

§ 7.9

30 CFR Ch. I (7–1–05 Edition)

§ 7.9 Revocation.

(a) MSHA may revoke for cause an approval issued under this part if the product:

(1) Fails to meet the applicable technical requirements; or

(2) Creates a hazard when used in a mine.

(b) Prior to revoking an approval, the approval-holder shall be informed in writing of MSHA's intention to revoke approval. The notice shall:

(1) Explain the specific reasons for the proposed revocation; and

(2) Provide the approval-holder an opportunity to demonstrate or achieve compliance with the product approval requirements.

(c) Upon request, the approval-holder shall be afforded an opportunity for a hearing.

(d) If a product poses an imminent hazard to the safety or health of miners, the approval may be immediately suspended without a written notice of the agency's intention to revoke. The suspension may continue until the revocation proceedings are completed.

§ 7.10 MSHA acceptance of equivalent non-MSHA product safety standards.

(a) MSHA will accept non-MSHA product safety standards, or groups of standards, as equivalent after determining that they:

(1) Provide at least the same degree of protection as MSHA's applicable technical requirements for a product in the subparts of this part; or

(2) Can be modified to provide at least the same degree of protection as those MSHA requirements.

(b) MSHA will publish its intent to review any non-MSHA product safety standard for equivalency in the FEDERAL REGISTER for the purpose of soliciting public input.

(c) A listing of all equivalency determinations will be published in this part 7. The listing will state whether MSHA accepts the non-MSHA product safety standards in their original form, or whether MSHA will require modifications to demonstrate equivalency. If modifications are required, they will be provided in the listing. MSHA will notify the public of each equivalency determination and will publish a sum-

mary of the basis for its determination. MSHA will provide equivalency determination reports to the public upon request to the Approval and Certification Center.

(d) After MSHA has determined that non-MSHA product safety standards are equivalent and has notified the public of such determinations, applicants may seek MSHA product approval based on such non-MSHA product safety standards.

[68 FR 36418, June 17, 2003]

Subpart B—Brattice Cloth and Ventilation Tubing

§ 7.21 Purpose and effective date.

This subpart establishes the specific requirements for approval of brattice cloth and ventilation tubing. It is effective August 22, 1988. Applications for approval or extension of approval submitted after August 22, 1989, shall meet the requirements of this part.

§ 7.22 Definitions.

The following definitions apply in this subpart:

Brattice cloth. A curtain of jute, plastic, or similar material used to control or direct ventilating air.

Denier. A unit of yarn size indicating the fineness of fiber of material based on the number of grams in a length of 9,000 meters.

Film. A sheet of flexible material applied to a scrim by pressure, temperature, adhesion, or other method.

Scrim. A substrate material of plastic or fabric laminated between or coated with a film.

Ventilation tubing. Rigid or flexible tubing used to convey ventilating air.

§ 7.23 Application requirements.

(a) *Brattice cloth.* A single application may address two or more products if the products differ only in: weight of the finished product; weight or weave of the same fabric or scrim; or thickness or layers of the same film. Applications shall include the following information:

(1) Trade name.

(2) Product designations (for example, style and code number).

(3) Color.