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§ 33.3 Consultation.

By appointment, applicants or their representatives may visit the U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, 765 Technology Drive, Triadelphia, WV 26059, to discuss with MSHA personnel proposed designs of equipment to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written report thereof will be made to the applicant.

[70 FR 46343, Aug. 9, 2005, as amended at 73 FR 52213, Sept. 9, 2008]

§ 33.4 Types of dust collectors for which certificates of approval may be granted.

(a) Certificates of approval will be granted only for completely assembled dust-collector or combination units; parts or subassemblies will not be approved.

(b) The following types of equipment may be approved: Dust-collector or combination units having components designed specifically to prevent dissemination of airborne dust generated by drilling into coal-mine rock strata in concentrations in excess of those hereinafter stated in § 33.33 as allowable, and to confine or control the collected dust in such manner that it may be removed or disposed of without dissemination into the mine atmosphere in quantities that would create unhygienic conditions.

§ 33.5 [Reserved]

§ 33.6 Application procedures and requirements.

(a)(1) No investigation or testing for certification will be undertaken by MSHA except pursuant to a written application (except as provided in paragraph (e) of this section), accompanied by all prescribed drawings, specifications, and related materials. The application and all related matters and correspondence shall be addressed to: U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, 765 Technology Drive, Triadelphia, WV 26059. Fees calculated in accordance with part 5 of this title shall be submitted in accordance with § 5.40.

(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

(iv) All documentation, including drawings and specifications, as submitted to the independent laboratory by the applicant and as required by this part.

(3) 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.

(b) The application shall specify the operating conditions (see § 33.22) for which certification is requested.

(c) Shipment of the equipment to be tested shall be deferred until MSHA has notified the applicant that the application will be accepted. Shipping instructions will be issued by MSHA and shipping charges shall be prepaid by the applicant. Upon completion of the investigation and notification thereof to the applicant by MSHA, the applicant shall remove his equipment promptly from the test site (see § 33.30).

(d) Drawings and specifications shall be adequate in number and detail to identify fully the design of the unit or system and to disclose its materials and detailed dimensions of all component parts. Drawings must be numbered and dated to insure accurate identification and reference to records, and must show the latest revision. Specifications and drawings, including a complete assembly drawing with each part that affects dust collection identified thereon, shall include: