

investigation. These 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 approval is granted, to show the details of the lamp as approved, are retained. These drawings are used to identify the lamp and its parts in the approval and as a means of checking the future commercial product of the manufacturer.

(b) *Equipment.* (1) If MSHA so desires, parts of the lamps which are used in the tests will be retained as a permanent record of the investigation and of the lamps submitted.

(2) If the lamp is approved, MSHA will require the manufacturer, as soon as his first manufactured lamps are available, to submit one complete lamp, with the approval plate attached, as a record of his commercial product.

§ 20.12 How approvals are granted.

(a) All approvals are granted by official letter from MSHA. A lamp will be approved under this part only when the testing engineers judge that the lamp has met the requirements of this part and after MSHA's records concerning the lamp are complete, including manufacturer's drawings that show the lamp as it is to be made commercially. No verbal reports of MSHA's decision concerning the investigation will be given, and no informal approvals will be granted.

(b) As soon as the manufacturer has received the formal approval he shall be free to advertise his lamp as permissible.

[Sched. 10C, May 17, 1938, as amended by Supp. 1, 20 FR 2719, Apr. 23, 1955]

§ 20.13 Approval plate.

The manufacturer shall attach, stamp, or mold an approval plate on the battery container or housing of each permissible lamp. The plate shall bear the emblem of the Mine Safety and Health Administration, and be inscribed as follows: "Permissible _____ Lamp. Approval No. _____ issued to the _____ Company." When deemed necessary, an appropriate caution statement shall be added. The size,

material, and position of the approval plate shall be satisfactory to MSHA.

(a) *Purpose of approval plate.* The approval plate is a label which identifies the lamp so that anyone can tell at a glance whether the lamp is of the permissible type or not. By it the manufacturer can point out that his lamp complies with specifications of MSHA and that it has been adjudged safe for use in gassy and dusty mines.

(b) *Use of approval plate.* Permission to place MSHA's approval plate on his lamp obligates the manufacturer to maintain the quality of his product and to see that each lamp is constructed according to the drawings which have been accepted by MSHA for this lamp and which are in the MSHA files. Lamps exhibiting changes in design which have not been approved are not permissible lamps and must not bear MSHA's approval plate.

(c) *Withdrawal of approval.* MSHA reserves the right to rescind for cause at any time any approval granted under this part.

[Sched. 10C, May 17, 1938, as amended at 5 FR 3467, Aug. 30, 1940; 43 FR 12314, Mar. 24, 1978]

§ 20.14 Instructions for handling future changes in lamp design.

All approvals are granted with the understanding that the manufacturer will make the lamp according to the drawings submitted to MSHA, which have been considered and included in the approval. Therefore, when the manufacturer desires to make any change in the design of the lamp, the manufacturer should first obtain an extension of the original approval to cover the change. The procedure is as follows:

(a)(1) The manufacturer shall write to the Approval and Certification Center, Rural Route #1, Box 251, Industrial Park Road, Triadelphia, WV 26059, requesting an extension of the original approval and describing the 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]

PART 22—PORTABLE METHANE DETECTORS

Sec.

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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, 1955, as amended by Supp. 1, 20 FR 2575, Apr. 19, 1955]