



**Pipeline and Hazardous
Materials Safety Administration**

APPROVAL FCA103
ISSUED BY THE COMPETENT AUTHORITY OF THE UNITED STATES
EXPIRATION DATE: March 31, 2019

1. **APPROVAL HOLDER:** APT Research, Inc.
4950 Research Drive
Huntsville, AL United States

2. **REGULATORY AUTHORITY:** 49 CFR § 107.402(d) - Approval for designation as a firework certification agency.

3. **SYNOPSIS:** Under the authority of this approval APT Research, Inc. may review and certify Division 1.4G Consumer Fireworks (UN0336) based on the tests and criteria prescribed in 49 CFR § 173.65.

4. **BASIS:** This approval is issued in response to APT Research, Inc.'s application request dated October 22, 2013.

5. **PERIOD OF VALIDITY AND CONDITIONS OF APPROVAL:** This approval is valid until the posted expiration date, provided all conditions of the approval are met, unless suspended or terminated by the Associate Administrator for Hazardous Materials Safety. This approval does not provide relief from any requirements of the Hazardous Materials Regulations and is subject to the following conditions.
 - a. Under the authority of this approval APT Research, Inc. may review and certify Division 1.4G Consumer Fireworks (UN0336) based on the tests and criteria prescribed in 49 CFR § 173.65. The following location(s), as specified in APT Research, Inc. application, are authorized to perform the certification activity.

Location(s) Authorized
APT Research, Inc. (Headquarters) 4950 Research Drive, Huntsville, AL 35805

Any additional sites must receive prior approval from PHMSA, Approvals and Permits Division.

b. Under the authority of this approval APT Research, Inc. employees may review and certify Division 1.4G Consumer Fireworks (UN0336) based on the tests and criteria prescribed in 49 CFR § 173.65. The following employees, as specified in APT Research, Inc. application, are authorized to perform the certification activity.

Authorized Employees	Position
Jerry Rufe	Director, Safety Engineering & Analysis Center
Eric Olsen	SR. Safety Engineer
Mike Swisdak	SR. Scientist/Engineer
Pete Yutmeyer	Chief Operating Officer/Senior Vice President
John Tatom	Director, Explosives Safety & Testing Division

- (1) No APT Research, Inc. employee, other than those listed above, may perform certification activities until PHMSA issues a written authorization.
- (2) APT Research, Inc. shall notify PHMSA in writing of any new employee that seeks authority to perform certification activities, and provide a document describing the employee's requisite experience and qualifications specified in 49 CFR § 107.402(d). The employee must receive approval from PHMSA before performing certification activities.

c. APT Research, Inc. shall notify PHMSA within 20 days after any change in the information submitted in their application for designation as a Fireworks Certification Agency.

6. APT Research, Inc. Responsibilities:
- a. Maintain the most recent versions of the APA Standard 87-1, the Hazardous Materials Regulations, and PHMSA updates, clarifications and Federal Register Notices relevant to fireworks.
 - b. APT Research, Inc. must report to PHMSA electronically the information on each firework device that has been certified, not certified (denied) or modified and provide copies of each application Request, Chemical composition Sheet, Diagram and a statement that the application is not a duplicate is also required. The FCA must submit a certification report to PHMSA with a number that is unique to the fireworks being certified, indicating that the fireworks are certified in compliance with the APA 87-1 Standard. The unique identifier (FC number) cannot be issued to the fireworks manufacturer until PHMSA provides confirmation of acknowledgement to the FCA.
 - c. After PHMSA electronically acknowledges the submittal under section 6.b., APT Research, Inc. shall provide to the manufacturer of the consumer fireworks device one of the following:
 - (1) A signed certification that the device complies with the APA Standard 87-1 and is in compliance with the requirements of 49 CFR § 173.65. The certification must include the assigned FC number [FC-XXX-XXXXXX-ZZZZ]. The FC number represents the FCA's unique identifier followed by the year, month and sequential number issued by the FCA or;
 - (2) A document notifying the manufacturer in writing of the reasons an application is denied.
 - d. APT Research, Inc. must retain a copy of the certification application submitted to the DOT-approved FCA, and a copy of the certification documentation completed by the FCA in accordance with the DOT-approved procedures, as required by § 173.65.
 - e. APT Research, Inc. must keep the most recent version of its written operating procedures, and have those procedures available for inspection upon request by PHMSA.

