

### § 36.7

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