



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

JAN 16 2009

Mr. Robert A. Maberry III
Sr. Administrator-Chemical Transportation
Hazardous Materials Dept.
YRCW- North American Transportation
10990 Roe Avenue
Mail Stop A605
Overland Park, KS 66211

Ref. No. 08-0174

Dear Mr. Maberry:

This responds to your letter requesting assistance in determining the description required for an electric storage battery on a shipping paper under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You ask what “number and type of packages” required under § 172.202(a)(7) should be indicated on a shipping paper for a 650-lb electric storage battery containing acid (UN2794) that is secured to a skid conforming to the non-specification packagings authorized for batteries under § 173.159(c)(1). More specifically, you ask whether the description “1 skid, Battery, wet, filled with acid, 8, UN2794, III, 650 pounds” is acceptable or if “1 Battery, Battery, wet, filled with acid, 8, UN2794, III, 650 pounds” would be a more appropriate description.

Because § 173.159(c)(1) requires the battery to be secured to a skid without any further packaging, the description “1 skid, Battery, wet, filled with acid, 8, UN2794, III, 650 pounds” is more appropriate.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

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

Stevens
§ 172.202(a)(7)
§ 173.159(c)(1)

Shipping Papers / Battery
08-0174
YRC North American Transportation

June 24, 2008

Office of Hazardous Material Standards, PHMSA
Attn: PHH-10
U.S. Department of Transportation, East Bldg.
1200 New Jersey Ave., SE
Washington, D.C. 20590

Edward T. Mazzullo
Director, Office of Hazardous Materials Standards

Mr. Mazzullo,

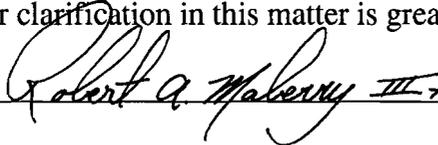
I am requesting a letter of interpretation and clarification in reference to 49 CFR parts 172.202 (a) (7) and 49 CFR 173.159 (c) (1) as they relate to the following example of a Battery, wet filled with acid, 8, UN2794, III.

The battery in this example is a 650 pound battery used for emergency power back up systems in various applications and in remote locations. It is prepared for transportation in accordance with 49 CFR 173.159 (c) (1) and "firmly secured to skids or pallets" as outlined in this part, as non specification packaging authorized for batteries packed without other materials.

49 CFR 172.202 (a) (7) requires the bill of lading to indicate the number and type of packages "(for example, "12 Drums)" for a regulated hazardous material entry on a bill of lading. It is my understanding from previous conversations with the Department of Transportation, that a "pallet or skid" can not "contain" (as a means of restraint) a liquid, solid or gas and therefore is not by definition a "packaging" but an instrument of conveyance. I understand and do not disagree with that explanation. My concern is the appropriate way to describe this battery on a bill of lading in compliance with 172.202 (a) (7) when packaged in accordance with 173.159 (c) (1). Would the description: 1 skid, Battery wet filled with acid, 8, UN2794, III 650 pounds, be in compliance with this section? Does PHMSA accept "Battery" as being a valid description of packaging in the case where there is no external packaging around the battery case? If not what would the correct entry for the above described battery that is secured to a skid or pallet and in compliance with 173.159 (c) (1) on a bill of lading?

Page 2

Your clarification in this matter is greatly appreciated.



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