

§ 33.8 Conduct of investigations, tests, and demonstrations.

(a) Prior to the issuance of a certificate of approval or performance, necessary government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. MSHA shall hold as confidential and shall not disclose principles or patentable features, nor shall it disclose any details of drawings, specifications, and related materials. After the issuance of a certificate, MSHA may conduct such public demonstrations and tests of the unit or system as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the direction and control of MSHA, and any other persons shall be present only as observers, except as noted in paragraph (b) of this section.

(b) When requested by MSHA, the applicant shall provide assistance in disassembling parts for inspection, preparing parts for testing, and operating combination units.

[Sched. 25B, 25 FR 6473, July 9, 1960, as amended at 39 FR 24005, June 28, 1974]

§ 33.9 Certification of dust-collecting systems.

Manufacturers of dust-collecting systems that are designed for integral use on machines with drilling equipment may apply to MSHA to issue a certificate of performance for such systems. To qualify for a certificate of performance, the dust-collecting system shall have met satisfactorily the test requirements of Subpart C under specified operating conditions, such as type of drilling equipment, drilling speed, and power requirements and the construction thereof shall be adequately covered by specifications and drawings officially recorded and filed with MSHA. Individual parts of dust-collecting systems will not be certified for performance. Certificates of performance may be cited to fabricators of combination units as evidence that further inspection and testing of the dust-collecting system will not be required, provided the dust-collecting requirements of the drilling equipment do not exceed the limits of performance for

which the system was certified. Since MSHA does not sanction the use of the words "permissible" or "approved" except as applying to completely assembled equipment, dust-collecting systems, which have been certified only as to performance, shall not be advertised or labeled in a manner inferring that such systems themselves are permissible or approved by MSHA. However, a certified system may be advertised as suitable for use on combination units for which certification may be desired if the limits of its performance are cited. Certified dust-collecting systems shall bear labels or tags which shall contain the following: "Performance-tested Dust Collecting, System, MSHA File No. P/T _____," and name of manufacturer, identifying numbers of the dust-collector parts, and description of the limitations for which performance is certified. MSHA will assign a P/T file number in the certification letter.

§ 33.10 Certificates of approval or performance.

(a) Upon completion of an investigation, MSHA will issue to the applicant either a certificate or a written notice of disapproval, as they case may require. No informal notification of approval will be issued. If a certificate is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defects, with a view to possible correction. MSHA will not disclose, except to the applicant, any information on a unit or system upon which a notice of disapproval has been issued.

(b) A certificate will be accompanied by a list of the drawings and specifications covering the details of design and construction of the unit or system, including the electrical parts, if applicable, upon which the certificate is based. Applicants shall keep exact duplicates of the drawings and specifications submitted and the list of drawing numbers referred to in § 33.6(d)(1) that relate to the certified unit or system, and these are to be adhered to exactly in production.