

§ 23.12

30 CFR Ch. I (7-1-98 Edition)

shall be free to advertise his device as permissible.

[Sched. 9B, 4 FR 1555, Apr. 11, 1939, as amended by Supp. 1, 20 FR 2975, May 4, 1955]

§ 23.12 Wording, purpose, and use of approval plate.

(a) Approval plate. (1) Manufacturers shall attach, stamp, or mold an approval plate on each permissible device. The plate shall bear the emblem of the Mine Safety and Health Administration and be inscribed as follows:

Permissible Telephone (or Permissible Signaling Device) Approval No.-----Issued to the _____ Company.

(2) When deemed necessary, an appropriate caution statement shall be added. The size and position of the approval plate shall be satisfactory to MSHA.

(b) Purpose. The approval plate is a label that identifies the device so that anyone can tell at a glance whether or not it is of the permissible type. By the plate, the manufacturer can point out that his device complies with MSHA's requirements and that it has been approved for use in gassy or dusty mines.

(c) Use. Permission to place MSHA's approval plate on his device obligates the manufacturer to maintain the quality of his product and to see that each device is constructed according to the drawings that have been accepted by MSHA and are in MSHA's files. Devices exhibiting changes in design that have not been authorized are not permissible and must not bear MSHA's approval plate.

[Sched. 9B, 4 FR 1555, Apr. 11, 1939, as amended at 43 FR 12315, Mar. 24, 1978]

§ 23.13 Withdrawal of approval.

MSHA reserves the right to rescind for cause at any time any approval granted under this part.

§ 23.14 Instructions for handling future changes in design.

All approvals are granted with the understanding that the manufacturer will make his device according to the drawings that he has submitted to MSHA and that have been considered and included in the approval. Therefore, before making any changes in the

design he shall obtain MSHA's authorization of the change. The procedure is as follows:

(a) The manufacturer shall write to Approval and Certification Center, Box 201B, Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059 requesting an extension of his original approval and stating the change or changes desired. With this request, he should submit a revised drawing or drawings showing the changes in detail, together with one of each of the parts affected.

(b) MSHA will consider the application and inspect the drawings and parts to determine whether it will be necessary to make any tests.

(c) If no tests are necessary, and the change meets the requirements, the applicant will be officially advised by MSHA that his original approval has been extended to include the change.

(d) If tests are judged necessary, the applicant will be advised of the material that will be required. In this case extension of approval will be granted upon satisfactory completion of the tests and full compliance with the requirements.

[Sched. 9B, 4 FR 1555, Apr. 11, 1939, as amended by Supp. 1, 20 FR 2975, May 4, 1955; 43 FR 12315, Mar. 24, 1978; 52 FR 17514, May 8, 1987]

PART 24—SINGLE-SHOT BLASTING UNITS

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

SOURCE: Schedule 12D, 10 FR 14895, Dec. 11, 1945, unless otherwise noted.

§ 24.0 Authorization and purpose.

(a) Investigations under this part are conducted under the authorization of the Federal Mine Safety and Health Act of 1977 (Pub. L. 91-173, as amended by Pub. L. 95-164).

(b) The purpose of investigations under this part is to promote the development of safe types of single-shot blasting units that may be used in mines, especially in mines that may contain methane or inflammable dust in dangerous proportions. Lists of such units will be published from time to time so that State mine-inspection departments, compensation bureaus, mine operators, miners, and others interested in safe equipment for mines may have information regarding permissible blasting units. This part supersedes Schedule 12C issued under date of July 16, 1940 (30 CFR, 1943 Cum. Supp., Part 24), and goes into effect November 27, 1945.

(c) Any blasting unit that meets the requirements set forth in this part will be termed "permissible" by MSHA.

(d) Definition of 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.)

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

(f) *MSHA* means the United States Department of Labor, Mine Safety and Health Administration.

[Sched. 12D, 10 FR 14895, Dec. 11, 1945, as amended by Supp. 1, 20 FR 2719, Apr. 23, 1955; 39 FR 24001, June 28, 1974; 43 FR 12315, Mar. 24, 1978]

§24.1 [Reserved]

§24.2 Applications.

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

[Sched. 12D, 10 FR 14895, Dec. 11, 1945, as amended at 43 FR 12315, Mar. 24, 1978]

§24.3 Conditions governing investigations.

(a) One complete blasting unit, with drawings that show the construction of the device and the materials of which it is made, should be forwarded 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 this has been inspected by MSHA, the applicant will be notified as to the amount of material that will be required for the tests.

(c) The applicant will be notified of the date on which the tests will be started and will be given an opportunity to witness the tests.

(d) 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.

(e) Permissibility tests will not be made unless the unit has been completely developed and is a form that can be marketed.

(f) The results of the tests shall be regarded as confidential by all present at the tests and shall not be made public