



**MAY - 2 2007**

U.S. Department of Transportation

**Pipeline and Hazardous  
Materials Safety Administration**

1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

**NOTICE OF SUSPENSION AND INTENT TO TERMINATE REQUALIFICATION  
IDENTIFICATION NUMBER**

Date Issued: May 2, 2007

Issued to: Frosenberg Holdings, LLC  
d/b/a Accurate Fire Protection Systems  
733 Mount Avenue  
West Babylon, NY 11704  
Attention: Martin Rankin

Dear Mr. Rankin or Designated Representative:

This letter informs you that your approval to perform as a cylinder requalification facility is hereby **SUSPENDED**, effective immediately upon service of this Notice of Suspension.

On March 14, 2006, your facility was granted approval by the Office of Hazardous Materials Special Permits and Approvals to perform functions as a cylinder requalification facility and granted authority to use Requalification Identification Number (RIN) G925. On or about March 23, 2007, an Investigator with the Eastern Region received a complaint from the Assistant Chief Fire Marshal for Suffolk County alleging, in part, that your facility, during an inspection performed by the Suffolk County Fire Marshal, was improperly certifying cylinders as having passed requalification testing when the testing equipment and associated devices were not functioning properly.

Based in part on the allegations contained in the aforementioned complaint, an Investigator from the Eastern Region attempted to lawfully enter your facility to conduct an unannounced compliance inspection and investigation on April 25, 2007, and April 26, 2007. On both days, however, you or your representative(s) prevented the Investigator from entering your facility even after the Investigator identified himself, displayed proper credentials and the PHMSA Office of Chief Counsel intervened and provided you or your office with the legal basis for entry.

In accordance with 49 C.F.R. § 107.713(d), since the integrity of your testing equipment, calibration practices and procedures and the accuracy of your testing records cannot be ascertained, I find that

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your repeated unwillingness to permit lawful inspection and investigation of your facility, equipment and testing procedures and the improper certification of cylinders as discovered by the Suffolk County Fire Marshal poses a risk of significant harm to persons or property and mandates that your approval be SUSPENDED immediately. Further, you are hereby placed on notice that under the provisions of § 107.713(b)(4) I intend to permanently terminate your approval unless circumstances or facts are presented that warrant otherwise.

What actions are required under this Notice? You must immediately surrender any plates or other marking or stamping devices bearing the RIN G925 to my Eastern Region investigations staff, Office of Hazardous Materials Enforcement, Eastern Region, 820 Bear Tavern Road, Suite 306, West Trenton, New Jersey 08628. Additionally, you must surrender any plates or other markings or stamping devices bearing the former RIN D662. Further, you must immediately cease marking any cylinders with RIN G925 or RIN D662 as having been successfully requalified by your facility.

How do I respond to this Notice? Although this SUSPENSION is effective immediately upon service by a PHMSA representative, you may, in accordance with the provisions of § 107.713(c)(1), file a written response to this Notice of Suspension and Intent to Terminate a Requalification Identification Number.

When is my response due? You must respond **within thirty (30) days** from the date of service of this Notice. Your response must be in writing and must be addressed to:

Associate Administrator for Hazardous Materials Safety  
Office of Hazardous Materials Special Permits and Approvals  
Pipeline and Hazardous Materials Safety Administration  
1200 New Jersey Avenue, S.E.  
East Building E21-304 (PHH-30)  
Washington, DC 20590

What happens if I fail to respond? You waive your right to be further heard on this matter and the Associate Administrator will make a permanent finding based on the current facts and circumstances surrounding this Notice.



Theodore L. Wilke  
Acting Associate Administrator  
for Hazardous Materials Safety

**VIA PERSONAL SERVICE**

**CERTIFICATE OF PERSONAL SERVICE**

I, \_\_\_\_\_, an Investigator for the United States  
Department of Transportation, Pipeline and Hazardous Materials Safety Administration  
(PHMSA), do declare and say under the provisions of 28 U.S.C. § 1746, that:

I personally served by hand delivery a NOTICE OF SUSPENSION dated  
May \_\_\_\_\_, 2007, upon Frosenberg Holdings, LLC d/b/a Accurate Fire Protection Systems  
located at \_\_\_\_\_  
\_\_\_\_\_

by personal service/hand delivery to  
\_\_\_\_\_.

I declare under penalty of perjury under the law of the United States of America that the  
foregoing is true and correct. Executed on this the \_\_\_\_ day of May, 2007.

\_\_\_\_\_  
(Signature)

**NOTE: Upon Service return completed form to the Investigative file and send one copy to the Office  
of Chief Counsel.**