U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

NOV - 8 2002

Mr. John Ross
Dassault Falcon
P.O. Box 967
Little Rock, AR 72076

Ref. No. 02-0231

Dear Mr. Ross:

This is in response to your e-mail dated September 12, 2002, and subsequent telephone conversation with Sandra Webb of our staff regarding the transportation of dry cell batteries under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether nickel cadmium batteries are subject to the HMR, in particular when transported by aircraft.

The answer is no, provided certain conditions are met. In the Hazardous Materials Table, § 172.101 the entry "Batteries, dry, *not subject to the requirements of this subchapter*" references Special provision 130. This provision 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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Air

02-0231

INFOCNTR

From: john.ross@dfjclr.falconjet.com
Sent: Thursday, September 12, 2002 12:41 PM
To: Infocntr, Infocntr <RSPA>
Subject: Information Center Comments/Questions

Below is the result of your feedback form. It was submitted by John D. Ross (john.ross@dfjclr.falconjet.com) on Thursday, September 12, 2002 at 12:41:03.

Email: john.ross@dfjclr.falconjet.com

Name: John D. Ross

Category: Aircraft (Sections 175.1 - 175.706)

Organization: Dassault Falcon

Street: P.O. Box 967

City: LITTLE ROCK

State: Arkansas

Zip Code: 72076

Phone: 501-210-0297

Fax: 501-301-2200

Comments:

SUBJECT: Spare Ni-Cad aircraft battery installation

I am writing for clarification on the installation and marking requirements in CFR Title 49 for a "spare" ni-cad battery in a non-commercial business jet aircraft (privately/corporate owned). (Special container or cover, labeling, shipping document on board aircraft, etc.)

This battery is to be utilized as a spare in the event the crew leaves some power turned on in the aircraft and discharges the aircraft battery (it will not be connected to aircraft wiring while in this "spare" location).

This battery is the same type as is approved and installed in the Type Certificated (TC) aircraft (TSO'd multiple cells in a stainless steel case). It will be installed using the same type tie down hardware and underlayment as the TC installation. This installation will be in the same compartment (which is an equipment bay and not a cargo compartment). It will be installed to structurally meet the requirements of CFR 14 part 25.

Please send interpretation regarding this matter to the following

address:

John D. Ross
Dassault Falcon
P. O. Box 967, Dept 240
Little Rock, AR 72202

If you have any questions regarding this matter, please call me at (501) 210-0297 or fax at (501) 301-2200.

Sincerely,

John D. Ross
Sr. Engineer, Mechanical Design