

Mine Safety and Health Act of 1977 (Pub. L. 91-173, as amended by Pub. L. 95-164, 30 U.S.C. 801).

*Permit* means a formal document, signed by the Assistant Secretary, authorizing the operation of specific experimental equipment in a gassy mine or tunnel under prescribed conditions.

*Plane joint* means two adjoining surfaces in parallel planes.

*Portable cable, or trailing cable* means a flame-resistant, flexible cable or cord through which electrical energy is transmitted to a permissible machine or accessory. (A portable cable is that portion of the power-supply system between the last short-circuit protective device, acceptable to MSHA, in the system and the machine or accessory to which it transmits electrical energy.)

*Portable equipment* means equipment that may be moved frequently and is constructed or mounted to facilitate such movement.

*Potted component* means a component that is entirely embedded in a solidified insulating material within an enclosure.

*Pressure piling* means the development of abnormal pressure as a result of accelerated rate of burning of a gas-air mixture. (Frequently caused by restricted configurations within enclosures.)

*Qualified representative* means a person authorized by MSHA to determine whether the applicable requirements of this part have been complied with in the original manufacture, rebuilding, or repairing of equipment for which approval, certification, or a permit is sought.

*Splice box* means a portable enclosure in which electrical conductors may be joined.

*Step (rabbet) joint* means a joint comprised of two adjoining surfaces with a change(s) in direction between its inner and outer edges. (A step joint may be composed of a cylindrical portion and a plane portion or of two or more plane portions.)

*Threaded joint* means a joint consisting of a male- and a female-threaded member, both of which are of the same type and gage.

[33 FR 4660, Mar. 19, 1968, as amended at 39 FR 23999, June 28, 1974; 43 FR 12314, Mar. 24, 1978; 57 FR 61223, Dec. 23, 1992]

### § 18.3 Consultation.

By appointment, applicants or their representatives may visit Approval and Certification Center, Industrial Park Road, Dallas Pike, Triadelphia, W. Va. 26059, to discuss a proposed design to be submitted for approval, certification, or acceptance for listing. No charge is made for such consultation and no written report thereof will be made to the applicant.

[33 FR 4660, Mar. 19, 1968, as amended at 43 FR 12314, Mar. 24, 1978]

### § 18.4 Electrical equipment for which approval is issued.

An approval will be issued only for a complete electrical machine or accessory. Only components meeting the requirements of subpart B of this part or those approved under part 7 of this chapter, unless they contain intrinsically safe circuits, shall be included in the assemblies.

[57 FR 61209, Dec. 23, 1992]

### § 18.5 Equipment for which certification will be issued.

Certification will be issued for a component or subassembly suitable to incorporate in an approved machine. Certification may be issued for such components as explosion-proof enclosures, battery trays, and connectors.

### § 18.6 Applications.

(a) Investigation leading to approval, certification, extension thereof, or acceptance of hose or conveyor belt, will be undertaken by MSHA only pursuant to a written application, in duplicate, accompanied by a check, bank draft, or money order, payable to Mine Safety and Health Administration to cover the fees. The application shall be accompanied by all necessary drawings, specifications, descriptions, and related materials, as hereinafter provided. The application, all related matters, and all correspondence concerning it shall be addressed to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059.

(b) [Reserved]

(c) Applications for acceptance of a conveyor belt as fire resistant shall include the following information: Trade

name of the conveyor belt, thickness of covers, friction and skim coats, number of plies, type and weight of ply material, and designation of breaker strip or floated ply. The applicant shall provide other description or specifications as may be subsequently required.

(d) Applications for acceptance of hose as flame resistant shall include the following information: Trade name of hose, identification of materials used, including compound numbers, thickness of cover, thickness of tube, and number and weight of plies. The applicant shall provide other description or specifications as may be subsequently required.

(e) Drawings, drawing lists, specifications, wiring diagram, and descriptions shall be adequate in number and detail to identify fully the complete assembly, component parts, and subassemblies. Drawings shall be titled, numbered, dated and shall show the latest revision. Each drawing shall include a warning statement that changes in design must be authorized by MSHA before they are applied to approved equipment. When intrinsically safe circuits are incorporated in a machine or accessory, the wiring diagram shall include a warning statement that any change(s) in the intrinsically safe circuitry or components may result in an unsafe condition. The specifications shall include an assembly drawing(s) (see Figure 1 in Appendix II) showing the overall dimensions of the machine and the identity of each component part which may be listed thereon or separately, as in a bill of material (see Figure 2 in Appendix II). MSHA may accept photographs (minimum size 8" × 10½") in lieu of assembly drawing(s). Purchased parts shall be identified by the manufacturer's name, catalog number(s), and rating(s). In the case of standard hardware and miscellaneous parts, such as insulating pieces, size and kind of material shall be specified. All drawings of component parts submitted to MSHA shall be identical to those used in the manufacture of the parts. Dimensions of parts designed to prevent the passage of flame shall specify allowable tolerances. A notation "Do Not Drill Through" or equivalent should appear on drawings with the specifications for all "blind" holes.

