

§ 19.11 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 the part and MSHA's records concerning the lamp are complete, including drawings from the manufacturer that show the lamp as it is to be commercially made. No verbal reports of MSHA's decisions, 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 lamps as permissible.

[Sched. 6D, 4 FR 4003, Sept. 21, 1939, as amended by Supp. 1, 20 FR 2718, Apr. 23, 1955]

§ 19.12 Wording, purpose, and use of approval plate.

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

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

(c) *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 MSHA's files. Lamps exhibiting changes in design which have not been approved are not permissible lamps and must not bear MSHA's approval plate.

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

[Sched. 6D, 4 FR 4003, Sept. 21, 1939, as amended at 43 FR 12314, Mar. 24, 1978]

§ 19.13 Instructions for handling future changes in lamp design.

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

(a)(1) The manufacturer shall write to the U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, 765 Technology Drive, Triadelphia, WV 26059, requesting an extension of the original approval and stating the change or changes desired. 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 approval or disapproval of the change by letter from MSHA.

(d) If tests are judged necessary, the applicant will be advised of the material that will be required.

[Sched. 6D, 4 FR 4003, Sept. 21, 1939, as amended by Supp. 1, 20 FR 2718, Apr. 23, 1955; 43 FR 12314, Mar. 24, 1978; 52 FR 17514, May 8, 1987; 60 FR 35693, July, 11, 1995; 68 FR 36419, June 17, 2003; 73 FR 52211, Sept. 9, 2008]

PART 20—ELECTRIC MINE LAMPS OTHER THAN STANDARD CAP LAMPS

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

SOURCE: Schedule 10C, May 17, 1938, as amended at 5 FR 3467, Aug. 30, 1940, unless otherwise noted.

§ 20.0 Compliance with the requirements necessary for obtaining approval.

To receive approval of MSHA for any electric mine lamps other than standard cap lamps a manufacturer must comply with the requirements specified in this part.

§ 20.1 Purpose.

(a) The purpose of the investigations made under this part is to aid in the development and use of electric lamps, other than standard cap lamps, that may be used in mines, especially in mines that may contain dangerous proportions of methane.

(b) This part supersedes Schedule 10B, issued under date of June 1, 1932, and Schedule 11A, issued under date of January 13, 1936, and goes into effect May 17, 1938.

(c)(1) Electric lamps and flashlights that meet 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 equipment, in order that State mine inspection departments, compensation bureaus, mine operators, miners, and others interested in safety equipment for mines may have information in regard to electric lamps and flashlights approved by MSHA.

(2) MSHA May approve electric lamps and flashlights that incorporate technology for which the requirements of this part are not applicable if MSHA determines by testing that the electric lamps or flashlights are as safe as those which meet the requirements of this part.

[Sched. 10C, May 17, 1938, as amended at 5 FR 3467, Aug. 30, 1940; 54 FR 30513, July 20, 1989]

§ 20.2 Definitions.

(a) *Adequate*. Appropriate and sufficient as determined by mutual agreement between the manufacturer and MSHA.

(b) *Approval*. Official notification in writing from MSHA to a responsible organization, stating that upon investigation its lamp has been adjudged satisfactory under the requirements of this part.

(c) *Explosion-proof compartment*. An enclosure that withstands internal explosions of methane-air mixtures without damage to itself or discharge of flame and without ignition of surrounding explosive methane-air mixtures.

(d) *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. 10C, May 17, 1938, as amended by Supp. 1, 20 FR 2718, Apr. 23, 1955]