



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

JUN 25 2008

Ms. Jennifer Eberle
Manager, Transportation Compliance
Veolia Environmental Services
1 Eden Lane
Flanders, NJ 07836

Ref. No.: 08-0145

Dear Ms. Eberle:

This is in response to your May 23, 2008 letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to nickel cadmium batteries. You ask whether these batteries should be classed as "Batteries, dry" (similar to nickel-metal hydride batteries) under the HMR and offered for transportation and transported in accordance with § 172.102, Special provision 130.

The answer is yes. Provided your batteries are securely packaged and offered for transportation in a manner that prevents the dangerous evolution of heat and protects against short circuits, as provided in Special Provision 130, they are not subject to any other requirements of the HMR.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards

Leary
§ 172.102 SP130
Batteries
08-0145

May 23, 2008

Office of Hazardous Materials Standards / Pipeline and Hazardous Materials Safety
Administration
Attn: PHH-10
U.S. Department of Transportation
East Building
1200 New Jersey Avenue S.E.
Washington DC 20590-0001

RE: Request for Interpretation Regarding Proper Classification of Nickel Cadmium Batteries

To Whom It May Concern:

Please accept this letter as a request for a formal interpretation from your office. On February 25, 2008, USDOT issued an interpretation letter (Ref No.: 08-0019) clarifying that nickel metal hydride batteries are properly classified as "Batteries, dry" and are therefore not regulated by the HMR when managed in accordance with special provision 130.

→ Is it the opinion of your office that consumer-type nickel cadmium, dry cell batteries containing potassium hydroxide would also be properly described using the "Batteries, dry" proper shipping name and thereby qualify for the exception allowed in accordance with special provision 130?

Your written response to this question is greatly appreciated. If you require any further information regarding this letter please contact me at 973-448-4209 or jennifer.eberle@veoliaes.com.

Thank you,



Jennifer Eberle
Manager, Transportation Compliance