



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

JUN 13 2000

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

Mr. Huxley Galbraith  
Camera Department  
CBS News  
524 West 57th Street  
New York, NY 10019

Ref. No. 00-0116

Dear Mr. Galbraith:

This is in response to your letter dated April 19, 2000, and subsequent telephone conversation with Eric Nelson of our staff regarding the transportation of dry cell camera batteries under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether nickel cadmium and nickel metal hydride camera batteries are subject to the HMR, in particular when transported by aircraft.

The answer is no. Special provision 130 in § 172.102 excepts "Batteries, dry, *not subject to the requirements of this subchapter*" from regulation when they are offered for transportation in a manner that prevents the dangerous evolution of heat (for example, by effective insulation of exposed terminals).

The HMR contains an overriding provision in § 173.21, *Forbidden materials and packages*. Materials forbidden by § 173.21 may not be offered for transportation, or transported in commerce. This section extends the forbidden designation beyond materials specifically identified in the Hazardous Materials Table or elsewhere in the HMR, to various additional general categories including electrical devices which are likely to create sparks or generate a dangerous quantity of heat, unless packaged in a manner which precludes such an occurrence.

Any electrical device, even one not otherwise subject to the HMR (either by specific exception from the HMR, or because the device and its power source contains no material meeting the definition of a hazardous material), is forbidden from being offered for transportation, or transported, if the device is likely to produce sparks or a dangerous quantity of heat.

I hope this satisfies your request.

Sincerely,

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



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4/19/00

Mr. Edward Mazullo  
Director  
Office of Hazardous Materials Standards  
US-DOT-RSPA

Mr. Mazullo,

I am requesting a letter of clarification indicating that "nickel-cadmium" batteries are considered dry cell batteries and thus are not subject to any of the requirements of the Hazardous Materials Regulations for the transportation of dangerous materials.

Recently one of our news crews was required to fill out two dangerous goods forms for American Airlines when they were boarding a plane in New Orleans. The cameraperson was asked to complete one form in order to transport the camera mounted battery as a carry on item and a second form to ship the remaining batteries with check-in baggage. He was told that batteries are considered dangerous goods and are subject to regulation.

I would like to have some documentation to show the airlines that the nicad batteries we use are considered dry batteries and not subject to this regulation. As you may know we power our news gathering cameras with nicad batteries manufactured by Anton Bauer. We normally have one battery mounted on the camera which is hand carried onto the plane and we ship spare batteries with the rest of our equipment as check-in baggage. A letter from you will certainly help ease the process of explaining to an airline representative that nicad batteries are not subject to this regulation. There is a new battery type out that is made of Nickel Metal Hydride. Would you let me know if this type of battery is subject to regulation also?

Sincerely,



Huxley Galbraith