



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety Administration**

1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

DEC 7 2007

Mr. Joseph J. Krowitz
Department of the Navy
Naval Air Systems Command
Building 2272, Room 350 NAS
47123 Buse Road
Patuxent River, MD 20670-1537

Ref. No.: 07-0202

Dear Mr. Krowitz:

This is in response to your October 15, 2007 letter regarding the transportation of primary lithium batteries contained in equipment under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). According to your letter, your equipment containing one or two primary lithium batteries is authorized for transport via passenger aircraft because it meets the exception specified in Special Provision A101, in § 172.102 of the HMR. You ask if the equipment described in your letter must be shipped as a Class 9 material.

The answer is no. A piece of equipment containing a lithium battery must be transported as a Class 9 material if the battery contained therein is subject to the HMR as a Class 9 material. Based on the description in your letter, your batteries are excepted from the HMR; therefore, the equipment is not required to be shipped as a Class 9 material.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Pollack

§171.2

§173.185

Lithium Batteries

07-0202

Drakeford, Carolyn <PHMSA>

From: Pollack, Arthur <PHMSA>
Sent: Monday, October 15, 2007 10:14 AM
To: Drakeford, Carolyn <PHMSA>
Cc: Gale, John <PHMSA>
Subject: FW: Lithium Battery Determination of Classification for Shipment
Attachments: 72fr-44929.pdf; Spec Sheet LSH-14.pdf; Spec Sheet LS-26500.pdf

Darral; do you have Mr. Krowitz's physical address? Can you get it to Carolyn?

From: Relerford, Darral <PHMSA>
Sent: Monday, October 15, 2007 9:44 AM
To: Pollack, Arthur <PHMSA>
Subject: FW: Lithium Battery Determination of Classification for Shipment

Arthur, I think that this needs to be **handled as a letter of interp.**

Darral Relerford

U.S. DOT Office of Special Permits and Approvals PHH-30

1200 New Jersey Avenue, S.E. Building, Room E23-418

Washington, D.C. 20590

Tel: 202-366-0260

Fax: 202-366-3308

From: Krowitz, Joseph J. CIV 6.6.4.5 [mailto:Joseph.J.Krowitz@navy.mil]
Sent: Monday, October 15, 2007 7:49 AM
To: Relerford, Darral <PHMSA>
Subject: Lithium Battery Determination of Classification for Shipment

Mr. Relerford,

Per our phonecon of 10 October 2007, I have reviewed the Recently Published Final Rulings from the HAZMAT.DOT.GOV website for 49 CFR Parts 171, 172, 173, and 175. The following are my conclusions:

Part 171.12 North American Shipments

(a)(6) Primary Lithium Batteries and Cells. The last sentence of this paragraph states, "The provisions of this paragraph do not apply to packages that contain 5kg (11 pounds) net weight or less of primary lithium batteries cells that are contained in or packaged with equipment."

Comment: Our equipment contains one or two batteries, each weighing no more than 1.8 oz. Maximum total battery weight is 3.4 oz. The batteries are installed in the equipment. Therefore we meet the requirements of this paragraph.

Part 171.24 Additional requirements for the use of the ICAO technical instructions (d)(1)(ii) Primary Lithium Batteries and Cells. The second sentence of this paragraph states, "Equipment containing or packed with primary lithium batteries or cells are forbidden for transport aboard passenger carrying aircraft except as provided in 172.102, Special Provisions A101 of this subchapter."

Part 172.102 Special Provisions A101 states, "A primary lithium battery or cell packed with or contained in equipment is forbidden for transport aboard a passenger carrying aircraft unless the equipment and the battery conform to the following provisions and the package contains no more than the number of lithium batteries or cells necessary to power the intended piece of equipment:"

Comment: Our equipment only carries the number of batteries required to power the equipment, as determined by the manufacturer.

"(1) The lithium content of each cell, when fully charged, is not more than 5 grams."

Comment: Our batteries contain no more than 2.0 grams per battery.

"(2) The aggregate lithium content of the anode of each battery, when fully charged, is no more than 25 grams."

Comment: Once again, our batteries contain no more than 2.0 grams per battery.

"(3) The net weight of lithium batteries does not exceed 5kg (11 pounds)."

Comment: The maximum total weight of batteries for either unit is no more than 3.4 oz.

Based on the findings described above, it is my understanding that shipment of our equipment with the lithium batteries installed does not constitute a hazard for transport aboard passenger carrying aircraft and are not required to be marked "PRIMARY LITHIUM BATTERIES - FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT." I would also like to know, if this is correct, does this also exempt the equipment from being classified as Class 9 material or is still Class 9 because it does contain lithium batteries regardless of the amount of lithium.

As competent authority for the requirements of lithium battery shipment, we request you provide a final determination on the requirements for shipment of our equipment with the lithium batteries installed.

<<72fr-44929.pdf>> <<Spec Sheet LSH-14.pdf>> <<Spec Sheet LS-26500.pdf>>

V/R,

10/15/2007

Joe Krowitz
PMA-209
Nav Systems DAPML
(301) 757-6724
DSN: 757-6724

Drakeford, Carolyn <PHMSA>

Full Name: Ray Fauchaux
Last Name: Fauchaux
First Name: Ray

Business Address: 5240 Coffee Drive
New Orleans, La. 70115
UNITED STATES

Business: 896-7800 ext.120
Mobile: (504)382-4161

E-mail: R.Fauchaux@silocaf.com
E-mail Display As: R.Fauchaux@silocaf.com