

§22.0 Compliance with the requirements necessary for obtaining approval.

To receive approval of MSHA for any portable methane detectors a manufacturer must comply with the requirements specified in this part.

§22.1 Purpose.

(a) The purpose of investigations under this part is to provide portable methane detectors that may be safely used in mines. Lists of such detectors will be published from time to time in order that State mine-inspection departments, compensation bureaus, mine operators, miners, and others interested in safe equipment for mines may have information in regard to permissible methane detectors. This part supersedes Schedule 8B, issued under date of November 17, 1926, and goes into effect October 31, 1935.

(b) Any methane detector that meets the requirements set forth in this part will be termed permissible by MSHA and if actively marketed will be listed as such in publications relating to permissible mining equipment.

§22.2 Definitions.

(a) *Methane detector.* A methane detector is a device that may be used to detect the presence of methane in a gassy mine.

(b) *Methane-indicating detector.* A methane-indicating detector is a device that will show, within certain limits of error, on an adequate scale, the percentage of methane in a gassy atmosphere.

(c) *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.)

[Sched. 8C, Oct. 31, 1955, as amended by Supp. 1, 20 FR 2575, Apr. 19, 1955]

§22.3 [Reserved]

§22.4 Applications.

(a) Before MSHA will undertake the active investigation leading to approval of any methane detector, the manufacturer shall make application by letter for an investigation leading to approval of the detector. This appli-

cation, 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 the Approval and Certification Center, Rural Route #1, Box 251, Industrial Park Road, Triadelphia, WV 26059, together with the required drawings, one complete detector, 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 recognition 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 36420, June 17, 2003]

§22.5 Conditions governing investigations.

(a) One complete detector, with assembly and detail drawings that show the construction of the device and the materials of which it is made, should be forwarded prepaid to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 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. The manufacturer will be notified of the date on