

SUBCHAPTER B—TESTING, EVALUATION, AND APPROVAL OF MINING PRODUCTS

PART 5—FEES FOR TESTING, EVALUATION, AND APPROVAL OF MINING PRODUCTS

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AUTHORITY: 30 U.S.C. 957.

SOURCE: 52 FR 17516, May 8, 1987, unless otherwise noted.

§ 5.10 Purpose and scope.

(a) This part establishes a system under which MSHA charges a fee for services performed in connection with testing, evaluation and approval of products manufactured for use in underground mines. Included in this part is the method used to calculate the fees and the manner in which the fee system is administered.

(b) The services for which fees are charged are—

(1) Application processing by engineers, technicians and other specialists (investigators), including administrative review of applications, analysis of drawings, technical evaluation, testing, test set up and tear down, consultation on applications and investigator travel, where necessary to process the application;

(2) Clerical services, computer tracking and status reporting, records control and security and document preparation directly supporting application processing;

(3) A proportionate share of management, administration and operation of the Approval and Certification Center which is in support of application processing; and

(4) Amortization of facility improvements and depreciation of buildings and equipment used for testing and evaluation or otherwise directly associated with application processing.

(c) Fees are not charged for:

(1) Technical assistance not related to processing an approval application;

(2) Technical programs including development of new technology programs;

(3) Participation in research conducted by other government agencies or private organizations;

(4) Regulatory review activities, including participation in the development of health and safety standards, regulations and legislation; and

(5) Post-approval product audits.

§ 5.20 Effective date.

This part is effective October 1, 1987. Applications for approval received by MSHA on or after that date will be subject to this part. Applications in process on that date will be processed under the appropriate fee provision in effect on the date of its receipt by MSHA.

§ 5.30 Fee calculation.

(a) A standard application fee is charged for initial administrative review of each approval application. This fee will be calculated based on the hourly compensation cost to conduct the review. The fee will be non-refundable. However, payment will be fully credited against subsequent charges for services rendered.

(b) The fee for testing, evaluation and approval of a product is based on the costs of the services provided. Each service provided for a group of similar products is assessed an hourly rate to cover direct and indirect costs. Direct costs are based on current compensation and benefit costs for technical and support personnel directly involved in providing the service. Indirect costs are based on a proportionate share of the cost of activities which support the approval service, including management and administration of the Approval and Certification Center, facility operating costs and amortization and depreciation of facilities and equipment.

(c) Except as provided in paragraphs (d) and (e), fees are charged on an hourly basis. An estimated maximum fee (cap) is determined on an individual