



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

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

JUL 13 2004

Ms. Ingrid Ring  
Eberspaecher North America (ENA)  
29101 Haggerty Road  
Novi, Michigan 48377

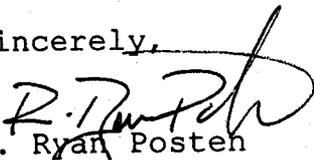
Dear Ms. Ring:

In response to your letters dated June 30, 2004 and July 13, 2004, enclosed is a copy of the Fourth Revision of DOT-E 10882 which has been extended to June 30, 2006 for Espar Products, Inc., Mississauga, Ontario, Canada.

This extension does not resolve proceedings which may be initiated by the Office of Hazardous Materials Enforcement, Research and Special Programs Administration, concerning the operations conducted between March 31, 2004 and the issue date of your extension. Those operations conducted after the expiration date and before this extension were not in compliance with the Hazardous Materials Regulations, and no longer authorized by the exemption.

If you have any questions please contact Ms. Sherrie Nelson of my staff at (202)366-4535.

Sincerely,

  
R. Ryan Posten  
Exemptions Program Officer  
Office of Hazardous Materials  
Exemptions & Approvals

Enclosure



U.S. Department  
of Transportation

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

**Research and  
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DOT-E 10882  
(FOURTH REVISION)

EXPIRATION DATE: June 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Espar Products, Inc., Mississauga, Ontario, Canada  
(U.S. Agent: Eberspaecher North American (ENA),  
Novi, Michigan)
2. PURPOSE AND LIMITATIONS:
  - a. This exemption authorizes the manufacture, marking and sale of temperature controlled equipment (Air Heater D31, D51, D71, and D121) 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 the Hazardous Materials Regulations (HMR) 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) and § 177.834(1) (2) (i), except as specified herein.
5. BASIS: This exemption is based on the application of Espar Products, Inc. dated June 30, 2004, submitted in accordance with § 107.109 and a supplemental letter dated July 13, 2004.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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

7. PACKAGING(S) and SAFETY CONTROL MEASURES: Conditions under which shipments may be made are as follows:

a. Materials in the classes identified above, properly packaged, may be shipped by highway vehicles equipped with diesel-fueled heating equipment described in the exemption application. 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 any lading space to any combustion equipment. The heating system must be such that no part of the lading will be heated to over 130°F and must conform to the requirements of § 393.77.

b. The heating unit and component parts must be as shown in Espar Technical Bulletins D31, D51, D71 and D121, submitted in the exemption application. The heater unit and its fuel supply must be externally mounted on the 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 the truck or trailer.

8. SPECIAL PROVISIONS:

a. Offerors for transportation of the hazardous materials specified in this exemption may use an Espar heating system described in this exemption for the transportation of such hazardous materials so long as no modifications or changes are made to the system, 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. Shippers using vehicles equipped with Espar heating systems covered by this exemption must comply with the shipping paper, marking, labeling, and placarding requirements of 49 CFR Part 172; all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 100-180.

d. Each Espar heater sold under the authority of this exemption is manufactured and marked at the facility of J. Eberspächer, Postfach 289, W7300 Esslingen, Germany.

e. Each Espar heater must be plainly and durably marked "DOT-E 10882".

f. A current copy of this exemption, in its current status, must be maintained at the facility at which the Espar heater is 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 of each motor vehicle equipped with Espar heating systems 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, 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 required by §§ 172.700 through 172.704.

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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 also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued in Washington, D.C.:



Robert A. McGuire  
 Associate Administrator for  
 Hazardous Materials Safety

JUL 13 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