

change or changes proposed. With this letter the manufacturer should submit a revised drawing or drawings showing the changes in detail, and one of each of the changed lamp parts.

(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 of changes to an approved product 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.

(b) MSHA will consider the application and inspect the drawings and parts to determine whether it will be necessary to make any tests.

(c) If no tests are necessary, the applicant will be advised of the acceptance or rejection of the proposed change by letter from MSHA.

(d) If tests are judged necessary, the applicant will be advised of the material that will be required.

[Sched. 10C, May 17, 1938, as amended by Supp. 1, 20 FR 2719, Apr. 23, 1955; 43 FR 12314, Mar. 24, 1978; 52 FR 17514, May 8, 1987; 60 FR 35693, July, 11, 1995; 68 FR 36420, June 17, 2003; 73 FR 52212, Sept. 9, 2008]

## PART 22—PORTABLE METHANE DETECTORS

Sec.

22.0 Compliance with the requirements necessary for obtaining approval.

22.1 Purpose.

22.2 Definitions.

22.3 [Reserved]

22.4 Application procedures and requirements.

22.5 Conditions governing investigations.

22.6 General requirements.

22.7 Specific requirements.

22.8 Material required for MSHA records.

22.9 How approvals are granted.

22.10 Approval plate.

22.11 Instructions on handling future changes in design.

AUTHORITY: 30 U.S.C. 957, 961.

SOURCE: Schedule 8C, Oct. 31, 1935, unless otherwise noted.

### § 22.0 Compliance with the requirements necessary for obtaining approval.

To receive approval of MSHA for any portable methane detectors a manufacturer must comply with the requirements specified in this part.

#### § 22.1 Purpose.

(a) The purpose of investigations under this part is to provide portable methane detectors that may be safely used in mines. Lists of such detectors will be published from time to time in order that State mine-inspection departments, compensation bureaus, mine operators, miners, and others interested in safe equipment for mines may have information in regard to permissible methane detectors. This part supersedes Schedule 8B, issued under date of November 17, 1926, and goes into effect October 31, 1935.

(b) Any methane detector that meets the requirements set forth in this part will be termed permissible by MSHA and if actively marketed will be listed as such in publications relating to permissible mining equipment.

#### § 22.2 Definitions.

(a) *Methane detector*. A methane detector is a device that may be used to detect the presence of methane in a gassy mine.

(b) *Methane-indicating detector*. A methane-indicating detector is a device that will show, within certain limits of error, on an adequate scale, the percentage of methane in a gassy atmosphere.

(c) *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. 8C, Oct. 31, 1935, as amended by Supp. 1, 20 FR 2575, Apr. 19, 1955]