

1.0 PURPOSE

This is the Approval and Certification Center (A&CC) policy for canceling investigations of applications.

2.0 SCOPE

This policy applies to all investigations of applications where the Applicant does not respond to a discrepancy letter in a timely manner.

3.0 REFERENCES

This policy should be referenced in each Standard Application Procedure (ASAP) and each Standard Operation Procedure (ASOP) for processing approval-type applications.

4.0 DEFINITIONS

- 4.1. Application means a request to the A&CC that has been assigned an approval Project Analysis Report (PAR) number.
- 4.2. Discrepancy is a disagreement between the documentation or design of the equipment and the administrative or technical requirements for approval or certification. This includes requests for test samples.
- 4.3. Discrepancy letter is a document MSHA sends to the Applicant listing what is needed for MSHA to continue investigating an application.
- 4.4. Cancellation letter is a document MSHA sends to officially notify the Applicant that the application has been cancelled.

5.0 POLICY

- 5.1. MSHA will cancel the investigation of an application if the Applicant does not address each of the discrepancies listed in a discrepancy letter within three months of the discrepancy letter date. The cancellation date will be explicitly stated in each discrepancy letter.
- 5.2. If additional discrepancies are identified after a discrepancy letter has been sent, the Investigator will send additional discrepancy letters, as necessary, listing those additional discrepancies. The date of the latest discrepancy letter determines the applicable cancellation date.

- 5.3. The Investigator will contact the Applicant by phone a minimum of one week prior to issuing a cancellation letter to notify of MSHA's intent to cancel the application.

- 5.4. Only the Division Chief has the final authority to extend the cancellation period.