



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

FEB 25 2008

Mr. Charles W. Guthrie
2492 Haversham Close
Virginia Beach, VA 23454

Ref No.: 08-0019

Dear Mr. Guthrie:

This is in response to your letter dated January 9, 2008 regarding the transportation of dry cell batteries under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether nickel metal hydride camera batteries are subject to the HMR when transported by aircraft.

Nickel metal hydride batteries are properly classified as "Batteries, dry." Special provision 130 in § 172.102 excepts "Batteries, dry" from regulation when they are securely packaged and offered for transportation in a manner that prevents the dangerous evolution of heat (for example, by effective insulation of exposed terminals) and protects against short circuits. However, you should be aware that § 173.21(c) forbids the transportation of electrical devices that are likely to create sparks or generate a dangerous quantity of heat, unless they are packaged in a manner to preclude such an occurrence. Provided the batteries are properly packaged and protected, they are not regulated under the HMR.

On March 26, 2007 we issued a safety advisory in the Federal Register (72 FR 14167) to provide the traveling public and airline employees with information on the importance of properly packing and handling batteries and battery-powered devices when they are carried aboard aircraft. The advisory suggests practical measures for the safe transportation of batteries. You should: 1) Keep batteries installed in portable electronic devices; 2) Pack spare batteries in carry-on baggage; 3) Keep spare batteries in the original retail packaging; 4) If original packaging is not available, effectively insulate battery terminals; and 5) Not carry recalled, damaged, or counterfeit batteries. A copy of the safety advisory is enclosed.

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

Sincerely,

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

Supko
§ 175.10(a)(17)

Drakeford, Carolyn <PHMSA>

Air
08-0019

From: INFOCNTR <PHMSA>
Sent: Wednesday, January 09, 2008 2:19 PM
To: Drakeford, Carolyn <PHMSA>
Cc: 'cguthrie@lynnhavenmarine.com'
Subject: FW: Information Center Comments/Questions

Carolyn,
Mr. Guthrie would like a formal letter of interpretation on the issue described below.
Thank,
Infocenter

-----Original Message-----

From: cguthrie@lynnhavenmarine.com [mailto:cguthrie@lynnhavenmarine.com]
Sent: Wednesday, January 09, 2008 2:23 PM
To: INFOCNTR <PHMSA>
Subject: Information Center Comments/Questions

Below is the result of your feedback form. It was submitted by Charles Guthrie (cguthrie@lynnhavenmarine.com) on Wednesday, January 9, 2008 at 14:22:54.

Email: cguthrie@lynnhavenmarine.com
Name: Charles Guthrie
Category: Aircraft (Sections 175.1 - 175.706)
Organization: private
Street: 2492 haversham close
City: Virginia Beach
State: Virginia
Zip Code: 23454
Country: USA
Phone: 757-481-0700
Fax: 757-496-6436
Comments: This note came to me;

New Travel Rules for Handling Batteries : Heads up, underwater photographers: As of January 1, you'll have to handle your lithium batteries in a different manner. The Department of Transportation no longer allows loose lithium batteries to be packed in checked luggage. Instead, you can only take them in carry-on bags -- but you can only take two maximum, and they must be stored in the original packaging or a plastic bag. This new regulation is supposed to reduce the risk of lithium batteries catching on fire. When it comes to checked bags, lithium batteries will only be allowed if they're installed in electronic devices like laptop, dive computers and photo gear -- which, of course, probably shouldn't be checked, but with today's bag restrictions, it is virtually impossible to take on board all your electronic gear.

Dear sir;

I carry a lot of photo gear.
We are trying to get a specific answer.

I also want to get a formal response that I can carry with me when I fly if a TAS agent is confused about the rules.

1. Does this law effect NiMH (NickEL Metal HyDRIDE) Batteries?
2. Site for detail rules about the types and sizes of batteries.

Thank you
Charles w, Guthrie