

§ 23.1

30 CFR Ch. I (7-1-97 Edition)

- 23.11 How approvals are granted.
- 23.12 Wording, purpose, and use of approval plate.
- 23.13 Withdrawal of approval.
- 23.14 Instructions for handling future changes in design.

AUTHORITY: 30 U.S.C. 957, 961.

Sec. 23.2(f) also issued under 30 U.S.C. 811.

SOURCE: Schedule 9B, 4 FR 1555, Apr. 11, 1939, unless otherwise noted.

§ 23.1 Purpose.

(a) The purpose of investigations under this part is to promote the development of telephones and signaling devices that may be used safely in mines, especially in coal mines that may have gassy or dust-laden atmospheres. This schedule supersedes Schedule 9A, issued under date of December 5, 1922, and becomes effective October 18, 1938.

(b) Telephones and signaling devices approved under the requirements of this part will be termed "permissible" by MSHA, and if actively marketed will be listed as such in publications relating to permissible equipment, for the information of State mine inspection departments, compensation bureaus, mine operators, miners, and others interested in safety equipment for mines.

§ 23.2 Definitions.

(a) *Adequate* means appropriate and sufficient, as determined by mutual agreement of the manufacturer, operators, and MSHA.

(b) *Approval* means official notification by letter, from MSHA to a responsible organization, stating that the device under consideration has been judged to meet the requirements of this part.

(c) *Normal operation* means the performance by each part of the device of those functions for which the part was designed.

(d) *Permissible* as used in this part means completely assembled and conforming in every respect with the design formally approved by MSHA under this part. (Approvals under this part are given only to equipment for use in gassy and dusty mines.)

(e) *Protected* means effectively covered, enclosed, or otherwise guarded by adequate covers.

(f) *Signaling device*. As used in this part, a signaling device is one that gives visual or audible signals.

(g) *MESA* means the United States Department of the Interior, Mining Enforcement and Safety Administration. Predecessor organization to MSHA, prior to March 9, 1978.

(h) *MSHA* means the U.S. Department of Labor, Mine Safety and Health Administration.

NOTE: Paragraph (f) of this section is issued under the authority of Sec. 101 of the Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 as amended by Pub. L. 95-164, 91 Stat. 1291 (30 U.S.C. 811). All other paragraphs in this section continue under the original authority.

[Sched. 9B, 4 FR 1555, Apr. 11, 1939, as amended by Supp. 1, 20 FR 2975, May 4, 1955; 39 FR 24001, June 28, 1974; 43 FR 12315, Mar. 24, 1978; 47 FR 11370, Mar. 16, 1982]

§ 23.3 Applications.

Before MSHA will undertake the active investigation leading to approval of any telephone or signaling service, the manufacturer shall make application by letter for an investigation leading to approval of his device. This application in duplicate, accompanied by a check, bank draft, or money order, payable to the U.S. Mine and Safety and Health Administration, to cover all the necessary fees, shall be sent to Approval and Certification Center, Box 201B, Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059 together with the required drawings, one complete telephone or signaling device, and instructions for its operation.

[Supp. 1, 20 FR 2975, May 4, 1955, as amended at 43 FR 12315, Mar. 24, 1978; 47 FR 14696, Apr. 6, 1982; 60 FR 33723, June 29, 1995]

§ 23.4 [Reserved]

§ 23.5 Conditions governing investigations.

(a) One complete device together with assembly and detail drawings that show its construction and the materials of which the parts are made, shall be submitted preferably at the time the application for test is made. These shall be sent prepaid to Approval and Certification Center, Box 201B Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059.