

will not be required when it is incorporated without modification in a piece of completely assembled mobile diesel-powered transportation equipment. The applicant may cite this letter of certification to another applicant who seeks approval and certification of his completely assembled mobile diesel-powered transportation equipment and who desires to incorporate the component or subassembly in such equipment.

**§ 36.6 Applications.**

(a) No investigation or testing will be undertaken by MSHA except pursuant to a written application, in duplicate, accompanied by a check, bank draft, or money order, payable to the U.S. Mine Safety and Health Administration, to cover the fees; and all drawings, specifications, descriptions, and related materials. The application and all related matters and correspondence concerning it shall be addressed to the Approval and Certification Center, RR 1, Box 251, Industrial Park Road, Triadelphia, WV 26059.

(b) Drawings, specifications, and descriptions shall be adequate in detail to identify fully the complete assembly, components, and subassemblies. Drawings, specifications, and descriptions shall include:

(1) Assembly drawing(s) showing the overall dimensions of the equipment, location and capacity of the fuel tank, location of flame arresters, exhaust-gas conditioner and its water-supply tank, if applicable, exhaust-gas dilution system, and other details that are essential to the functioning of the equipment.

(2) Except for equipment utilizing part 7, subpart F power packages, detailed drawings showing the intake, combustion, and exhaust systems of the diesel engine, including joints and gaskets; the turbulence or precombustion chamber, if applicable; injector assembly and nozzle details; and any surfaces that form the combustion chamber or part thereof, such as the cylinder head, piston and cylinder liner; and other features that may affect permissibility, such as exhaust-gas conditioner and flame arresters.

(3) Except for equipment utilizing part 7, subpart F power packages, a schematic drawing of the fuel system showing piping, connections, fuel filters, fuel-injection pump, and mechanical governor assembly. All components shall be identified to permit adjustment, as necessary, and the location of seals or locks to prevent tampering shall be indicated.

(4) Except for equipment utilizing part 7, subpart F power packages, drawing(s) specifying the kind of material and detailed dimensions of the components of explosion-proof enclosures, including joints and openings.

(5) Drawing(s) showing the construction of headlights, battery boxes, including seals or locks, and method of mounting.

(6) Other drawings, specifications, or descriptions identifying any feature that MSHA considers necessary for certification of the particular mobile diesel-powered transportation equipment.

(c) Shipment of the mobile diesel-powered transportation equipment or component part or subassembly as the case may be, shall be deferred until MSHA has notified the applicant that the application will be accepted. Shipping instructions will be issued by MSHA and shipping charges shall be prepaid by the application. Upon completion of the investigation and notification thereof to the applicant by MSHA, the applicant shall remove his equipment promptly from the test site (see § 36.40).

(d) The application shall state that the equipment is completely developed and of the design and materials that the applicant believes to be suitable for a finished marketable product or is a completely developed component or subassembly suitable for incorporation in a finished marketable complete assembly of mobile diesel-powered transportation equipment. If the final design of a component depends upon results of MSHA's tests, this shall be so stated in the application.

(e) For a complete investigation leading to approval and certification, the applicant shall furnish a complete operable assembly for inspecting and testing. Spare parts and expendable components, subject to wear in normal

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operation, shall be supplied by the applicant to permit continuous operation of the equipment during test periods. If special tools are necessary to disassemble any component for inspection or test, the applicant shall furnish these with the equipment to be tested.

(f) With each application, the applicant shall submit evidence of how he proposes to inspect his completely assembled mobile diesel-powered transportation equipment at the place of manufacture or assembly before shipment to purchasers. Ordinarily such inspection is recorded on a factory inspection form and the applicant shall furnish to MSHA a copy of his factory inspection form or equivalent with his application. The form shall direct attention to the points that must be checked to make certain that all components of the assembly are in proper condition, complete in all respects, and in agreement with the drawings, specifications, and descriptions filed with MSHA.

(g) With the application, the applicant shall furnish to MSHA complete instructions for operating and servicing his equipment. After completing MSHA's investigation, if any revision of the instructions is required, a revised copy thereof shall be submitted to MSHA for inclusion with the drawings and specifications.

[Sched. 31, 26 FR 645, Jan. 24, 1961, as amended at 43 FR 12318, Mar. 24, 1978; 47 FR 14696, Apr. 6, 1982; 60 FR 33723, June 29, 1995; 60 FR 35695, July 11, 1995; 61 FR 55526, Oct. 25, 1996]

### § 36.7 [Reserved]

### § 36.8 Date for conducting tests.

The date for acceptance of an application will determine the order of precedence for testing when more than one application is pending, and the applicant will be notified of the date on which tests will begin. If a complete assembly, or component, or subassembly fails to meet any of the requirements, it shall lose its order of precedence. However, if the cause of failure is corrected, testing will be resumed after completing such test work as may be in progress.

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### § 36.9 Conduct of investigations, tests, and demonstrations.

(a) Prior to the issuance of a certificate of approval or a letter of certification, as the case may require, necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon may observe the investigations or tests. MSHA shall hold as confidential and shall not disclose principles or patentable features prior to certification, nor shall it disclose any details of drawings, specifications, descriptions, or related materials. After the issuance of a certificate of approval, MSHA may conduct such public demonstrations and tests of the approved mobile diesel-powered transportation equipment as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the direction and control of MSHA, and any other persons shall be present only as observers, except as noted in paragraph (b) of this section.

(b) When requested by MSHA, the applicant shall provide assistance in disassembling parts for inspection, preparing parts for testing, and operating equipment during the tests.

[Sched. 31, 26 FR 645, Jan. 24, 1961, as amended at 39 FR 24006, June 28, 1974; 61 FR 55526, Oct. 25, 1996]

### § 36.10 Certificate of approval.

(a) Upon completion of investigation of a complete assembly of mobile diesel-powered transportation equipment, MSHA will issue to the applicant either a certificate of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a certificate of approval is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defects, with a view to possible correction. MSHA will not disclose, except to the applicant, any information on mobile diesel-powered transportation equipment upon which a notice of disapproval has been issued.

(b) A certificate of approval will be accompanied by a list of drawings, specifications, and related material covering the details of design and construction of equipment upon which the