

## § 20.2

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]

### § 20.3 Applications.

Before MSHA will undertake the active investigation leading to approval of any lamp, the manufacturer shall make application by letter for an in-

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vestigation of his lamp. 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 lamp, and instructions for its operation.

[Supp. 1, 20 FR 2718, Apr. 23, 1955, as amended at 43 FR 12314, Mar. 24, 1978; 60 FR 35693, July 11, 1995]

### § 20.4 [Reserved]

### § 20.5 Conditions governing investigations.

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

(b) When the lamp has been inspected by MSHA, the applicant will be notified as to the amount of material that will be required for the test. He will also be notified of the date on which the tests will start 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