

Mine Safety and Health Admin., Labor

§ 74.7

persons shall be present only as observers.

[35 FR 4326, Mar. 11, 1970, as amended at 37 FR 26712, Dec. 15, 1972]

§ 74.6 Applications.

(a) Testing of a coal mine dust personal sampler unit will be undertaken by the National Institute for Occupational Safety and Health, and testing of the pump unit of such a sampler unit will be undertaken by MSHA, only pursuant to a written application in duplicate, each copy accompanied by complete scale drawings, specifications and description of materials. The applications, together with the drawings and specifications and any other related documents shall be sent to National Institute for Occupational Safety and Health, Department of Health and Human Services, Box 4256, 944 Chestnut Ridge Road, Morgantown, WV 26505, and MSHA Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059.

(b) Ten complete coal mine dust personal sampler units must be sent to the National Institute for Occupational Safety and Health in connection with an application. One pump unit must be sent to MSHA in connection with an application.

(c) Drawings and specifications shall be adequate in number and fully detailed to identify the design of the coal mine dust personal sampler unit or pump unit thereof and to disclose the dimensions and materials of all component parts.

(d) An application shall describe the way in which each lot of components will be sampled and tested to maintain their quality prior to assembly of each sampler unit. In order to ensure that the quality of the coal dust personal sampler unit will be maintained in production through adequate quality control procedures, the National Institute for Occupational Safety and Health and MSHA reserve the right to have their qualified personnel inspect each applicant's control-test equipment procedures, and records and to interview the employees who conduct the control tests. Two copies of the results of any tests made by the applicant on the coal mine dust personal sampler unit or the

pump unit thereof shall accompany an application.

[35 FR 4326, Mar. 11, 1970, as amended at 37 FR 26712, Dec. 15, 1972; 43 FR 12319, Mar. 24, 1978; 47 FR 28095, June 29, 1982; 52 FR 17516, May 8, 1987; 60 FR 35695, July 11, 1995]

§ 74.7 Certificate of approval.

(a) Upon completion of the testing of a coal mine dust personal sampler unit or the pump unit thereof, the National Institute for Occupational Safety and Health or MSHA, as appropriate, shall issue to the applicant either a certificate of approval or a written notice of disapproval, as the case may require. The National Institute for Occupational Safety and Health shall not issue a certificate of approval for a coal mine dust personal sampler unit unless MSHA has issued a certificate of approval for the pump unit thereof. No informal notification of approval will be issued. If a certificate of approval is issued, no test data or detailed results of tests will accompany such approval. If a notice of disapproval is issued, it will be accompanied by details of the defects, resulting in disapproval, with a view to possible correction.

(b) A certificate of approval will be accompanied by a list of the drawings and specifications, covering the details of design and construction of the coal mine dust personal sampler unit or the pump unit thereof upon which the certificate of approval is based. The applicant shall keep exact duplicates of the drawings and specifications submitted to the National Institute for Occupational Safety and Health and to MSHA relating to the sampler unit or pump unit thereof which has received a certificate of approval. The approved drawings and specifications shall be adhered to exactly in the production of the certified sampler unit, including the pump unit thereof, for commercial purposes. In addition, the applicant shall observe such procedures for, and keep such records of, the control of component parts as either MSHA or Institute may in writing require as a condition of certification.

[35 FR 4326, Mar. 11, 1970, as amended at 37 FR 26712, Dec. 15, 1972]