

Certification Center, 765 Technology Drive, Triadelphia, WV 26059.

(b) After the device has been inspected by MSHA, the applicant will be notified as to the amount of material that he will be required to supply for the tests and of the date on which testing will be started.

(c) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by MSHA which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and MSHA. Upon granting approval for permissibility, MSHA will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled by MSHA. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall be deemed confidential and their disclosure will be appropriately safeguarded by MSHA.

(d) Formal tests will not be made unless the device has been completely developed and is in a form that can be marketed.

(e) The results of the tests shall be regarded as confidential by all present at the tests and shall not be made public in any way prior to the formal approval of the device by MSHA.

(f) No verbal report of approval or disapproval will be made to the applicant. After MSHA has considered the results of the inspections and tests, a formal written report of the approval or disapproval will be made to the applicant by MSHA. The applicant shall not advertise his device as being permissible or approved, or as having passed the tests, prior to receipt of the formal notice of approval.

[Sched. 9B, 4 FR 1555, Apr. 11, 1939, as amended by Supp. 1, 20 FR 2975, May 4, 1955; 43 FR 12315, Mar. 24, 1978; 73 FR 52212, Sept. 9, 2008]

**§ 23.6 General requirements for approval.**

Telephones and signaling devices shall be durable in construction, practical in operation, and suitable for conditions of underground service. They shall offer no probable explosion hazard under normal operation if use in gassy or dusty mine atmospheres.

**§ 23.7 Specific requirements for approval.**

(a) The circuits external to telephones and signal devices shall be intrinsically safe; that is, the electrical design and construction of telephones and signal devices shall be such that neither contact between wires comprising the external circuits nor contact of tools or other metal objects with external terminals and circuits will result in electrical sparks capable of igniting explosive methane-air mixtures (or such mixtures with coal dust in suspension) during normal operation of the telephones or signal devices.

(b) All parts which, during normal operation, are capable of producing sparks that might ignite explosive methane-air mixtures shall be enclosed in explosion-proof compartments. All openings in the casings of such compartments shall be adequately protected. It is desirable that openings be as few as possible. All joints in the casings of an explosion-proof compartment shall be metal-to-metal so designed as to have a width of contact, measured along the shortest path from the inside to the outside of the compartment, of not less than 1 inch if the unoccupied volume (air space) in the compartment is more than 60 cubic inches. For unoccupied volume of 60 cubic inches or less, a 3/8-inch width of contact will be acceptable.

(c) All bolts and screw holes shall be "blind" or bottomed if the omission of a bolt or screw would otherwise leave an opening into the compartment. An adequate lock or seal shall be provided to prevent tampering and exposure of spark-producing parts by unauthorized persons.

(d) Battery cells shall be placed in an explosion-proof compartment or else in one that is locked or sealed, and the terminals and the connections thereto shall be so arranged and protected as

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to preclude meddling, tampering, or making other electrical connections with them.

(e) Manufacturers shall furnish adequate instructions for the installation and connection of telephones and signal devices in order that the safety of these devices and other circuits shall not be diminished by improper installation. MSHA reserves the right to require the attachment of wiring diagrams to the cases of telephones and signal devices.

(f) If electric light bulbs are used in signaling devices, they shall be either equipped with effective safety devices, such as are required for permissible electric mine lamps,<sup>1</sup> or enclosed in explosion-proof compartments.

(g) Line powered telephones and signaling devices or systems shall be equipped with standby power sources that have the capacity to enable the devices or systems to continue functioning in the event the line power fails or is cut off. Manufacturers shall furnish instructions for the proper maintenance of standby power sources.

NOTE: Paragraph (g) of this section is issued under the authority of Sec. 101 of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164 as amended by Pub. L. 95-164, 91 Stat. 1291 (30 U.S.C. 811). All other paragraphs in this section continue under the original authority.

[Sched. 9B, 4 FR 1555, Apr. 11, 1939, as amended at 47 FR 11370, Mar. 16, 1982]

### § 23.8 Inspection and tests.

(a) A thorough inspection of the telephone or signaling device will be made to determine its adequacy and permissibility. Tests may be made to check the electrical characteristics and constants of the various parts, and determine the adequacy of the insulation and other parts of features of the device.

(b) In addition, compartments of explosion-proof design will be tested while filled and surrounded with explosive mixtures containing varying percentages of Pittsburgh natural gas<sup>2</sup>

<sup>1</sup>In this case, the requirements of the current schedule for mine lamps will apply.

<sup>2</sup>Investigation has shown that for test purposes Pittsburgh natural gas (containing a high percentage of methane) is a satisfactory substitute for pure methane.

and air, the mixture within the compartment being ignited by a spark plug or other suitable means. For some of the tests bituminous-coal dust will be introduced into the compartment in addition to the explosive mixtures, and the effects will be noted. A sufficient number of tests will be made under the foregoing conditions to determine the ability of the compartment to retain flame without bursting. Even though the surrounding mixtures are not ignited, the compartment will not be considered as having passed the tests, if flames are discharged from any joint or opening; if excessive pressures are developed or if serious distortion of the compartment walls take place.

### § 23.9 Special requirements for complete devices.

Telephones and signaling devices will be considered nonpermissible if used under any of the followings conditions:

(a) Without the approval plate, mentioned hereafter.

(b) With unprotected openings in any of the explosion-proof compartments. This condition refers to any openings in these compartments, but especially to those equipped with removable covers.

(c) If not complete with all of the parts considered in the approval.

(d) If installed or connected otherwise than in accordance with the instructions furnished by the manufacturer.

(e) If modified in any manner not authorized by MSHA.

### § 23.10 Material required for MSHA records.

In order that MSHA may know exactly what it has tested and approved, it keeps detailed records covering each investigation. These records include drawings and actual equipment as follows:

(a) *Drawings.* The original drawings submitted with the application for the tests and the final drawings which the manufacturer must submit to MSHA before the approval is granted, to show the details of the device as approved. These drawings are used to identify the device in the approval and as a means of checking the future commercial product of the manufacturer.