



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590

SEP 6 2007

Messrs. Robert G. Barkley and John L. Cook
C-17 Field Services
Post Office Box 4489
Charleston AFB, SC

Ref. No.: 07-0055

Dear Messrs. Barkley and Cook:

This is in response to your letter dated March 7, 2007, concerning requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) for the transportation of an internal navigation unit containing two single cell lithium-thionyl chloride (Li-SOCL₂) batteries. According to the information provided with your letter, each internal navigation unit contains two single cell primary Li-SOCL₂ batteries and each cell/battery has a lithium content of approximately 1.7 grams. In your letter you specifically request clarification concerning whether these batteries are subject to the requirements of § 173.185(b) or (c).

Based on the information provided with your letter, an internal navigation unit containing primary lithium batteries with a lithium content of 1.7 grams per cell is subject to the requirements of § 173.185(c). The internal navigation unit may be offered for transportation by passenger aircraft in accordance with the requirements of § 172.102, Special Provision A102.

You may be interested to know that, on August 9, 2007 we published a final rule on the transportation of lithium batteries. This final rule eliminated the hazard communication and packaging exception provided in § 173.185(c). Until October 1, 2008, the internal navigation unit containing the two primary lithium batteries described in your letter is excepted from most HMR requirements provided it complies with the requirements of § 172.102, Special Provision 190. However, the provisions that allow primary lithium batteries of this size packed with or contained in equipment to be offered and transported aboard passenger aircraft has been retained in § 172.102, Special Provision A101.

After October 1, 2008, the internal navigation unit containing the two primary lithium batteries described in your letter must be shipped as a Class 9 material and conform to the provisions of § 172.102, Special Provision A101 and § 173.185 when offered and transported by aircraft or vessel. For transportation by highway or rail, the internal navigation unit containing the two primary lithium batteries described in your letter would be excepted from most HMR requirements when transported in accordance with § 172.102, Special Provision 189.



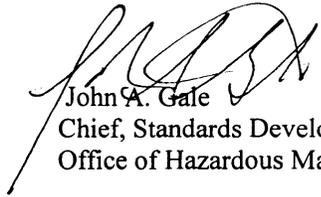
070055

173.185
172.102

Please refer to our website at <http://hazmat.dot.gov> under the Rules and Regulations icon, in the rulemaking and Federal Register Notices section.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

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

March 07, 2007

Leary
§ 173.185
§ 173.1
Lithium Batteries
07-0055

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
400 7th Street S.W.
Washington, D.C. 20590-0001



SUBJ: Shippers-General Requirements for Shipments and Packagings
(Sections 173.1 - 173.476)

Dear Mr. Mazzullo,

The impetus of my question is related to the proper classification and shipping of an Inertial Navigation Unit (INU). The INU contains two (LSH14) lithium batteries; each battery has a lithium content of approximately 1.7 grams. I have attached the specification sheet for the Lithium battery to help illustrate what we are trying to correctly classify and ship.

Per the 49CFR, §172.102 Special Provision, A102 A primary (non-rechargeable) lithium battery or cell contained in equipment is forbidden for transport aboard a passenger carrying aircraft unless:
a. The battery or cell complies with the requirements and limitations of § 173.185 (b) (1), (b) (2), (b) (3), (b) (4) and (b) (6) or § 173.185(c) (1), (c) (2), (c) (3) and (c) (5) of this subchapter;

Because §173.185 "b" and "c" have different maximum allowable limits and the word "or" is used between them, there seems to be some ambiguity or in this case confusion as to which requirements do we comply with? 173.185 (b) (1), (b) (2), (b) (3), (b) (4) and (b) (6) or § 173.185(c) (1), (c) (2), (c) (3) and (c) (5)?

While a verbal response would be very much appreciated, it would not be easily documented for historical purposes. Please provide a formal response to this inquire.

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