



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

NOV - 9 2004

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

Mr. Subhash Sudra
Logistics Manager
Philips Medical Systems
3201 Fifth Avenue, Suite 200
Seattle, Washington 98121-1825

Ref. No. 04-0227

Dear Mr. Sudra:

This responds to your September 29, 2004 letter and subsequent conversation with Mr. Darral Relerford, concerning the requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) for excepted shipments of lithium cells and batteries. Specifically, you asked if lithium cells with a lithium content of 5.88 grams that are assembled into battery packs may be transported without labeling or marking.

The answer is no. Under § 173.185(c), lithium cells and batteries are not subject to the requirements of the HMR if they meet the following conditions: (1) the lithium content of the anode of each cell, when fully charged, is not more than 5 grams; (2) the aggregate lithium content of the anodes of each battery, when fully charged, is not more than 25 grams; (3) each cell or battery is of the type proven to be non-dangerous by testing in accordance with tests in the UN manual of Tests and Criteria carried out on each type of cell or battery prior to the initial transport of that type; and (4) cells and batteries are designed or packed in such a way as to prevent short circuits under conditions normally encountered in transportation. Your lithium cells and batteries do not meet the conditions for the exception provided in § 173.185(c). Therefore, they must be transported in accordance with the applicable provisions of § 173.185.

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

Sincerely,

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



040227

173.185(c)



PHILIPS

Philips Medical Systems

Heartstream

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Lithium Battery
04-0227

9/29/04

U.S. Department of Transportation
Mr. John A. Gale, Chief, Standards Development
Office of Hazardous Materials Standards
Seventh Street, S.W. - Room 8430
Washington, DC 20590-0001.

Attention: Mr. John A. Gale

Re: 173.185 (c)

Dear Mr. Gale,

Please can you clarify the below mentioned statement from 49 CFR as to when for example we ship a box of 25 each Lithium Batteries (LC=5.88g) — total of 23.52g, we should than ship only 4 battery packs without — labeling/markings/declaration or we ship them as a box of 25 then declaring them as Class 9?

My question is that to clarify that the limit is 25g and split them as accordingly?

EXCEPTION

Sec. 173.185(c), excepts from the HMR those lithium batteries and cells where the anode of each cell, when fully charged, does not contain more than 5 grams of lithium content and the aggregate lithium content of the anodes of each battery, when fully charged, is not more than 25 Grams. These batteries and cells must be tested in accordance with UN Manual of Tests and Criteria and be designed or packed in such a way as to prevent short circuits under conditions normally incident to transportation. A package containing these batteries and cells is also not required to be marked or labeled and a shipping document is not required to accompany a shipment to communicate the presence of lithium Batteries.

Please respond at your earliest in a prepaid return FedEx envelope.
Thank you for all your help in this matter,

Regards,


Subhash Sudra
Logistics Manager
206-664-5891

cc: Mr. Richard D. Tarr, Ph.D