processor, etc. If this fundamental approach is taken, it will allow the Software Sector to move toward the other steps in the process.

The consensus of the Sector is that the current NCWM/NTEP policy should be changed.

**Recommendation from the Sector to the NTEP Committee:**

**Software Requiring a Separate CC:** Software, which is implemented as an add-on to other NTEP-Certified main elements to create a weighing or measuring system and its metrological functions, are significant in determining the first indication of the final quantity. Such software is considered a main element of the system requiring traceability to an NTEP CC.

**NOTE:** OEM software *may* be added to an existing CC or have a stand-alone CC with applicable applications (e.g., a manufacturer adding a software upgrade to their ECR or point-of-sale system, vehicle scale weigh-in/weigh-out software added as a feature to an indicating element, automatic bulk weighing, liquid-measuring device loading racks, etc.) and minimum system requirements for “type P” (built-for-purpose) devices (see proposed software definition below). It may be possible for a manufacturer to submit a single application for both hardware and software contained in the same device. A single CC would be issued.

In this instance, OEM refers to a third party. The request to add software could be made by the original CC holder on behalf of the third party. Alternatively, a new CC could be created that refers to the original CC and simply lists the new portions that were examined.

**As further background, the proposed definition is included for reference.**

**Recommendation from the Sector to the S&T Committee:**

**The Sector recommended that the following definition be submitted to the S&T Committee as a developing item and be considered for inclusion in NIST Handbook 44. Please refer to the S&T Committee Interim Agenda Item 310-2 for additional information on the proposed definition.**

Add the following definition to Appendix D.

**Electronic devices, software-based.** Weighing and measuring devices or systems that use metrological software to facilitate compliance with Handbook 44. This includes:

- (a) **Embedded software devices (Type P), aka built-for-purpose** A device or element with software used in a fixed hardware and software environment that cannot be modified or uploaded via any interface without breaking a security seal or other approved means for providing security, and will be called a "P", or
- (b) **Programmable or loadable metrological software devices (Type U), aka not built-for-purpose** A personal computer or other device and/or element with PC components with programmable or loadable metrological software, and will be called “U.” A “U” is assumed if the conditions for embedded software devices are not met.

**Software-based devices – See Electronic devices, software-based.**

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Don Onwiler, Nebraska, NTEP Committee Chair  
Judy Cardin, Wisconsin, NCWM Chair  
Jack Kane, Montana, NCWM Chair-Elect  
Charles Carroll, Massachusetts  
Randy Jennings, Tennessee

NTEP Technical Advisor: S. Patoray, NTEP Director

**National Type Evaluation Program Committee**

## **Appendix A**

### **NTEP Draft Grain Analyzer Sector Meeting Summary**

This report can be viewed on the National Conference of Weights and Measures website at:

<http://www.ncwm.net/ntep/index.cfm?fuseaction=meetings>

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## **Appendix B**

### **NTETC Draft Measuring Sector Meeting Summary**

This report can be viewed on the National Conference of Weights and Measures website at:

<http://www.ncwm.net/ntep/index.cfm?fuseaction=meetings>

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## **Appendix C**

### **NTETC Draft Weighing Sector Meeting Summary**

This report can be viewed on the National Conference of Weights and Measures website at:

<http://www.ncwm.net/ntep/index.cfm?fuseaction=meetings>

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## **Appendix D**

### **NTETC Draft Software Sector Meeting Summary**

This report can be viewed on the National Conference of Weights and Measures website at:

<http://www.ncwm.net/ntep/index.cfm?fuseaction=meetings>

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