



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

OCT 26 2001

Mr. Thomas D. Kusek
Nefab, Inc.
26435 Springland Drive
Farmington Hills, MI 48334

Ref. No. 01-0205

Dear Mr. Kusek:

This responds to your August 9, 2001 letter requesting clarification on § 173.159(c)(1) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether you may ship alkali batteries under the provisions of § 173.159(c)(1) via rail, highway or vessel.

According to your letter, you are shipping 16 individual alkali batteries in a bag with molded foam pads in place between and on top of the batteries packed in a wooden package which weighs less than 800 pounds. The molded foam pads protect the terminals as well as prevent any void space in the package. It is your understanding that provisions in § 173.159(c)(1) allow you to ship these batteries by rail, highway, or vessel within the United States as long as your package can pass a compression test of two times the weight of the package with the batteries, or 1600 pounds. Provided all provisions in § 173.159(c)(1) are met, your understanding is correct.

I hope this answers your inquiry.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



010205

NEFAB

Boothe
173.159 (c)
Batteries
01-0205

Fax

Date: 8/9/01

**To: Mr. Edward T. Mazullo
Diretor Office of Hazardous Materials
U.S. DOT/RSPA (DMH-10)
400 7th Street S.W.
Washington, D.C. 20590-0001**

**From: Thomas D. Kusek
Nefab, Inc.**

Fax: 202-366-3012

Pages: 1

Dear Mr. Mazullo:

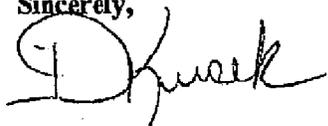
In reading CFR 173.159 (c), I am interpreting this subpart to be or statements not and statements.

We have a wood package containing 16 individual alkali batteries in a bag with foam. The total package weighs less than 800 lb. Using Subpart (c) 1 we are assuming that we can ship these batteries via rail, highway, or sea within the United States as long as our package can pass a compression test of two times the weight of the package with the batteries, 1600 lb.

Would you please let us know in writing whether we have interpreted CFR 173.159 (c) properly and whether it is legal to ship the batteries as I have described above. We would appreciate a reply by fax including the detail as specified. Our fax number is 248-478-8834.

Thank you for your help,

Sincerely,



Thomas D. Kusek