

the test sample for a period of 2 minutes. Then the test procedure stated in paragraph (c) (3) of this section shall be repeated.

(5) After one test sample has remained in the oven for a period of 4 hours, the Petri dish containing it shall be removed from the oven and allowed to cool to room temperature, after which 5 lengths of 2-inch pipe cleaner shall be soaked separately in the test sample for a period of 2 minutes. Then the test procedure stated in paragraph (c) (3) of this section shall be repeated.

(d) *Appraisal of tests.* To be determined as fire resistant according to the test requirements of this section, the three following results shall be achieved:

- (1) The average number of cycles before attaining a self-sustaining flame in the test described in paragraph (c) (3) of this section shall be 24 or more.
- (2) The average number of cycles before attaining a self-sustaining flame in the test described in paragraph (c) (4) of this section shall be 18 or more.
- (3) The average number of cycles before attaining a self-sustaining flame in the test described in paragraph (c) (5) of this section shall be 12 or more.

**§ 35.23 Performance required for certification.**

To qualify as fire-resistant under the regulations of this part, a hydraulic fluid shall meet each performance requirement and stated in §§ 35.20(d), 35.21(d), and 35.22(d).

**PART 36—APPROVAL REQUIREMENTS FOR PERMISSIBLE MOBILE DIESEL-POWERED TRANSPORTATION EQUIPMENT**

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AUTHORITY: 30 U.S.C. 957, 961.

SOURCE: Schedule 31, 26 FR 645, Jan. 24, 1961, unless otherwise noted.

**Subpart A—General Provisions**

**§ 36.1 Purpose.**

The regulations in this part set forth the requirements for mobile diesel-powered transportation equipment to procure their approval and certification as permissible; procedures for applying for such certification; and fees.

[61 FR 55525, Oct. 25, 1996]

**§ 36.2 Definitions.**

The following definitions apply in this part.

*Applicant* An individual, partnership, company, corporation, association, or

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other organization, that designs, manufactures, assembles, or controls the assembly and that seeks a certificate of approval or preliminary testing of mobile diesel-powered transportation equipment as permissible.

*Certificate of approval.* A formal document issued by MSHA stating that the complete assembly has met the requirements of this part for mobile diesel-powered transportation equipment and authorizing the use and attachment of an official approval plate so indicating.

*Component.* A piece, part, or fixture of mobile diesel-powered transportation equipment that is essential to its operation as a permissible assembly.

*Diesel engine.* A compression-ignition, internal-combustion engine that utilizes diesel fuel.

*Explosion proof.* A component or subassembly that is so constructed and protected by an enclosure and/or flame arrester (s) that if a flammable mixture of gas is ignited within the enclosure it will withstand the resultant pressure without damage to the enclosure and/or flame arrester(s). Also the enclosure and/or flame arrester(s) shall prevent the discharge of flame or ignition of any flammable mixture that surrounds the enclosure.

*Flame arrester.* A device so constructed that flame or sparks from the diesel engine cannot propagate an explosion of a flammable mixture through it.

*Flammable mixture.* A mixture of gas, such as methane, natural gas, or similar hydrocarbon gas with normal air, that will propagate flame or explode violently when initiated by an incandive source.

*Fuel-air ratio.* The composition of the mixture of fuel and air in the combustion chamber of the diesel engine expressed as weight-pound of fuel per pound of air.

*MSHA.* The United States Department of Labor, Mine Safety and Health Administration.

*Mobile diesel-powered transportation equipment.* Equipment that is:

(1) Used for transporting the product being mined or excavated, or for transporting materials and supplies used in mining or excavating operations;

(2) Mounted on wheels or crawler treads (tracks); and

(3) Powered by a diesel engine as the prime mover.

*Normal operation.* When each component and the entire assembly of the mobile diesel-powered transportation equipment performs the functions for which they were designed.

*Permissible.* As applied to mobile diesel-powered transportation equipment, this means that the complete assembly conforms to the requirements of this part, and that a certificate of approval to that effect has been issued.

*Subassembly.* A group or combination of components.

[61 FR 55525, Oct. 25, 1996]

### § 36.3 Consultation.

By appointment, applicants or their representatives may visit Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059, to discuss with qualified MSHA personnel proposed mobile diesel-powered transportation equipment to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written report thereof will be submitted to the applicant.

[Sched. 31, 26 FR 645, Jan. 24, 1961, as amended at 43 FR 12318, Mar. 24, 1978; 60 FR 35695, July 11, 1995]

### § 36.4 Mobile diesel-powered transportation equipment for which certificates of approval may be granted.

Certificates of approval will be granted for completely assembled mobile diesel-powered transportation equipment only. Subassemblies or components may be granted letters of certification in accordance with § 36.5.

### § 36.5 Letters of certification.

When a component or subassembly meets all of the applicable requirements of Subparts B and C of this part, and also its normal operation will not be affected by connection to adjacent components or subassemblies, MSHA will issue to the applicant, upon his request, a letter of certification informing him that additional inspection or tests of the component or subassembly