

## § 20.2

this part will be termed “permissible” by MSHA, and if actively marketed will be listed as such in publications relating to permissible equipment, in order that State mine inspection departments, compensation bureaus, mine operators, miners, and others interested in safety equipment for mines may have information in regard to electric lamps and flashlights approved by MSHA.

(2) MSHA May approve electric lamps and flashlights that incorporate technology for which the requirements of this part are not applicable if MSHA determines by testing that the electric lamps or flashlights are as safe as those which meet the requirements of this part.

[Sched. 10C, May 17, 1938, as amended at 5 FR 3467, Aug. 30, 1940; 54 FR 30513, July 20, 1989]

### § 20.2 Definitions.

(a) *Adequate.* Appropriate and sufficient as determined by mutual agreement between the manufacturer and MSHA.

(b) *Approval.* Official notification in writing from MSHA to a responsible organization, stating that upon investigation its lamp has been adjudged satisfactory under the requirements of this part.

(c) *Explosion-proof compartment.* An enclosure that withstands internal explosions of methane-air mixtures without damage to itself or discharge of flame and without ignition of surrounding explosive methane-air mixtures.

(d) *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. 10C, May 17, 1938, as amended by Supp. 1, 20 FR 2718, Apr. 23, 1955]

### § 20.3 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 of the lamp. This application, accompanied by a check, bank draft, or money order, payable to the U.S. Mine Safety and Health Adminis-

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tration, 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 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 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 under 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]

### § 20.4 [Reserved]

### § 20.5 Conditions governing investigations.

(a) One complete lamp, with 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 investigation 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 the lamp has been inspected by MSHA, the applicant will be notified as to the amount of material that will be required for the test. He will also be notified of the date on which