



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

SEP 14 2004

DOT-E 10803
(EIGHTH REVISION)

EXPIRATION DATE: August 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Thermo King Corporation
Minneapolis, MN
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the manufacture, mark and sale of temperature controlled equipment (Safetec Heater System and ST-II) for use in motor vehicles engaged in the transportation of materials described in paragraph 6, subject to the limitations and special requirements herein. This exemption provides no relief from any Hazardous Materials Regulation other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.203(a) in that marking the exemption number on the shipping paper is waived, and § 177.834(1)(2)(i).
5. BASIS: This exemption is based on the application of Thermo King Corporation dated August 25, 2004, submitted in accordance with § 107.109.

SEP 14 2004

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description - - proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Specific or generic name, as appropriate	3	as appropriate	as appropriate
Specific or generic name, as appropriate	2.1	as appropriate	n/a

7. SAFETY CONTROL MEASURES:

a. Materials in the classes identified above, properly packaged, may be shipped by highway vehicles equipped with propane-operated heating equipment described in Westinghouse's applications dated May 11, 1995 and January 27, 1997. Any electrical equipment in the lading space must be of non-sparking or explosion proof type. There must be no combustion equipment in the lading space, and no arrangement for return of air from the lading space to any combustion equipment. The heating system (including a required thermostatically controlled blower and radiator) must be such that no part of the lading will be heated to over 130°F. and must conform to § 393.77.

b. The heating units and the component parts must be as shown in SAFETEC operating manual title "SAFETEC Heater, Model ST28-10" or in the drawings submitted in the January 27, 1997 application, both of which are on file in the Office of Exemptions and Approvals (OHMEA). Each heater unit and its fuel supply must be externally mounted on truck or trailer, must retain combustion in a sealed combustion chamber, must utilize outside air for combustion (air from the cargo space cannot be used for combustion) and gases from combustion must be exhausted to the outside of truck or trailer.

SEP 14 2004

8. SPECIAL PROVISIONS.

a. Offerors for transportation of hazardous materials specified in this exemption may use the SAFETEC and the ST-II systems described in this exemption for the transportation of such hazardous materials so long as no modifications or changes are made to the systems, all terms of this exemption are complied with, and a copy of the current exemption is maintained at each facility from which such offering occurs.

b. Each SAFETEC and ST-II system must be plainly and durable marked "DOT-E 10803", however, the shipping paper notation required by § 172.203(a) is waived.

c. Each SAFETEC and ST-II System manufactured under the authority of this exemption must be marked with the THERMO KING 10-digit serial number which includes the product code, plant code and date code of manufacture in addition to the sequential unit number. This information will be on a metal tag attached to the unit with a decal marked with DOT-E 10803 and THERMO KING CORP MINNEAPOLIS, MN.

d. A current copy of this exemption must be maintained at each manufacturing facility at which the SAFETEC and ST-II systems are manufactured and must be made available to a DOT representative upon request.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS:

A current copy of this exemption must be carried aboard each motor vehicle equipped with the SAFETEC heating system or the ST-II when transporting the above classed hazardous materials under the provisions 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 the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

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

- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training by §§ 172.700 through 172.704.

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.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 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 in Washington, D.C.:



fa

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

SEP 14 2004

(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.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: sln