



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

AUG 14 2018

Frank Nesbihal
Principal Environmental Engineer
Florida Power and Light Company
700 Universe Boulevard
Juno Beach, FL 33408

Reference No. 18-0051

Dear Mr. Nesbihal:

This letter is in response to your April 2, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to packaging requirements for used non-spillable and dry, sealed batteries.

You describe the following scenario:

- You ship used non-spillable batteries and used dry, sealed batteries by ground in separate packages from company facilities to the company's central accumulation center.
- Prior to transportation, all the terminals on both types of batteries are protected to prevent short circuits and the evolution of heat.
- The non-spillable batteries meet the conditions of § 173.159a.
- The dry, sealed batteries meet the conditions of § 172.102(c)(1) Special Provision 130.

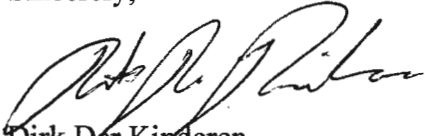
Specifically, you ask whether you can combine the used non-spillable batteries and used dry, sealed batteries as described above in the same package for the purpose of transportation for recycling.

The answer is yes. Provided the non-spillable batteries are properly prepared for transportation and the package is marked in accordance with § 173.159a, they are not otherwise subject to the HMR except for incident reporting. Similarly, dry, sealed batteries that are prepared in accordance with § 172.102(c)(1) Special Provision 130(b) are not subject to any additional requirements of the HMR for ground transportation except incident reporting. A package may contain both used non-spillable batteries and used dry, sealed batteries if all the batteries are prepared and packaged in a manner to prevent short circuits, dangerous evolution of heat, and damage to terminals.

Please note that if the used dry, sealed batteries are not protected from dangerous evolution of heat, short circuits, and damage to terminals under § 172.102(c)(1) Special Provision 130(d), they may not be shipped in the same outer package as the used non-spillable batteries.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dirk Der Kinderen', written in a cursive style.

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Patrick
Packaging General
18-0051

January, Ikeya CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Monday, April 02, 2018 4:58 PM
To: Hazmat Interps
Subject: FW: Question - Transporting Batteries in a Single Package for Recycling

Hi Alice & Ikeya,

Below is a request for a letter of interpretation. Frank spoke with Jonathon regarding his question. Please let me know if you have any questions.

Thank you,
Jodi

From: Nesbihal, Frank J [mailto:Frank.J.Nesbihal@fpl.com]
Sent: Monday, April 02, 2018 1:57 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Cc: Cevallos, Porfirio <Porfirio.Cevallos@fpl.com>; Jones, Mark <Mark.A.Jones@fpl.com>
Subject: Question - Transporting Batteries in a Single Package for Recycling

Hi,

I am kindly requesting a formal written reply to my question regarding the transportation of small used non-spillable batteries and small used batteries, dry, sealed (i.e., ni-cad batteries) for recycling. We ship these types of batteries by ground in separate packages (e.g., drum or box) from various company facilities to our company's central accumulation center. Prior to transportation, all the terminals on these batteries are protected to prevent short circuits and the evolution of heat. The facilities ship the small used non-spillable batteries that meet all the conditions set forth in the exception at 49 CFR 173.159a(d). The facilities also ship the small used batteries, dry, sealed that meet all the conditions set forth at Special Provision 130.

Based on our interpretation, used non-spillable batteries are excepted from the HMR when the conditions in paragraph §173.159a(c) are met whereby the batteries are packed in a strong outer packaging, braced to prevent short circuits and evolution of heat, and the outer packaging is marked with "NONSPILLABLE" or "NONSPILLABLE BATTERY". Special Provision 130(b) in §172.102 excepts "Batteries, dry, sealed, n.o.s." (new or used) from the HMR when they are securely packaged and offered for transportation in a manner that prevents the evolution of heat and protects against short circuits. For efficiency, can we combine these two types of batteries in the same package for recycling that complies with the packaging requirements at §173.159a(c)(1) (i.e., packed in a strong outer packaging, braced to prevent short circuits and evolution of heat), and the marking requirement at §173.159a(c)(2) (i.e., outer packaging marked with "NONSPILLABLE" or "NONSPILLABLE BATTERY")?

Respectfully,
Frank Nesbihal

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