

Mine Safety and Health Admin., Labor

§ 22.5

§ 22.0 Compliance with the requirements necessary for obtaining approval.

To receive approval of MSHA for any portable methane detectors a manufacturer must comply with the requirements specified in this part.

§ 22.1 Purpose.

(a) The purpose of investigations under this part is to provide portable methane detectors that may be safely used in mines. Lists of such detectors will be published from time to time in order that State mine-inspection departments, compensation bureaus, mine operators, miners, and others interested in safe equipment for mines may have information in regard to permissible methane detectors. This part supersedes Schedule 8B, issued under date of November 17, 1926, and goes into effect October 31, 1935.

(b) Any methane detector that meets 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 mining equipment.

§ 22.2 Definitions.

(a) *Methane detector.* A methane detector is a device that may be used to detect the presence of methane in a gassy mine.

(b) *Methane-indicating detector.* A methane-indicating detector is a device that will show, within certain limits of error, on an adequate scale, the percentage of methane in a gassy atmosphere.

(c) *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. 8C, Oct. 31, 1955, as amended by Supp. 1, 20 FR 2575, Apr. 19, 1955]

§ 22.3 [Reserved]

§ 22.4 Applications.

Before MSHA will undertake the active investigation leading to approval of any methane detector, the manufacturer shall make application by letter for an investigation leading to approval of his detector. This application,

in duplicate, accompanied by a check, bank draft, or money order, payable to the U.S. Mine Safety and Health Administration, to cover all the necessary fees, shall be sent to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059, together with the required drawings, one complete detector, and instructions for its operation.

[Supp. 1, 20 FR 2575, Apr. 19, 1955, as amended at 43 FR 12315, Mar. 24, 1978; 60 FR 35694, July 11, 1995]

§ 22.5 Conditions governing investigations.

(a) One complete detector, with assembly and detail drawings that show the construction of the device and the materials of which it is made, should be forwarded prepaid to Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059, at the time the application for tests is made.

(b) When this has been inspected by MSHA, the applicant will be notified as to the amount of material that will be required for the tests. The manufacturer will be notified of the date on which the tests will be started and will be given an opportunity to witness the tests.

(c) *Observers at formal investigations and demonstrations.* No one shall be present during any part of the formal investigation conducted by MSHA which leads to approval for permissibility except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and MSHA. Upon granting approval for permissibility, MSHA will announce that such approval has been granted to the device and may thereafter conduct, from time to time in its discretion, public demonstrations of the tests conducted on the approved device. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled by MSHA. Results of chemical analyses of material and all information contained in the drawings, specifications, and instructions shall