

by MSHA as a result of such consultation.

[37 FR 7562, Apr. 15, 1972, as amended at 43 FR 12316, Mar. 24, 1978; 52 FR 17515, May 8, 1987; 60 FR 35694, July 11, 1995]

**Subpart C—Approval and Disapproval**

**§ 28.20 Certificates of approval; scope of approval.**

(a) MSHA shall issue certificates of approval pursuant to the provisions of this subpart only for individual, completely fabricated fuses which have been examined, inspected, and tested as specified in § 28.10, and have been evaluated by MSHA to ensure that they meet the minimum requirements prescribed in this part.

(b) MSHA shall not issue an informal notification of approval.

**§ 28.21 Certificates of approval; contents.**

(a) Each certificate of approval shall contain a description of the fuse and a classification of its current-interrupting capacity and current rating.

(b) The certificate of approval shall specifically set forth any restrictions or limitations on the use of the fuse in providing short-circuit protection for trailing cables.

(c) Each certificate of approval shall be accompanied by a reproduction of the approval label or marking design, as appropriate, to be employed by the applicant with each approved fuse as provided in § 28.23.

(d) No test data or specific laboratory findings will accompany any certificate of approval; however, MSHA will release analyses of pertinent test data and specific findings upon receipt of a written request by the applicant, or when required by statute or regulation.

(e) Each certificate of approval shall also contain the approved quality control plan as specified in § 28.31.

**§ 28.22 Notice of disapproval.**

(a) If, upon completion of the evaluation by MSHA conducted in accordance with § 28.10, it is determined that the fuse does not meet the minimum requirements set forth in this part, MSHA shall issue a written notice of disapproval to the applicant.

(b) Each notice of disapproval shall be accompanied by all available findings with respect to the defects of the fuse for which approval was sought with a view to the possible correction of any such defects.

(c) MSHA shall not disclose, except to the applicant upon written request or when required by statute or regulation, any data, findings, or other information with respect to any fuse for which a notice of disapproval is issued.

**§ 28.23 Approval labels or markings; approval of contents; use.**

(a) Approval labels shall bear the emblem of the Mine Safety and Health Administration, an approval number, the restrictions, if any, placed upon the use of the fuse by MSHA, and where appropriate, the applicant's name and address.

(b) Upon receipt of a certificate of approval, the applicant shall submit to MSHA, for approval of contents, full-scale reproductions of approval labels or markings, as appropriate, and a sketch or description of the method of application and position on the fuse, together with instructions for the installation, use, and maintenance of the fuse.

(c) Legible reproductions or abbreviated forms of the label or markings approved by MSHA shall be attached to or printed on each fuse.

(d) Each fuse shall be marked with the rating of the Underwriters Laboratories, Inc.

(e) MSHA shall, where necessary, notify the applicant when additional labels, markings, or instructions will be required.

(f) Approval labels or markings shall only be used by the applicant to whom they were issued.

(g) The use of any MSHA approval label or marking obligates the applicant to whom it is issued to maintain or cause to be maintained the approved quality control sampling procedure and the acceptable quality level for each characteristic tested, and to guarantee that the approved fuse is manufactured according to the specifications upon which the certificate of approval is based.