



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

JUN 14 2006

Michael S. Slocum, Ph.D.
Chief Operations Officer
Ontech Delaware, Inc.
15910 Bernardo Center Drive
San Diego, CA 92127

Ref. No.: 06-0119

Dear Mr. Slocum:

This is in response to your May 16, 2006, letter and subsequent conversations with a member of my staff requesting clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to a self-heating product that contains approximately 100 grams of "Calcium oxide, UN1910". Specifically, you ask whether your product may be carried by consumers aboard an aircraft.

The answer is no. In accordance with § 175.10, certain hazardous materials when carried by a passenger or crew member for personal use are excepted from the requirements of the HMR. Personal beverage heaters meeting the definition of a corrosive material, such as your product are not provided this exception. Therefore, personal beverage heaters meeting the definition of a corrosive material must be transported in accordance with the HMR.

I hope this satisfies your request.

Sincerely,

Charles E. Betts
Senior Transportation Specialist
Office of Hazardous Materials Standards



060119

175.10

BAH
\$175.10
Air

Benedict, Robert <PHMSA>

From: Special Permits <PHMSA>
Sent: Tuesday, May 16, 2006 3:12 PM
To: INFOCNTR <PHMSA>
Subject: FW: request for letter of approval

06-0119

This guy wants to know if one of his beverages may be carried aboard passenger aircraft.
Thx,
Diane

-----Original Message-----

From: Michael Slocum [mailto:Michael.Slocum@ontech.com]
Sent: Tuesday, May 16, 2006 2:33 PM
To: Special Permits <PHMSA>
Cc: catherine.lundberg@ontech.com
Subject: request for letter of approval

Good Day:

I represent OnTech Delaware. We have developed and commercialized a self-heating container. This package heats the contents so the consumer may enjoy a heated beverage, anytime, anywhere. Please review our website for a brief description of the technology: www.ontech.com

We utilize calcium oxide (CaO) and water to produce energy exothermically. We use ~100g of CaO per container. Our containers are in supermarkets across North America and sales volumes are increasing rapidly as we enter distribution with customers such as Kmart and Ralph's. The consumers are incorporating our products into their daily routines. Therefore, we would like to have a letter on record that indicates the ability of the consumer to carry our self-heating container on commercial aircraft.

I had two conversations with Kenny (one of your staff) and he advised me to request the letter using this format. Please provide a letter as quickly as possible and call me directly with any questions at the contact information listed below.

Regards,

Michael S. Slocum, Ph.D., T.Sc, M.B.B.
Chief Operations Officer
Ontech Delaware, Inc.
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5/16/2006