

September 5, 2008



U.S. Department  
of Transportation

East Building, PHH-30  
1200 New Jersey Avenue S.E.  
Washington, D.C. 20590

**Pipeline and Hazardous  
Materials Safety Administration**

DOT-SP 14726  
(FIRST REVISION)

**EXPIRATION DATE: July 31, 2010**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Thermo King Corporation  
Minneapolis, MN
2. PURPOSE AND LIMITATION:
  - a. This special permit authorizes the manufacture, marking, sale, and use of temperature controlled equipment (THERMO KING KITS E-28, E-18 and E-13) for use in motor vehicle transportation of the hazardous materials described in paragraph 6, subject to the limitations and special requirements herein. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
  - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the 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 special permit number on the shipping papers is waived; and § 177.834(1)(2)(i) in that combustion cargo heaters are not authorized, except as specified herein.
5. BASIS: This special permit is based on the application of Thermo King Corporation dated June 6, 2008 submitted in accordance with § 107.105 and the public proceeding thereon and additional information of September 5, 2008.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

<b>Hazardous Materials Description</b>			
<b>Proper Shipping Name</b>	<b>Hazard Class/ Division</b>	<b>Identification Number</b>	<b>Packing Group</b>
Specific or generic name, as appropriate	3	As appropriate	I, II, or III
Specific or generic name, as appropriate	2.1	As appropriate	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Materials in the classes identified above, properly packaged, may be shipped by motor vehicles (highway) equipped with the diesel operating heating equipment described herein. The heating units and the component parts must be as shown in the Thermo King Heating Kit Bulletins 80-210 (E-28), 80-212 (E-13), and 80-213 (E-18) which were submitted with the Thermo King Corporation's application on file with the Office of Hazardous Materials Special Permits and Approvals. The three heating units authorized are the Espar Airtronic D4 heater, Espar Airtronic D5 heater, and Espar Airtronic D8LC heater.

b. OPERATIONAL CONTROLS - The following safety controls are required for motor vehicles equipped with the E-series heaters. The E-series models have the following operating controls:

(1) The only electrical devices that contact the lading space air must be the temperature sensor which contributes to thermostatic control and it must be non-sparking. Any other electrical or explosive device(s) are forbidden.

(2) The combustion chamber must be enclosed in the heater which in turn must be enclosed in the unit enclosure and mounted outside of the lading space. For the re-circulating air configuration lading space air

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must return to the heat exchanger, but shall not return to the combustion chamber.

(3) A label must be placed on the heaters that instruct the operators to keep all lading a safe distance from the heater outlet on the front wall of the trailer or truck body.

(4) Thermo King E-Series Heater Kits and fuel delivery systems must both be mounted outside of the lading space on the front wall of the trailer or on the truck body.

(5) Combustion air must be drawn from outside of the lading space and exhaust fumes are delivered back to the outside. Combustion intake and outlet must be routed to opposite side of the heater unit.

(6) The heating system must be such that any part of the lading will not be heated to or above 130°F

(7) The Thermo King E-Series Heating Kits must conform to 49 CFR § 393.77.

c. MARKING -

(1) Each Thermo King E-Series Heating system must be plainly and durably marked "DOT-SP 14726".

(2) Each Thermo King E-Series Heating System manufactured under the authority of this special permit must be marked with the Thermo King's serial number which includes: the product code, plant code, date code of manufacture, and sequential unit number. This information must be on a metal tag or waterproof and tamper resistant adhesive label attached to the unit (Drawing No. 8495C03). A second metal or waterproof and tamper resistant adhesive label must be placed on each Thermo King E-Series Heating System marked with DOT-SP 14726 and THERMO KING CORP MINNEAPOLIS, MN (Drawing No. 1B16198).

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8. SPECIAL PROVISIONS:

a. Offerors for transportation of hazardous materials specified in this special permit may use the Thermo King E-Series Heating System described in this special permit for the transportation of such hazardous materials so long as no modifications or changes are made to the systems, all terms of this special permit are complied with, and a copy of the current special permit is maintained at each facility from which such offering occurs.

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

c. A current copy of this special permit must be maintained at each facility where the package is manufactured under this special permit. It must be made available to a DOT representative upon request.

d. The shipping paper notation required by § 172.203(a) is waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor Vehicle.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard motor vehicle used to transport packages covered by this special permit.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit 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 special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

o Persons operating under the terms of this special permit 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.

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

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Theodore L. Willke  
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

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Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at [http://hazmat.dot.gov/sp\\_app/special\\_permits/spec\\_perm\\_index.htm](http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm). Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: LJMAJORS