

### § 33.12

(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 that the unit complies with the requirements of this part. Without an approval plate, no unit has the status of "permissible" under the provisions of this part.

(e) Use of the approval plate obligates the applicant to whom the certificate of approval was granted to maintain the quality of each unit bearing it and guarantees that it is manufactured and assembled according to the drawings and specifications upon which a certificate of approval was based. Use of the approval plate is not authorized except on units that conform strictly with the drawings and specifications upon which the certificate of approval was based.

[Sched. 25B, 25 FR 6473, July 9, 1960, as amended at 43 FR 12317, Mar. 24, 1978]

### § 33.12 Changes after certification.

If an applicant desires to change any feature of a certified unit or system, he shall first obtain MSHA's approval of the change, pursuant to the following procedure:

(a) Application shall be made as for an original certificate, requesting that the existing certification be extended to cover the proposed changes, and shall be accompanied by drawings, specifications, and related data showing the changes in detail.

(b) The application will be examined by MSHA to determine whether inspection and testing will be required. Testing will be necessary if there is a possibility that the modification may affect adversely the performance of the unit or system. MSHA will inform the applicant whether such testing is required and the components or materials to be submitted for that purpose.

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(c) If the proposed modification meets the requirements of this part and Part 18 of Subchapter D of this chapter (Bureau of Mines Schedule 2, revised, the current revision of which is Schedule 2F) if applicable, a formal extension of certification will be issued, accompanied by a list of new and corrected drawings and specifications to be added to those already on file as the basis for the extension of certification.

[Schedule 25B, 25 FR 6473, July 9, 1960, as amended at 52 FR 17515, May 8, 1987]

### § 33.13 Withdrawal of certification.

MSHA reserves the right to rescind for cause, at any time, any certification granted under this part.

## Subpart B—Dust-Collector Requirements

### § 33.20 Design and construction.

(a) MSHA will not test or investigate any dust collector that in its opinion is not constructed of suitable materials, that evidences faulty workmanship, or that is not designed upon sound engineering principles. Since all possible designs, arrangements, or combinations of components and materials cannot be foreseen, MSHA reserves the right to modify the tests specified in this part in such manner to obtain substantially the same information and degree of protection as provided by the tests described in Subpart C of this part.

(b) Adequacy of design and construction of a unit or system will be determined in accordance with its ability (1) to prevent the dissemination of objectionable or harmful concentrations of dust into a mine atmosphere, and (2) to protect against explosion and/or fire hazards of electrical equipment, except as provided in § 33.38(b).

### § 33.21 Modification of test equipment.

For test purposes the unit or system may be modified, such as by attaching instruments or measuring devices, at MSHA's discretion; but such modification shall not alter its performance.