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

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

AUG 2 8 2002

Mr. Robert W. Stephens
Vice President of Operations
Exotherm Technology, Inc.
5544 Riverton Court
Plano, TX 75093

Reference No. 02-0183

Dear Mr. Stephens:

This is in response to your June 24, 2002 letter and recent telephone conversations with Eileen Edmonson of my staff concerning whether your company's product, a fish attractant pellet, would be subject to the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

You state each pellet weighs 10 grains (.648 grams) and is composed of 0.26 grams of magnesium. You state 8 pellets are hermetically sealed individually onto a polyethylene/aluminum foil blister packaging that is packed inside a re-sealable polyethylene bag, and further packed in an outer fiberboard box. The outer fiberboard box will contain 100 re-sealable bags.

Based on the information you provided, it is our determination that the fish attractant pellet is in a quantity and form that does not pose a hazard in transportation and, therefore, is not subject to the HMR, regardless of the number of fish attractant pellets contained in one outer package. However, this determination does not apply to fish attractant pellets shipped in another type of packaging or those containing more than 0.26 grams of magnesium.

I hope this satisfies your request. If we can be of further assistance, please contact us.

Sincerely,

Hattie L. Mitchell

for Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards

020183

173.124

Edmonson
§173.124
Definitions
02-0183

June 24, 2002

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Dear Sir:

Over the past few years, our company has been in the process of developing a novel FISH ATTRACTANT PELLET utilizing the attributes of a magnesium alloy to provide noise and movement when inserted into a plastic fishing tube. The associated noise and movement are initiated upon contact of the FISH ATTRACTANT PELLET with water and does, indeed, suggest benefit to the serious sport fisherman and commercial success for our company. We filed for patent protection on 3/21/01 with U.S. Patent Application # 09/812,414.

As we approach the production phase with this new product, we need clarification of DOT requirements for transport. Our FISH ATTRACTANT PELLET is composed of a magnesium alloy, blended with a high and low density polyethylene with 15% salt added. Our supplier of basic material is a provider of the flameless ration heater (FRH) used in military meals ready to eat (MRE's) which have been previously discussed with your organization in relation to hazard class 4.3. (See attached.)

Our FISH ATTRACTANT PELLET weighs only 10 grains (~700 per pound) and will be packaged under humidity-controlled conditions. Each individual package will contain eight pellets and will be double sealed for shipment. (A similar package is included.)

Since a package of eight FISH ATTRACTANT PELLETS have only two grams of magnesium compared to eight gram of magnesium in a single FRH, it seems reasonable that the FISH ATTRACTANT PELLETS pose significantly less risk as a "dangerous when wet" hazard than the FRH. It appears that your determination "that a single FRH device, containing eight grams of magnesium alloy or less packaged in a tough plastic envelope within an MRE, is in quantity and form which does not pose a hazard in transportation and is not subject to the Hazardous Materials Regulations (HMR), regardless of the number of MREs in a package" could be prudently applied to the FISH ATTRACTANT PELLET.

I hereby request your interpretation and clarification on an urgent basis.

Sincerely,

Robert W. Stephens

Robert W. Stephens
Vice President of Operations
Exotherm Technology, Inc. (ExoTech)
5544 Riverton Court
Plano, Texas 75093

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Washington, D.C. 20590

MAR 18 1999

Neal Langerman, Ph.D.
8909 C Complex Drive
San Diego, CA 92123-1418

Ref. No. 98-0345

Dear Dr. Langerman:

This is in response to your letter and telephone conversations with a member of my staff regarding clarification of the requirements for shipping flameless ration heaters (FRH) in full pack (multiple) quantities or in single units as components of meals, ready-to-eat (MRE), and a previous letter dated July 7, 1992 to the Department of Defense (DOD) concerning classification of these items. I apologize for the delay in responding and hope it has not caused any inconvenience.

The FRH is a device packaged in a tough plastic envelope which, when water is added, generates heat to warm a field ration. It is used in military meals, ready-to-eat (MRE), and each MRE includes one FRH. You indicated that the magnesium alloy contained in the FRH meets the definition of Division 4.3 (Dangerous When Wet).

Based on the information you provided, it is our determination that a single FRH device, containing eight grams of magnesium alloy or less packaged in a tough plastic envelope within an MRE, is in a quantity and form which does not pose a hazard in transportation and is not subject to the Hazardous Materials Regulations (HMR), regardless of the number of MREs in a package. This determination does not apply to FRH devices shipped separately from MREs, or to FRH devices containing more than eight grams of magnesium alloy, which must be shipped in conformance to the applicable requirements of the HMR.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards

173.124