

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 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; 73 FR 52213, Sept. 9, 2008]

§ 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]

§ 33.9 Certification of dust-collecting systems.

Manufacturers of dust-collecting systems that are designed for integral use

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on machines with drilling equipment may apply to MSHA to issue a certificate of performance for such systems. To qualify for a certificate of performance, the dust-collecting system shall have met satisfactorily the test requirements of Subpart C under specified operating conditions, such as type of drilling equipment, drilling speed, and power requirements and the construction thereof shall be adequately covered by specifications and drawings officially recorded and filed with MSHA. Individual parts of dust-collecting systems will not be certified for performance. Certificates of performance may be cited to fabricators of combination units as evidence that further inspection and testing of the dust-collecting system will not be required, provided the dust-collecting requirements of the drilling equipment do not exceed the limits of performance for which the system was certified. Since MSHA does not sanction the use of the words "permissible" or "approved" except as applying to completely assembled equipment, dust-collecting systems, which have been certified only as to performance, shall not be advertised or labeled in a manner inferring that such systems themselves are permissible or approved by MSHA. However, a certified system may be advertised as suitable for use on combination units for which certification may be desired if the limits of its performance are cited. Certified dust-collecting systems shall bear labels or tags which shall contain the following: "Performance-tested Dust Collecting, System, MSHA File No. P/T _____," and name of manufacturer, identifying numbers of the dust-collector parts, and description of the limitations for which performance is certified. MSHA will assign a P/T file number in the certification letter.

§ 33.10 Certificates of approval or performance.

(a) Upon completion of an investigation, MSHA will issue to the applicant either a certificate or a written notice of disapproval, as they case may require. No informal notification of approval will be issued. If a certificate is issued, no test data or detailed results of tests will accompany it. If a notice

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of disapproval is issued, it will be accompanied by details of the defects, with a view to possible correction. MSHA will not disclose, except to the applicant, any information on a unit or system upon which a notice of disapproval has been issued.

(b) A certificate will be accompanied by a list of the drawings and specifications covering the details of design and construction of the unit or system, including the electrical parts, if applicable, upon which the certificate is based. Applicants shall keep exact duplicates of the drawings and specifications submitted and the list of drawing numbers referred to in § 33.6(d)(1) that relate to the certified unit or system, and these are to be adhered to exactly in production.

§ 33.11 Approval plates.

(a) A certificate of approval will be accompanied by a photograph of a design for an approval plate, bearing the emblem of the Mine Safety and Health Administration, the name of the applicant, the name of the unit, the approval number or space for the approval number (or numbers if permissibility of electrical parts is involved), spaces for the type and the serial numbers of the unit, conditions of approval, and identifying numbers of the dust-collector parts. When deemed necessary by MSHA, an appropriate statement shall be added, giving the precautions to be observed in maintaining the unit in an approved condition.

(b) An approval plate for a unit designed for use in a nongassy coal mine shall state that any electrical parts are not certified for use in a gassy coal mine. (See § 33.38(c).)

(c) The applicant shall reproduce the design either as a separate plate or by stamping or molding it in some suitable place on each unit to which it relates. The size, type, and method of attaching and location of an approval plate are subject to the approval of MSHA. The method of affixing the plate shall not impair the dust-collection or explosion-proof features of the unit.

(d) The approval plate identifies the unit, to which it is attached, as permissible, and is the applicant's guarantee