

§ 18.9 Conduct of investigations and tests.

(a) Prior to the issuance of an approval, certification, or acceptance of a hose or conveyor belt, only MSHA personnel, representative(s) of the applicant, and such other person(s) as may be mutually agreed upon may observe any part of the investigation or tests. The MSHA will hold as confidential and will not disclose principles or patentable features; nor will it disclose to persons other than the applicant the results of tests, chemical analysis of materials or any details of the applicant's drawings, specifications, instructions, and related material.

(b) Unless notified to the contrary by MSHA, the applicant shall provide assistance in disassembling parts for inspection, preparing parts for testing, and preparing equipment for return shipment. Explosion-proof enclosures shall be drilled and tapped for pipe connections in accordance with instructions supplied by MSHA.

(c) MSHA reserves the right to inspect a complete machine, component part, or accessory at a place other than the Bureau's premises, such as the assembly plant or other location acceptable to MSHA, at the applicant's expense.

(d) Applicants shall be responsible for their representatives present during tests and for observers admitted at their request and shall save the Government harmless in the event of damage to applicant's property or injury to applicant's representatives or to observers admitted at their request.

[33 FR 4660, Mar. 19, 1968; 33 FR 6345, Apr. 26, 1968, as amended at 57 FR 61223, Dec. 23, 1992]

§ 18.10 Notice of approval or disapproval.

(a) Upon completing investigation of a complete assembly of an electrical machine or accessory, MSHA will issue to the applicant either a written notice of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a notice of disapproval is issued, it will be accompanied by details of the defects, with recommendations for possible correction. MSHA will not disclose, except to the appli-

cant, any information upon which a notice of disapproval has been issued.

(b) A formal notice of approval will be accompanied by a list of drawings, specifications, and related material, covering the details of design and construction of the equipment upon which the approval is based. Applicants shall keep exact duplicates of the drawings, specifications, and descriptions that relate to equipment for which an approval has been issued, and the drawings and specifications shall be adhered to exactly in production of the approved equipment.

(c) An applicant shall not advertise or otherwise represent his equipment as approved (permissible) until he has received MSHA's formal notice of approval.

§ 18.11 Approval plate.

(a)(1) The notice of approval will be accompanied by a photograph of an approval plate, bearing the emblem of Mine Safety and Health Administration, the name of the complete assembly, the name of the applicant, and spaces for the approval number, serial number, and the type or model of machine.

(2) An extension of approval will not affect the original approval number except that the extension number shall be added to the original approval number on the approval plate. (Example: Original approval No. 2G-3000; seventh extension No. 2G-3000-7.)

(b) The applicant shall reproduce the design on a separate plate, which shall be attached in a suitable place, on each complete assembly to which it relates. The size, type, location, and method of attaching an approval plate are subject to MSHA's concurrence. The method for affixing the approval plate shall not impair any explosion-proof feature of the equipment.

(c) The approval plate identifies as permissible the machine or accessory to which it is attached, and use of the approval plate obligates the applicant to whom the approval was issued to maintain in his plant the quality of each complete assembly and guarantees that the equipment is manufactured and assembled according to the

Mine Safety and Health Admin., Labor

§ 18.15

drawings, specifications, and descriptions upon which the approval and subsequent extension(s) of approval were based.

(d) A completely assembled approved machine with an integral dust collector shall bear an approval plate indicating that the requirements of part 33 of this chapter (Bureau of Mines Schedule 25B), have been complied with. Approval numbers will be assigned under each part of such joint approvals.

[33 FR 4660, Mar. 19, 1968, as amended at 43 FR 12314, Mar. 24, 1978]

§ 18.12 Letter of certification.

(a) A letter of certification may be issued by MSHA for a component intended for incorporation in a complete machine or accessory for which an approval may be subsequently issued. A letter of certification will be issued to an applicant when a component has met all the applicable requirements of this part. Included in the letter of certification will be an assigned MSHA certification number that will identify the certified component.

(b) A letter of certification will be accompanied by a list of drawings, specifications, and related material covering the details of design and construction of a component upon which the letter of certification is based. Applicants shall keep exact duplicates of the drawings, specifications, and descriptions that relate to the component for which a letter of certification has been issued; and the drawings and specifications shall be adhered to exactly in production of the certified component.

(c) A component shall not be represented as certified until the applicant has received MSHA's letter of certification for the component. Certified components are not to be represented as "approved" or "permissible" because such terms apply only to completely assembled machines or accessories.

§ 18.13 Certification plate.

Each certified component shall be identified by a certification plate attached to the component in a manner acceptable to MSHA. The method of attachment shall not impair any explo-

sion-proof characteristics of the component. The plate shall be of serviceable material, acceptable, to MSHA, and shall contain the following:

Certified as complying with the applicable requirements of 30 CFR part _____.
Certification No. _____.

The blank spaces shall be filled with appropriate designations. Inclusion of the information on a company name plate will be permitted provided the plate is made of material acceptable to MSHA.

§ 18.14 Identification of tested noncertified explosion-proof enclosures.

An enclosure that meets all applicable requirements of this part, but has not been certified by MSHA, shall be identified by a permanent marking on it in a conspicuous location. The design of such marking shall consist of capital letters USMSHA not less than ¼ inch in height, enclosed in a circle not less than 1 inch in diameter.

[33 FR 4660, Mar. 19, 1968, as amended at 43 FR 12314, Mar. 24, 1978] st

§ 18.15 Changes after approval or certification.

If an applicant desires to change any feature of approved equipment or a certified component, he shall first obtain MSHA's concurrence pursuant to the following procedure:

(a)(1) Application shall be made as for an original approval or letter of certification requesting that the existing approval or certification be extended to cover the proposed changes and shall be accompanied by drawings, specifications, and related information, showing the changes in detail.

(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 or certified 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