7. Each year, must provide the following documents to the Approvals and Permits Division by February 1st for the previous calendar year:
 - a. An annual report of activity carried out by APT Research, Inc. under this approval. This report of activity must include the following information for each fireworks certification, not certified (denied) or modification issued by APT Research, Inc.:
 - (1) The fireworks manufacturer requesting the certification, and the date(s) and decision of each request.
 - (2) The name of APT Research, Inc. employee(s) who reviewed the application request.
 - b. An annual statement attesting to APT Research, Inc. compliance with all provisions of this approval, that:
 - (1) There have been no changes to the information in APT Research, Inc. that would affect the conditions and terms of this approval.
 - (2) There have been no changes or additions to the employees listed in Section 5(b) (2).
 - (3) There has been no change to the APT Research, Inc. designated location(s), listed in Section 5a.
 - (4) APT Research, Inc. does not sub-contract out their fireworks review and/or certification.
 - (5) The APT Research, Inc. and its employees are not controlled by or financially dependent on any entity that manufactures or markets fireworks or explosives.
 - (6) Includes the name, address and principal business activity of each person having any direct or indirect interest in APT Research, Inc. greater than three (3) percent and any direct or indirect ownership interest in each subsidiary or division.

- (7) Includes a list of APT Research, Inc. clients, including the name, address, and percentage of APT Research, Inc. annual revenue generated from fireworks certification attributed to each client.
 - (8) Includes a statement that APT Research, Inc. will perform its functions independent of and is not owned by any fireworks manufacturer, transporter, import or export company, or proprietorship.
 - (9) Include a summary of all dates and locations for training APT Research, Inc. has provided to its employees on the terms and conditions of this approval, including training required under 49 CFR § 172.700.
 - (10) Include a statement that the written operating procedures have not changed. If the procedures have changed, provide a copy of the revised table of contents.
8. APT Research, Inc. shall make a representative available to participate in PHMSA's annual teleconference to discuss General Notices, Policies and Informational Updates. PHMSA will notify the FCA holder the date and time of the annual teleconference.
9. APT Research, Inc. has two (2) options for providing data and documents on consumer fireworks that were certified, not certified, or modified.
 - (1) Enter the information manually by visiting <http://phmsa.dot.gov/FCA/CMF> or,
 - (2) Use the PHMSA FCA web service to transfer data to PHMSA. Specifications for the FCA Web service can be found at <http://phmsa.dot.gov/FCA/WSDL> and <http://phmsa.dot.gov/FCA/WSDLDOC>
10. **SPECIAL PROVISIONS:** A current copy of the approval must be maintained and made available for examination at the approval holder's address identified in Section 1 of this approval and at each facility listed in Section 5a. of this approval where certification is conducted under the terms of this approval.

11. **GENERAL PROVISIONS:**

a. Failure by APT Research, Inc. to comply with the terms and conditions of this approval and the Hazardous Materials Regulations, 49 CFR § 171-180, may result in the modification, suspension or termination of APT Research, Inc. authority to use this approval. Failure to comply may also subject APT Research, Inc. to penalties prescribed by 49 U.S.C. §§ 5123 and 5124.

b. Any change in majority ownership that has the effect of creating a new entity or altering the legal status of APT Research, Inc. must be reported to PHMSA within 20 days of that change. FCA Approvals are non-transferable, and therefore, any change of majority ownership resulting in a new entity voids the FCA Approval. In such a case, the new owner must apply for a new FCA Approval.

c. Only persons listed in paragraph 5b. are authorized to perform fireworks reviews and certifications. Only locations listed in paragraph 5a. are authorized locations.

d. This approval may be modified, suspended or terminated in its entirety if that action is justified in light of changes in circumstances or additional information not available when this approval was issued. APT Research, Inc. will be notified and provided with an opportunity to show cause why the modification, suspension or termination should not be taken, unless immediate action is necessary to avoid a risk of significant harm to persons or property.

e. Each "Hazmat employee", as defined in 49 CFR § 171.8 and including, for the purposes of APT Research, Inc. any senior executives, professional scientific/technical personnel, hourly employees, involved in fireworks certifications, must be provided training on the requirements and conditions of this approval in addition to the training required by 49 CFR § 172.700 through 172.704. All employees listed in Section 5.b. must also attend training in the duties and responsibilities of this FCA approval.

f. Certification requirement. Each fireworks certification report issued by APT Research, Inc. must contain the following certification statement prior to the signature: "I hereby certify that this certification carried out by APT Research, Inc. in preparation of this

report is in full compliance with the applicable requirements of the HMR and this approval".

Issued in Washington, D.C.

Dated:

A handwritten signature in black ink, appearing to read 'B.P.A.', written in a cursive style.

For Dr. Magdy El-Sibaie
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Attention: PHH-32, Washington, D.C. 20590.