U.S. Department
of Transportation
**Research and
Special Programs
Administration**

NOV 23 1994

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

DOT E-11283

EXPIRATION DATE: August 31, 1996

(FOR RENEWAL, SEE 49 CFR SECTION 107.105.)

1. GRANTEE: ZestoTherm Inc., Cincinnati, OH

2. PURPOSE AND LIMITATION: This exemption authorizes the transportation in commerce of flameless heating/thawing devices described herein* containing not more than 24 grams of water reactive hazardous materials in each device as a Consumer Commodity, ORM-D, subject to the packaging requirements prescribed herein. This exemption provides no relief from any regulation other than as specifically stated herein.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Sections 171.2, 172.101(Table), 173.1(b), 173.124(c) and 173.144.

5. BASIS. This exemption is based on ZestoTherm Inc.'s application dated June 21, 1994, submitted in accordance with 49 CFR 107.103 and the public process thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description/proper shipping name	Hazard Class/ Division	Identification Number	Packing Group
Consumer Commodity	ORM-D	None	None

* Each device consists of two porous polyethylene pads embedded with approximately 8-12 grams of a mixture of powdered magnesium metal, iron powder and other materials.

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING. The shipping package for the flameless heating/thawing device shall be composed as follows:

(i) Inner Packing: Not more than two flameless heating/thawing devices and containing not more than 24 grams of powdered magnesium-iron/salt mixture each shall be packaged together in a hermetically sealed plastic film bag of 0.0763 mm(3 mil) thickness.

(ii) Intermediate Packing: Not more than 12 such inner packings shall be enclosed within a sealed plastic bag liner.

(iii) Outer Packing: Not more than one such intermediate packing shall be placed in a strong outer packaging.

b. MARKING. In addition to the Consumer Commodity and ORM-D markings required by the CFR, "DOT-E-11283 keep package dry" must appear in at least 1 inch high lettering on each package.

8. SPECIAL PROVISIONS.

a. Persons who receive the packages covered by this exemption may reoffer them for transportation provided no modifications or changes are made to the packages, all terms of this exemption are complied with and a current copy of this exemption is maintained at each facility from which such reoffering occurs.

b. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

9. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, rail freight.

10. MODAL REQUIREMENTS: Not as a reuqirement of this exemption.

11. COMPLIANCE. Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by Federal hazardous materials transportation law, 49 U.S.C. 5101 *et seq.*:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

- Registration required by 49 CFR 107.601 et seq., when applicable.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect unless a regulation has been amended making the exemption no longer necessary.

12. REPORTING REQUIREMENTS. The carrier is required to report any incident involving fire, explosion or loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incidents involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:

NOV 23 1994

Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590. Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Dist: FHWA, FRA