

the opinion of its qualified representatives is constructed of suitable materials, is of good quality workmanship, is based on sound engineering principles, and is safe for its intended use. MSHA reserves the right to modify design, construction, and test requirements to obtain the same degree of protection as provided by the tests described in this part.

(c) *Definition of permissible.* Completely assembled and conforming in every respect with the design formally approved by the MSHA under this part. (Approvals under this part are given only to equipment for use in gassy and dusty mines.)

NOTE: Paragraph (b) 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.

(Sec. 101, Federal Mine Safety and Health Act of 1977, 91 Stat. 1291 (30 U.S.C. 811))

[Sched. 6D, 4 FR 4003, Sept. 21, 1939, as amended by Supp. 1, 20 FR 2718, Apr. 23, 1955; 47 FR 11369, Mar. 16, 1982]

§ 19.2 [Reserved]

§ 19.3 Applications.

(a) Before MSHA will undertake the active investigation leading to approval of any lamp, the manufacturer shall make application by letter for an investigation leading to approval of its lamp. This application, accompanied by a check, bank draft, or money order, payable to U.S. Mine Safety and Health Administration, to cover all the necessary fees, shall be sent to Approval and Certification Center, Rural Route #1, Box 251, Industrial Park Road, Triadelphia, WV 26059, together with the required drawings, one complete lamp, and instructions for its operation.

(b) Where the applicant for approval has used an independent laboratory under part 6 of this chapter to perform, in whole or in part, the necessary testing and evaluation for approval under this part, the applicant must provide to MSHA as part of the approval application:

(1) Written evidence of the laboratory's independence and current rec-

ognition by a laboratory accrediting organization;

(2) Complete technical explanation of how the product complies with each requirement in the applicable MSHA product approval requirements;

(3) Identification of components or features of the product that are critical to the safety of the product; and

(4) All documentation, including drawings and specifications, as submitted to the independent laboratory by the applicant and as required by this part.

(c) An applicant may request testing and evaluation to non-MSHA product safety standards which have been determined by MSHA to be equivalent, under § 6.20 of this chapter, to MSHA's product approval requirements under this part.

[68 FR 36419, June 17, 2003]

§ 19.4 Conditions governing investigations.

(a) One complete lamp, with the assembly and detail drawings that show the construction of the lamp and the materials of which it is made, should be submitted at the time the application for test is made. This material should be sent prepaid to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059.

(b) When this lamp has been inspected by MSHA, the applicant will be notified as to the amount of material that will be required for the tests. In general, the material required will be as follows: (1) Thirty complete lamps; (2) 500 bulbs; (3) 50 feet of cord; (4) a battery discharge rack for 20 batteries; and (5) a 50-bulb rack. Specifications for items (4) and (5) will be furnished by MSHA.

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

(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