(f) MSHA reserves the right to require the applicant to furnish supplementary drawings showing sections through complex flame-arresting paths, such as labyrinths used in conjunction with ball or roller bearings, and also drawings containing dimensions not indicated on other drawings submitted to MSHA.

(g) The applicant may ship his equipment to MSHA for investigation at the time of filing his application and payment of the required fees. Shipping charges shall be prepaid by the applicant.

(h) For a complete investigation leading to approval or certification the applicant shall furnish MSHA with the components necessary for inspection and testing. Expendable components shall be supplied by the applicant to permit continuous operation of the equipment while being tested. If special tools are necessary to assemble or disassemble any component for inspection or test, the applicant shall furnish them with the equipment to be tested.

(i) For investigation of a hose or conveyor belt, the applicant shall furnish samples as follows:

Hose—a sample having a minimum length of 2 feet;

Conveyor belt—a sample of each type 8 inches long cut across the entire width of the belt.

(j) The applicant shall submit a sample caution statement (see Figure 3 in Appendix II) specifying the conditions for maintaining permissibility of the equipment.

(k) The applicant shall submit a factory-inspection form (see Figure 4 in Appendix II) used to maintain quality control at the place of manufacture or assembly to insure that component parts are made and assembled in strict accordance with the drawings and specifications covering a design submitted to MSHA for approval or certification.

(l) MSHA will accept an application for an approval, a letter of certification, or an acceptance for listing of a product that is manufactured in a country other than the United States provided: (1) All correspondence, specifications, lettering on drawings (metric-system dimensions acceptable), instructions, and related information are

in English; and (2) all other requirements of this part are met the same as for a domestic applicant.

[33 FR 4660, Mar. 19, 1968, as amended at 43 FR 12314, Mar. 24, 1978; 47 FR 14696, Apr. 6, 1982; 57 FR 61223, Dec. 23, 1992; 60 FR 33723, June 29, 1995; 60 FR 35693, July 11, 1995]

**§ 18.7 [Reserved]**

**§ 18.8 Date for conducting investigation and tests.**

The date of receipt of an application will determine the order of precedence for investigation and testing. If an electrical machine component or accessory fails to meet any of the requirements, it shall lose its order of precedence. If an application is submitted to resume investigation and testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for investigation and testing will be so determined.

**§ 18.9 Conduct of investigations and tests.**

(a) Prior to the issuance of an approval, certification, or acceptance of a hose or conveyor belt, only MSHA personnel, representative(s) of the applicant, and such other person(s) as may be mutually agreed upon may observe any part of the investigation or tests. The MSHA will hold as confidential and will not disclose principles or patentable features; nor will it disclose to persons other than the applicant the results of tests, chemical analysis of materials or any details of the applicant's drawings, specifications, instructions, and related material.

(b) Unless notified to the contrary by MSHA, the applicant shall provide assistance in disassembling parts for inspection, preparing parts for testing, and preparing equipment for return shipment. Explosion-proof enclosures shall be drilled and tapped for pipe connections in accordance with instructions supplied by MSHA.

(c) MSHA reserves the right to inspect a complete machine, component part, or accessory at a place other than the Bureau's premises, such as the assembly plant or other location acceptable to MSHA, at the applicant's expense.

(d) Applicants shall be responsible for their representatives present during tests and for observers admitted at their request and shall save the Government harmless in the event of damage to applicant's property or injury to applicant's representatives or to observers admitted at their request.

[33 FR 4660, Mar. 19, 1968; 33 FR 6345, Apr. 26, 1968, as amended at 57 FR 61223, Dec. 23, 1992]

**§ 18.10 Notice of approval or disapproval.**

(a) Upon completing investigation of a complete assembly of an electrical machine or accessory, MSHA will issue to the applicant either a written notice of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a notice of disapproval is issued, it will be accompanied by details of the defects, with recommendations for possible correction. MSHA will not disclose, except to the applicant, any information upon which a notice of disapproval has been issued.

(b) A formal notice of approval will be accompanied by a list of drawings, specifications, and related material, covering the details of design and construction of the equipment upon which the approval is based. Applicants shall keep exact duplicates of the drawings, specifications, and descriptions that relate to equipment for which an approval has been issued, and the drawings and specifications shall be adhered to exactly in production of the approved equipment.

(c) An applicant shall not advertise or otherwise represent his equipment as approved (permissible) until he has received MSHA's formal notice of approval.

**§ 18.11 Approval plate.**

(a)(1) The notice of approval will be accompanied by a photograph of an approval plate, bearing the emblem of Mine Safety and Health Administration, the name of the complete assembly, the name of the applicant, and spaces for the approval number, serial number, and the type or model of machine.

(2) An extension of approval will not affect the original approval number except that the extension number shall