

shall be selected by MSHA and be representative of those distributed for use in mines. The approval-holder may obtain any final report resulting from such audit.

(b) No more than once a year except for cause, the approval-holder, at MSHA's request, shall make an approved product available at no cost to MSHA for an audit to be conducted at a mutually agreeable site and time. The approval-holder may observe any tests conducted during this audit.

(c) An approved product shall be subject to audit for cause at any time MSHA believes that it is not in compliance with the technical requirements upon which the approval was based.

§7.9 Revocation.

(a) MSHA may revoke for cause an approval issued under this part if the product:

- (1) Fails to meet the applicable technical requirements; or
- (2) Creates a hazard when used in a mine.

(b) Prior to revoking an approval, the approval-holder shall be informed in writing of MSHA's intention to revoke approval. The notice shall:

- (1) Explain the specific reasons for the proposed revocation; and
- (2) Provide the approval-holder an opportunity to demonstrate or achieve compliance with the product approval requirements.

(c) Upon request, the approval-holder shall be afforded an opportunity for a hearing.

(d) If a product poses an imminent hazard to the safety or health of miners, the approval may be immediately suspended without a written notice of the agency's intention to revoke. The suspension may continue until the revocation proceedings are completed.

Subpart B—Brattice Cloth and Ventilation Tubing

§7.21 Purpose and effective date.

This subpart establishes the specific requirements for approval of brattice cloth and ventilation tubing. It is effective August 22, 1988. Applications for approval or extension of approval submitted after August 22, 1989, shall meet the requirements of this part.

§7.22 Definitions.

The following definitions apply in this subpart:

Brattice cloth. A curtain of jute, plastic, or similar material used to control or direct ventilating air.

Denier. A unit of yarn size indicating the fineness of fiber of material based on the number of grams in a length of 9,000 meters.

Film. A sheet of flexible material applied to a scrim by pressure, temperature, adhesion, or other method.

Scrim. A substrate material of plastic or fabric laminated between or coated with a film.

Ventilation tubing. Rigid or flexible tubing used to convey ventilating air.

§7.23 Application requirements.

(a) *Brattice cloth.* A single application may address two or more products if the products differ only in: weight of the finished product; weight or weave of the same fabric or scrim; or thickness or layers of the same film. Applications shall include the following information:

- (1) Trade name.
- (2) Product designations (for example, style and code number).
- (3) Color.
- (4) Type of brattice (for example, plastic or jute).
- (5) Weight of finished product.
- (6) Film: type, weight, thickness, supplier, supplier's stock number or designation, and percent of finished product by weight.
- (7) Scrim: Type, denier, weight, weave, the supplier, supplier's stock number or designation, and percent of finished product by weight.
- (8) Adhesive: type, supplier, supplier's stock number or designation, and percent of finished product by weight.

(b) *Flexible ventilation tubing.* Applications shall include the product description information in paragraph (a) of this section and list the type of supporting structure, if applicable; inside diameters; and configurations.

(c) *Rigid ventilation tubing.* A single application may address two or more products if the products differ only in diameters, lengths, configuration, or average wall thickness. Applications