



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAR 30 2000

Mr. Werner Dittmer
American Suzuki Motor Corporation
P.O. Box 1100
Brea, CA 92822-1100

Ref. No. 00-0060

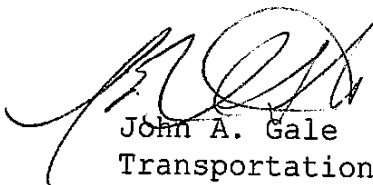
Dear Mr. Dittmer:

This is in response to your letter dated February 18, 2000 regarding the marking requirements for non-spillable batteries under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a sticker with the words "NONSPILLABLE" or "NONSPILLABLE BATTERY" would qualify as plainly and durably marked (§ 173.159).

Section 173.159(d)(2) requires each non-spillable battery and its outer packaging to be plainly and durably marked "NONSPILLABLE" or "NONSPILLABLE BATTERY" if the battery was manufactured after September 30, 1995. Any method that affixes the required markings to the package in a durable manner is acceptable. Provided the required marks remain on the package during transportation, the use of a sticker is authorized.

I hope this satisfies your request.

Sincerely,



John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards



000060

173.159



AMERICAN SUZUKI MOTOR CORPORATION
PARTS & ACCESSORIES

BAH
8173.159
00-0060

February 18, 2000

Edward Mazzullo
Director, Office of Hazardous Materials Standards
DHM-10
RSPA
400 7th St. SW
Washington, D.C. 20590-0001

Dear Mr. Mazzullo,

This is a request for an interpretation regarding DOT regulation 173.159 (d)(2), concerning nonspillable batteries.

It reads as follows:

"For batteries manufactured after September 30, 1995, the battery and the outer packaging must be plainly and durably marked "NONSPILLABLE" or "NONSPILLABLE BATTERY".

Can you please clarify what constitutes "plainly and durably marked"?
Does a sticker qualify as a durable marking (for non-spillable), or must the marking be engraved/stamped in the battery in some fashion?

UPS has not provided an approved label at this time, and has advised that we ask DOT for clarification.

I would appreciate a response as soon as possible as we are not able to ship these batteries to our dealers.

Thank you,

Werner Dittmer
American Suzuki Motor Corporation