

§ 74.4

(3) *Protection.* The battery charger shall be fused, shall have a grounded power plug, and shall not be susceptible to damage by being operated without a battery on charge.

(4) *Charge rates.* The battery charger shall be capable of operating at either a 16-hour or a 64-hour charge rate. The battery charger shall be capable of fully charging the battery in the pump unit in the stated times and shall not overcharge a discharged battery in 16 hours when operating at the 16-hour charge rate or in 88 hours when operating at the 64-hour charge rate.

[35 FR 4326, Mar. 11, 1970, as amended at 37 FR 26712, Dec. 15, 1972; 37 FR 28294, Dec. 22, 1972; 39 FR 3677, Jan. 29, 1974]

§ 74.4 Tests of coal mine dust personal sampler units.

(a) The National Institute for Occupational Safety and Health, Department of Health and Human Services, shall conduct tests to determine whether a coal mine dust personal sampler unit which is submitted for approval under these regulations meets the requirements set forth in § 74.3.

(b) The Mine Safety and Health Administration, Department of Labor (MSHA) will conduct tests, pursuant to § 18.68 of this chapter, to determine whether the pump unit of a coal mine dust personal sampler unit submitted for approval under these regulations is intrinsically safe.

[35 FR 4326, Mar. 11, 1970, as amended at 37 FR 26712, Dec. 15, 1972; 43 FR 12319, Mar. 24, 1978; 47 FR 28095, June 29, 1982]

§ 74.5 Conduct of tests; demonstrations.

Prior to the issuance of a certificate of approval, only personnel of MSHA and National Institute for Occupational Safety and Health, representatives of the applicant, and such other persons as may be mutually agreed upon may observe the tests conducted. The MSHA and the National Institute for Occupational Safety and Health shall hold as confidential, and shall not disclose, principles of patentable features prior to certification, nor shall MSHA or Institute disclose any details of the applicant's drawings or specifications or other related material. After the issuance of a certificate of

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approval, MSHA or the National Institute for Occupational Safety and Health may conduct such public demonstrations and tests of the approved coal mine dust personal sampler unit as MSHA or Institute deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction of the National Institute for Occupational Safety and Health and MSHA and any other persons shall be present only as observers.

[35 FR 4326, Mar. 11, 1970, as amended at 37 FR 26712, Dec. 15, 1972]

§ 74.6 Applications.

(a) Testing of a coal mine dust personal sampler unit will be undertaken by the National Institute for Occupational Safety and Health, and testing of the pump unit of such a sampler unit will be undertaken by MSHA, only pursuant to a written application in duplicate, each copy accompanied by complete scale drawings, specifications and description of materials. The applications, together with the drawings and specifications and any other related documents shall be sent to National Institute for Occupational Safety and Health, Department of Health and Human Services, Box 4256, 944 Chestnut Ridge Road, Morgantown, WV 26505, and MSHA Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059.

(b) Ten complete coal mine dust personal sampler units must be sent to the National Institute for Occupational Safety and Health in connection with an application. One pump unit must be sent to MSHA in connection with an application.

(c) Drawings and specifications shall be adequate in number and fully detailed to identify the design of the coal mine dust personal sampler unit or pump unit thereof and to disclose the dimensions and materials of all component parts.

(d) An application shall describe the way in which each lot of components will be sampled and tested to maintain their quality prior to assembly of each sampler unit. In order to ensure that the quality of the coal dust personal