

MAY 25 2001

Mr. Gregory R. Curtis
Director, Customer Service Standards and Procedures
AirTran Airways, Inc.
9955 AirTran Boulevard
Orlando, FL 32827

Dear Mr. Curtis:

This in response to your letter dated May 23, 2001, concerning requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) for the safe transportation aboard an aircraft of a wheelchair or other battery-powered mobility aid equipped with a nonspillable battery. Specifically, you ask for clarification of provisions in § 175.10(a)(19)(iv).

Your questions are paraphrased and answered as follows:

- Q1. Is it permissible to transport a wheelchair with an attached nonspillable battery when the wheelchair cannot be loaded in an upright position?
- A1. Yes. As indicated in the final rule (58 FR 50496, September 27, 1993) that adopted § 175.10(a)(19), "RSPA stated that the intent of the change was to clarify that a nonspillable battery may be removed from the wheelchair and packed separately, if necessary (e.g., if the battery were not adequately secured to the wheelchair)." When a nonspillable battery is securely attached to a wheelchair in a manner that assures it will not become separated under normal conditions of transportation, there is no need for the nonspillable battery to be packed separately. Accordingly, the wheelchair then may be loaded in other than an upright position.
- Q2. When a wheelchair cannot be loaded in an upright position, does the battery have to be fully enclosed in a rigid housing (outer package) that is plainly and durably marked "NONSPILLABLE" or "NONSPILLABLE BATTERY," or is it acceptable for the battery to simply be secured to the wheelchair?
- A2. When a wheelchair cannot be stored in an upright position, the provisions of § 175.10(a)(19) require that a nonspillable battery must be removed and separately packaged only when the battery is not securely attached to the wheelchair. Even if secured directly to the wheelchair, the battery must be marked "NONSPILLABLE" or "NONSPILLABLE BATTERY." See § 173.159(d).

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Q3 What is the intent of the packaging and marking requirements in § 173.159(d)(1)-(2)?

A3. Section 173.159(d) addresses specific standards that a nonspillable battery must meet to qualify for the same general exception from requirements in the HMR that have always applied to dry batteries. The packaging requirements are intended to prevent damage to the battery under normal conditions of transportation. The marking requirements are intended to facilitate the easy identification of a nonspillable battery by carriers, reshippers, and compliance enforcement personnel to know whether the battery may be offered for transportation or transported under the general exception from the HMR.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Thomas G. Allan
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards

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