

§5.40

basis before the start of technical evaluation. When unforeseen circumstances discovered during evaluation would result in the hourly fee exceeding the cap, the applicant will have the option to cancel the action or receive a new maximum fee estimate. If the actual hourly fee for processing the application is less than the cap, the lesser amount is charged.

(d) The Stamped Notification Acceptance Program (SNAP) and Stamped Revision Acceptance (SRA) program are expedited programs allowing manufacturers to submit minor changes to previously approved products. A flat fee is charged for these services.

(e) Tests conducted by the Bureau of Mines for MSHA under part 15 are flat rate items. However, these fees will be included with hourly evaluation rates and billed out at the conclusion of the processing.

§5.40 Fee administration.

(a) Applicants must submit a check or money order for the application fee to MSHA Finance Branch, P.O. Box 25367, Denver Federal Center, Denver, Colorado 80225, at the time the application is submitted to the Approval and Certification Center. The check or money order must bear the "company assigned application number" of the application for approval. The application for approval must bear the check or money order number, amount of check, the date the payment was mailed to MSHA Finance Branch, and the company-assigned application number identical to the number placed on the check or money order.

(b) Applicants for SNAP and SRA services must submit the full fee to MSHA Finance Branch at the above address at the time the application is submitted to the Approval and Certification Center.

(c) Applicants for services for which an hourly fee is charged will be billed for the fee when processing of the action is completed. Actual travel expenses, if any, incurred in processing the application will be added. Invoices will contain specific payment instructions.

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§5.50 Fee revisions.

Each fee schedule shall remain in effect for at least one year and be subject to revision at least once every three years.

PART 6—TESTING AND EVALUATION BY INDEPENDENT LABORATORIES AND NON-MSHA PRODUCT SAFETY STANDARDS

Sec.

6.1 Purpose and effective date.

6.2 Definitions.

6.10 Use of independent laboratories.

6.20 MSHA acceptance of equivalent non-MSHA product safety standards.

AUTHORITY: 30 U.S.C. 957.

SOURCE: 68 FR 36417, June 17, 2003, unless otherwise noted.

§6.1 Purpose and effective date.

This part sets out alternate requirements for testing and evaluation of products MSHA approves for use in gassy underground mines. It permits manufacturers of certain products who seek MSHA approval to use an independent laboratory to perform, in whole or part, the necessary testing and evaluation for approval. It also permits manufacturers to have their products approved based on non-MSHA product safety standards once MSHA has determined that the non-MSHA standards are equivalent to MSHA's applicable product approval requirements or can be modified to provide at least the same degree of protection as those MSHA requirements. The provisions of this part may be used by applicants for product approval under parts 18, 19, 20, 22, 23, 27, 33, 35, and 36. This rule is effective August 18, 2003.

§6.2 Definitions.

The following definitions apply in this part.

Applicant. An individual or organization that manufactures or controls the assembly of a product and applies to MSHA for approval of that product.

Approval. A written document issued by MSHA which states that a product has met the applicable requirements of part 18, 19, 20, 22, 23, 27, 33, 35, or 36. The