

shall forward the completed application form and other data to Approval and Certification Center which shall record all pertinent data with respect to such machine and notify the applicant that the application for approval has been rejected and the reasons for the rejection.

[33 FR 4660, Mar. 19, 1968, as amended at 42 FR 8373, Feb. 10, 1977; 43 FR 12314, Mar. 24, 1978]

## PART 19—ELECTRIC CAP LAMPS

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

Secs. 19.1(b) and 19.7(a) also issued under 30 U.S.C. 811.

SOURCE: Schedule 6D, 4 FR 4003, Sept. 21, 1939, unless otherwise noted.

### § 19.1 Purpose.

(a) The purpose of investigations made under this part is to promote the development of electric cap lamps that may be used in mines, especially in mines that may contain dangerous concentrations of methane. Lists of such lamps 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 available permissible electric cap lamps. This part supersedes Schedule 6C issued under date of December 21, 1935, and goes into effect August 26, 1939.

(b) Any electric cap lamp 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 per-

missible electric cap lamps. MSHA will test only electrical equipment that in the opinion of its qualified representatives is constructed of suitable materials, is of good quality workmanship, is based on sound engineering principles, and is safe for its intended use. MSHA reserves the right to modify design, construction, and test requirements to obtain the same degree of protection as provided by the tests described in this part.

(c) *Definition of permissible.* Completely assembled and conforming in every respect with the design formally approved by the MSHA under this part. (Approvals under this part are given only to equipment for use in gassy and dusty mines.)

NOTE: Paragraph (b) of this section is issued under the authority of Sec. 101 of the Federal Mine Safety and Health Act of 1977, Pub. L. 91-173 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.

(Sec. 101, Federal Mine Safety and Health Act of 1977, 91 Stat. 1291 (30 U.S.C. 811))

[Sched. 6D, 4 FR 4003, Sept. 21, 1939, as amended by Supp. 1, 20 FR 2718, Apr. 23, 1955; 47 FR 11369, Mar. 16, 1982]

### § 19.2 [Reserved]

### § 19.3 Application procedures and requirements.

(a) Before MSHA will undertake the active investigation leading to approval of any lamp, the applicant shall make application by letter for an investigation leading to approval of the lamp. This application shall be sent to: U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, RR #1, Box 251, Industrial Park Road, Triadelphia, West Virginia 26059, together with the required drawings, one complete lamp, and instructions for its operation. Fees calculated in accordance with part 5 of this title shall be submitted in accordance with § 5.40.

(b) 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: