

WV 26059, to discuss with MSHA personnel proposed designs of equipment to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written report thereof will be made to the applicant.

[70 FR 46343, Aug. 9, 2005]

§ 33.4 Types of dust collectors for which certificates of approval may be granted.

(a) Certificates of approval will be granted only for completely assembled dust-collector or combination units; parts or subassemblies will not be approved.

(b) The following types of equipment may be approved: Dust-collector or combination units having components designed specifically to prevent dissemination of airborne dust generated by drilling into coal-mine rock strata in concentrations in excess of those hereinafter stated in § 33.33 as allowable, and to confine or control the collected dust in such manner that it may be removed or disposed of without dissemination into the mine atmosphere in quantities that would create unhygienic conditions.

§ 33.5 [Reserved]

§ 33.6 Application procedures and requirements.

(a)(1) No investigation or testing for certification will be undertaken by MSHA except pursuant to a written application (except as provided in paragraph (e) of this section), accompanied by all prescribed drawings, specifications, 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, RR #1, Box 251, Industrial Park Road, Triadelphia, West Virginia 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 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:

(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.

(3) An applicant may request testing and evaluation to non-MSHA product safety standards which have been determined by MSHA to be equivalent, under § 6.20 of this chapter, to MSHA's product approval requirements under this part.

(b) The application shall specify the operating conditions (see § 33.22) for which certification is requested.

(c) Shipment of the equipment to be tested shall be deferred until MSHA has notified the applicant that the application will be accepted. Shipping instructions will be issued by MSHA and shipping charges shall be prepaid by the applicant. Upon completion of the investigation and notification thereof to the applicant by MSHA, the applicant shall remove his equipment promptly from the test site (see § 33.30).

(d) Drawings and specifications shall be adequate in number and detail to identify fully the design of the unit or system and to disclose its materials and detailed dimensions of all component parts. Drawings must be numbered and dated to insure accurate identification and reference to records, and must show the latest revision. Specifications and drawings, including a complete assembly drawing with each part that affects dust collection identified thereon, shall include:

(1) Details of all dust-collector parts. A manufacturer who supplies the applicant with component parts or sub-assemblies may submit drawings and specifications of such parts or sub-assemblies direct to MSHA instead of to the applicant. If the unit or system

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is certified, MSHA will supply the applicant with a list, in duplicate, of drawing numbers pertaining to such parts or subassemblies for identification purposes only.

(2) Details of the electrical parts of units designed to operate as face equipment (see § 33.38) in accordance with the provisions of Part 18 of Subchapter D of this chapter. (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F).

(3) Storage capacity of the various stages of dust collection in the dust separator.

(4) Net filter area in the dust separator, and complete specifications of the filtering material.

(e) If an application is made for certification of a dust-collector unit or a combination unit that includes electrical parts, and is designed to operate as electric face equipment, as defined in § 33.38, the application shall be in triplicate.

(f) The application shall state that the unit or system is completely developed and of the design and materials which the applicant believes to be suitable for a finished marketable product.

(g) The applicant shall furnish a complete unit or system for inspection and testing. Spare parts, such as gaskets and other expendable components subject to wear in normal operation, shall be supplied by the applicant to permit continuous operation during test periods. If special tools are necessary to disassemble any part for inspection or test, they shall be furnished by the applicant.

(h) Each unit or system shall be carefully inspected before it is shipped from the place of manufacture or assembly and the results of the inspection shall be recorded on a factory-inspection form. The applicant shall furnish MSHA with a copy of the factory-inspection form with his application. The form shall direct attention to the points that must be checked to make certain that all parts are in proper condition, complete in all respects, and in agreement with the drawings and specifications filed with MSHA.

(i) With the application the applicant shall furnish MSHA with complete instructions for operating and servicing the unit or system and information as

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to the kind of power required. After MSHA's investigation, if any revision of the instructions is required a revised copy thereof shall be submitted to MSHA for inclusion with the drawings and specifications.

[Sched. 25B, 25 FR 6473, July 9, 1960, as amended at 43 FR 12317, Mar. 24, 1978; 47 FR 14696, Apr. 6, 1982; 47 FR 28095, June 29, 1982; 60 FR 33723, June 29, 1995; 68 FR 36422, June 17, 2003; 70 FR 46343, Aug. 9, 2005]

§ 33.7 Date for conducting tests.

The date of acceptance of an application will determine the order of precedence for testing when more than one application is pending, and the applicant will be notified of the date on which tests will begin. If a unit or system fails to meet any of the requirements, it shall lose its order of precedence. If an application is submitted to resume testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for testing will be so determined.

§ 33.8 Conduct of investigations, tests, and demonstrations.

(a) Prior to the issuance of a certificate of approval or performance, necessary government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. MSHA shall hold as confidential and shall not disclose principles or patentable features, nor shall it disclose any details of drawings, specifications, and related materials. After the issuance of a certificate, MSHA may conduct such public demonstrations and tests of the unit or system as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the direction and control of MSHA, and any other persons shall be present only as observers, except as noted in paragraph (b) of this section.

(b) When requested by MSHA, the applicant shall provide assistance in disassembling parts for inspection, preparing parts for testing, and operating combination units.

[Sched. 25B, 25 FR 6473, July 9, 1960, as amended at 39 FR 24005, June 28, 1974]