

1.0 PURPOSE

The purpose of this document is to inform MSHA approval holders of the procedure to use to request the transfer of ownership of MSHA approvals.

2.0 SCOPE

This procedure describes the required actions for officially notifying the Approval and Certification Center (A&CC) of ownership transfer, including a change in the approval holder's name.

3.0 REFERENCES

None

4.0 DEFINITIONS

- 4.1. **Approval** –For the purposes of this document, written notification by the Mine Safety and Health Administration (MSHA) that acknowledges that MSHA has granted approval, certification, acceptance or evaluation denoting the applicable requirements of Title 30 Code of Federal Regulations or other criteria administered by the A&CC have been met. A copy of this written notification, along with supporting documents related to the approval, are kept on file at the Approval & Certification Center (A&CC).
- 4.2. **Transfer** – Re-assigning the responsibility to comply with the obligations of an MSHA approval from one company to another. This change could result from such actions as a business merger or acquisition, the sale of assets, a bankruptcy, business reorganization, or a company name change.
- 4.3. **Transferring Company** - The approval holder recognized by MSHA and the primary contact for these procedures. For the purpose of a company name change, this is the prior company name.

- 4.4. **Receiving Company** – The company that will acquire the obligations of the approval. For the purpose of a company name change, this is the new company name.

5.0 APPLICATION PROCEDURE

- 5.1. It is strongly recommended that approval holders contact the A&CC Information Processing Services Office (IPSO) at 304.547.0400 to discuss transfer of approval prior to submission of the request letters and inventories. Discussions will be conducted with both the transferring and receiving company. The transferring company is the approval holder of record and should be the primary contact.
- 5.2. Details of the transfer request will be discussed in order to determine the action(s) required by the companies.
- 5.3. The A&CC Quality Assurance and Materials Testing Division (QA&MTD) will review approval transfer issues not related to administrative recordkeeping. These issues may include but are not limited to the approval plate, drawing title blocks, and certified statements. Transferring or receiving companies may receive communications directly from the QA&MTD.
- 5.4. The attached letter templates are provided to assist in writing official transfer notifications. For the purpose of a company name change, both templates must be used.

Attachment 1 – Transferring Company Template
(Approval Holder of Record)

Attachment 2 – Receiving Party Template
(New Approval Holder)

- 5.5. The transferring company must provide an inventory of approvals to be transferred.
- 5.5.1. Only the original approval or certification number need be entered on the inventory. All extensions and modifications will be included in the transfer.

- 5.5.2. Companies requesting a name change will also be required to submit an inventory of approvals to be transferred.
- 5.6. The companies will submit the official transfer notification letters, and these letters will become part of the documentation for the approval(s).
- 5.6.1. The companies should use the appropriate template for composing the official notification of transfer. Those requesting a name change must provide both a transfer notification and a receiving notification. Companies may modify the templates or add additional information as necessary to explain special cases.
- 5.6.2. The inventory of transferred approvals must be included in each company's official notification letter.
- 5.6.3. Letters must be written on company letterhead and signed by a representative who is authorized to make the transfer statement.
- 5.6.4. Specifics such as the approval holder name, names to be expected on drawings and other documentation, and company liaisons to MSHA should be included in the letter.
- 5.7. The A&CC will issue a letter of transfer to acknowledge and complete the process.

Attachment 1 - Transferring Company Template
(Current Approval Holder of Record)

Letter must be written on company letterhead and signed by a representative who is authorized to make the transfer statement.

<Date>

Information Processing Services Office
MSHA Approval & Certification Center
765 Technology Drive
Triadelphia WV 26059

RE: Transfer of MSHA Approval

Effective <Date>, <Transferring Company> relinquished control and ownership of the following MSHA approvals, along with their supporting documentation, drawings, and specifications on file at the Approval and Certification Center, to <Receiving Company>.

<INVENTORY OF APPROVALS>

<Transferring Company> certifies that we will no longer manufacture or assemble products under these MSHA approval numbers.

Please update your records to reflect this transfer. If you have any questions, please contact <Contact Name; Phone; Email>.

Sincerely,

<Authorized Representative>

**Attachment 2 – Receiving Company Template
(New Approval Holder)**

**Letter must be written on company letterhead and signed by a
representative who is authorized to make the transfer statement.**

<Date>

Information Processing Services Office
MSHA Approval & Certification Center
765 Technology Drive
Triadelphia WV 26059

Re: Transfer of MSHA Approval

Effective <Date>, <Receiving Company> acquired ownership and control of the following MSHA approvals, along with their supporting documentation, drawings, and specifications on file at the Approval and Certification Center, from <Transferring Company>.

<INVENTORY OF APPROVALS>

<Receiving Company> certifies that we will manufacture or assemble the products in strict accordance with applicable requirements of Title 30 Code of Federal Regulations and the documentation on file at the Approval & Certification Center.

All future applications for modification of these approvals will be submitted by <Receiving Company>, and drawings will be updated to show the <Receiving Company> name. Approval markings (plates, labels and permanent markings) currently referencing <Transferring Company> for the products and equipment affected by this transfer of ownership will be updated to reflect <Receiving Company> on all newly manufactured units.

Our authorized liaisons to MSHA are: <Contact Names; Phone; Email>.

Our billing address is: <Billing Address and Contact Name; Phone; Email>.

Please update your records to reflect this transfer. If you have any questions, please contact <Contact Name; Phone; Email>.

Sincerely,
<Authorized Representative>