

protective devices for trailing cables in Parts 75 and 77, Subchapter O of this chapter.

**§28.4 Definitions.**

As used in this part—

(a) *Applicant* means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, assembles, or fabricates, or controls the design, manufacture, assembly, or fabrication of a fuse, and who seeks to obtain a certificate of approval for such fuse.

(b) *Approval* means a certificate or formal document issued by MSHA stating that an individual fuse or combination of fuses has met the minimum requirements of this Part 28, and that the applicant is authorized to use and attach an approval label or other equivalent marking to any fuse manufactured, assembled, or fabricated in conformance with the plans and specifications upon which the approval was based, as evidence of such approval.

(c) *Approved* means conforming to the minimum requirements of this Part 28.

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

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

(f) *Fuse* means a device, no less effective than an automatic circuit breaker, for use with direct current which provides short-circuit protection for trailing cables in coal mines by interrupting an excessive current in the circuit.

[37 FR 7562, Apr. 15, 1972, as amended at 39 FR 24003, June 28, 1974; 43 FR 12316, Mar. 24, 1978]

**Subpart B—Application for Approval**

**§28.10 Application procedures.**

(a) Each applicant seeking approval of a fuse for use with direct current in providing short-circuit protection for trailing cables shall arrange for submission, at applicant's own expense, of the number of fuses necessary for testing to a nationally recognized inde-

pendent testing laboratory capable of performing the examination, inspection, and testing requirements of this part.

(b) The applicant shall insure, at his own expense, that the examination, inspection, and testing requirements of this part are properly and thoroughly performed by the independent testing laboratory of his choice.

(c) Upon satisfactory completion by the independent testing laboratory of the examination, inspection, and testing requirements of this part, the data and results of such examination, inspection, and tests shall be certified by both the applicant and the laboratory and shall be sent for evaluation of such data and results to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059. The appropriate fee as prescribed in Part 5 of this chapter shall accompany the certified data and results.

(d) The certified data and results of the examinations, inspections, and tests required by this part and submitted to MSHA for evaluation shall be accompanied by a proposed plan for quality control which meets the minimum requirements set forth in Subpart D of this part.

(e) Each applicant shall deliver to MSHA at his own expense, three fuses of each size and type which may be necessary for evaluation of the examination, inspection, and test results by the Bureau.

(f) Applicants or their representatives may visit or communicate with Approval and Certification Center in order to discuss the requirements for approval of any fuse, or to obtain criticism of proposed designs; no charge shall be made for such consultation and no written report shall be issued by MSHA as a result of such consultation.

[37 FR 7562, Apr. 15, 1972, as amended at 43 FR 12316, Mar. 24, 1978; 52 FR 17515, May 8, 1987; 60 FR 35694, July 11, 1995]

**Subpart C—Approval and Disapproval**

**§28.20 Certificates of approval; scope of approval.**

(a) MSHA shall issue certificates of approval pursuant to the provisions of