

**§ 35.23 Performance required for certification.**

To qualify as fire-resistant under the regulations of this part, a hydraulic fluid shall meet each performance requirement and stated in §§ 35.20(d), 35.21(d), and 35.22(d).

**PART 36—APPROVAL REQUIREMENTS FOR PERMISSIBLE MOBILE DIESEL-POWERED TRANSPORTATION EQUIPMENT**

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

SOURCE: Schedule 31, 26 FR 645, Jan. 24, 1961, unless otherwise noted.

**Subpart A—General Provisions**

**§ 36.1 Purpose.**

The regulations in this part set forth the requirements for mobile diesel-powered transportation equipment to procure their approval and certification as permissible; procedures for applying for such certification; and fees.

[61 FR 55525, Oct. 25, 1996]

**§ 36.2 Definitions.**

The following definitions apply in this part.

*Applicant* An individual, partnership, company, corporation, association, or other organization, that designs, manufactures, assembles, or controls the assembly and that seeks a certificate of approval or preliminary testing of mobile diesel-powered transportation equipment as permissible.

*Certificate of approval.* A formal document issued by MSHA stating that the complete assembly has met the requirements of this part for mobile diesel-powered transportation equipment and authorizing the use and attachment of an official approval plate so indicating.

*Component.* A piece, part, or fixture of mobile diesel-powered transportation equipment that is essential to its operation as a permissible assembly.

*Diesel engine.* A compression-ignition, internal-combustion engine that utilizes diesel fuel.

*Explosion proof.* A component or sub-assembly that is so constructed and protected by an enclosure and/or flame arrester (s) that if a flammable mixture of gas is ignited within the enclosure it will withstand the resultant pressure without damage to the enclosure and/or flame arrester(s). Also the enclosure and/or flame arrester(s) shall

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prevent the discharge of flame or ignition of any flammable mixture that surrounds the enclosure.

*Flame arrester.* A device so constructed that flame or sparks from the diesel engine cannot propagate an explosion of a flammable mixture through it.

*Flammable mixture.* A mixture of gas, such as methane, natural gas, or similar hydrocarbon gas with normal air, that will propagate flame or explode violently when initiated by an incandive source.

*Fuel-air ratio.* The composition of the mixture of fuel and air in the combustion chamber of the diesel engine expressed as weight-pound of fuel per pound of air.

*MSHA.* The United States Department of Labor, Mine Safety and Health Administration.

*Mobile diesel-powered transportation equipment.* Equipment that is:

(1) Used for transporting the product being mined or excavated, or for transporting materials and supplies used in mining or excavating operations;

(2) Mounted on wheels or crawler treads (tracks); and

(3) Powered by a diesel engine as the prime mover.

*Normal operation.* When each component and the entire assembly of the mobile diesel-powered transportation equipment performs the functions for which they were designed.

*Permissible.* As applied to mobile diesel-powered transportation equipment, this means that the complete assembly conforms to the requirements of this part, and that a certificate of approval to that effect has been issued.

*Subassembly.* A group or combination of components.

[61 FR 55525, Oct. 25, 1996]

### § 36.3 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 qualified MSHA personnel proposed mobile diesel-powered transportation equipment to be submitted in accordance with the regulations of this part. No charge is made for such con-

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sultation and no written report thereof will be submitted to the applicant.

[Sched. 31, 26 FR 645, Jan. 24, 1961, as amended at 43 FR 12318, Mar. 24, 1978; 60 FR 35695, July 11, 1995; 73 FR 52213, Sept. 9, 2008]

### § 36.4 Mobile diesel-powered transportation equipment for which certificates of approval may be granted.

Certificates of approval will be granted for completely assembled mobile diesel-powered transportation equipment only. Subassemblies or components may be granted letters of certification in accordance with § 36.5.

### § 36.5 Letters of certification.

When a component or subassembly meets all of the applicable requirements of Subparts B and C of this part, and also its normal operation will not be affected by connection to adjacent components or subassemblies, MSHA will issue to the applicant, upon his request, a letter of certification informing him that additional inspection or tests of the component or subassembly will not be required when it is incorporated without modification in a piece of completely assembled mobile diesel-powered transportation equipment. The applicant may cite this letter of certification to another applicant who seeks approval and certification of his completely assembled mobile diesel-powered transportation equipment and who desires to incorporate the component or subassembly in such equipment.

### § 36.6 Application procedures and requirements.

(a)(1) No investigation or testing will be undertaken by MSHA except pursuant to a written application accompanied by all descriptions, specifications, test samples, 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