

§ 35.2

coal mines and procedures for applying for such certification.

[Schedule 30, 24 FR 10201, Dec. 17, 1959, as amended at 52 FR 17515, May 8, 1987]

§ 35.2 Definitions.

As used in this part—

(a) *Permissible*, as applied to hydraulic fluids, means that the fluid conforms to the requirements of this part, and that a certificate of approval to that effect has been issued.

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

(c) *Certificate of approval* means a formal document issued by MESA stating that the fluid has met the requirements of this part for fire-resistant hydraulic fluids and authorizing the use of an official identifying marking so indicating.

(d) *Fire-resistant hydraulic fluid* means a fluid of such chemical composition and physical characteristics that it will resist the propagation of flame.

(e) *Concentrate* means a substance in concentrated form that might not be fire resistant as such but when mixed with water or other vehicle in accordance with instructions furnished by the applicant will constitute a fire-resistant hydraulic fluid.

(f) *Applicant* means an individual, partnership, company, corporation, association, or other organization that manufactures, compounds, refines, or otherwise produces, a fire-resistant hydraulic fluid or a concentrate for the production thereof, and seeks a certificate of approval.

[Sched. 30, 24 FR 10201, Dec. 17, 1959, as amended at 39 FR 24005, June 28, 1974; 43 FR 12317, Mar. 24, 1978]

§ 35.3 Consultation.

By appointment, applicants or their representatives may visit Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059, to discuss with qualified MSHA personnel proposed fluids to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written

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report thereof will be submitted to the applicant.

[Sched. 30, 24 FR 10201, Dec. 17, 1959, as amended at 43 FR 12317, Mar. 24, 1978; 60 FR 35694, July 11, 1995]

§ 35.4 Types of hydraulic fluid for which certificates of approval may be granted.

Certificates of approval will be granted for completely compounded or mixed fluids and not for individual ingredients; except that when a concentrate is submitted for testing, complete instructions for mixing with water or other vehicle shall be furnished to MSHA, together with the vehicle other than water, and the approval will cover only the specific mixture that constitutes the hydraulic fluid for use in coal mines.

§ 35.5 [Reserved]

§ 35.6 Applications.

(a)(1) No investigation or testing will be undertaken by MSHA except pursuant to a written application, accompanied by a check, bank draft, or money order, payable to the U.S. Mine Safety and Health Administration, to cover the fees; and all descriptions, specifications, test samples, and related materials. The application and all related matters and correspondence concerning it shall be sent to the Approval and Certification Center, Rural Route #1, Box 251, Industrial Park Road, Triadelphia, WV 26059.

(2) 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:

(i) Written evidence of the laboratory's independence and current recognition by a laboratory accrediting organization;

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

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