

§ 21.2 Definitions.

(a) *Permissible*. 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.)

(b) *Adequate*. Adequate means appropriate and sufficient as determined by mutual agreement between the manufacturer and MSHA.

[Sched. 7C, Aug. 30, 1935, as amended by Supp. 1, 20 FR 2961, May 3, 1955]

§ 21.3 [Reserved]**§ 21.4 Applications.**

Before MSHA will undertake the active investigation leading to approval of any lamp, the manufacturer shall make application by letter for an investigation of his lamp. This application in duplicate, accompanied by a check, bank draft, or money order, payable to the U.S. Mine 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 lamp, and instructions for its operation.

[Supp. 1, 20 FR 2961, May 3, 1955, as amended at 43 FR 12314, 12315, Mar. 24, 1978]

§ 21.5 Conditions governing investigations.

(a) One complete lamp, with drawings that show the construction of the lamp and the material of which it is made, together with a set of operating instructions, should be forwarded prepaid to Approval and Certification Center, Box 201B, Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059 at the time the application for tests is made.

(b) When these have been inspected by MSHA the applicant will be notified as to the amount of material that will be required for the tests. The applicant will be notified also of the date on which the tests will be started and will be given an opportunity to witness the tests.

(c) *Observers at formal investigations and demonstrations*. No one shall be present during any part of the formal

investigation conducted by MSHA which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and MSHA. Upon granting approval for permissibility, MSHA will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled by MSHA. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by MSHA.

[Sched. 7C, Aug. 30, 1935, as amended by Supp. 1, 20 FR 2961, May 3, 1955; 43 FR 12314, Mar. 24, 1978]

§ 21.6 General requirements.

(a) *Safety in gaseous atmospheres*. (1) Lamps shall be so constructed that they will not cause external ignitions when tested in gassy or dusty atmospheres, such as may be found in coal mines.

(2) Special tests will be made to determine the safety of the igniter device as follows:

(i) To determine whether external ignition is possible when the igniter is operated within the lamp in still mixtures of Pittsburgh natural gas and air.

(ii) To determine whether the residue left in the lamp after working the igniter device is a source of danger in the subsequent use of the lamp.

(iii) To determine the nature of the materials of the sparking material.

(b) *Construction involving safety, operation, and maintenance*. Lamps will be examined with special reference to their mechanical construction, strength, size, and weight, the replacement of parts, the ease of inspection, and the attention required to maintain proper operation. The construction