



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

APR 26 2005

Mr. Charles Kimble
NSWC Crane Division
300 Highway 361
Crane IN 47522-5001

Ref. No. 05-0048

Dear Mr. Kimble:

This is in response to your letter concerning the transportation of primary lithium batteries and cells aboard passenger aircraft in accordance with the requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) adopted under Docket HM-224E (December 15, 2004). Specifically, you ask if the transportation of a sonobuoy which contains no more than the number of primary (non-rechargeable) lithium batteries necessary to power the intended piece of equipment, conforms to the requirement in Special Provision A102.

The answer is yes. The HMR as amended by the HM-224E interim final rule, impose a limited prohibition on the offering for transportation and transportation of primary (non-rechargeable) lithium batteries and cells and equipment containing or packed with large primary lithium batteries as cargo aboard passenger-carrying aircraft. This interim final rule applies to both foreign and domestic passenger-carrying aircraft entering, leaving, or operating in the United States and to persons offering primary lithium batteries and cells for transportation as cargo on any passenger-carrying aircraft. A sonobuoy containing a primary (non-rechargeable) lithium battery may be transported in accordance with Special provision A102. In addition, Special provision A102(d) states that the net weight of the package (primary non-rechargeable lithium batteries) may not exceed 5kg.

I hope this information is helpful. Please contact us if you require additional assistance

Sincerely,


John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



050048

172.102
173.183

Kelley Ford
§ 172.102
§ 173.185
Lithium Batteries
05-0048

DEPARTMENT OF THE ARMY
HEADQUARTERS
WASHINGTON, DC 20315-5000
OFFICE OF THE ASSISTANT SECRETARY FOR
OPERATIONS AND SUPPORT

NO DUPLICATE TO:

DD16
Per 6074L/5037
2 MAR 2005

From: Commander, Crane Division, Naval Surface Warfare Center
To: Edward Mazzullo, Director of Hazardous Materials
Standards, PHMASA, Room 8430, 400 Seventh Street S.W.,
Washington, DC 20590-0001

Subj: CFR CHANGES IN 173.185 (C)(4) AND SPECIAL PROVISION A102 D.

Ref: (a) Federal Register / Volume 69, No. 240 (49 CFR
Parts 171, 172, 173, and 175) dated December 15, 2004
(b) Discussion between Dale Hoit NSWC Crane and Spencer
Watson U.S. DOT RSPA on 10 Feb. 2005

1. Our office is requesting an interpretation of the CFR changes as provided in reference (a). Per ref (b) the specific issue is the interpretation of whether sonobuoys containing primary lithium batteries meets the provision that allow Lithium Batteries Contained in Equipment to be transported as cargo aboard passenger carrying aircraft.

2. The sonobuoy meets the provisions in ref (a) Section IV C. Batteries Shipped in or with Equipment that allow for transportation as cargo aboard passenger carrying aircraft of primary lithium batteries. The sonobuoy complies with (1) requirements and limitations of 173.185 (c); (2) is packed in strong packaging; (3) contains only the necessary number of primary lithium batteries to power the sonobuoy; and (4) the total net weight of the primary lithium batteries in the package does not exceed 5 kg. In ref (a) Section VII List of Subjects: 172.102 Special provision A102; a primary lithium battery contained in equipment is forbidden for transport aboard a passenger carrying aircraft unless: a. The battery complies with the requirements and limitations of 173.185(c); b. The package contains no more than the number of lithium batteries necessary to power the intended piece of equipment; c. The equipment, containing the battery is packed in strong packaging and; d. The net weight of the package does not exceed 5 kg. The sonobuoy again complies with A102 subparagraph a, b, and c. above. However, in subparagraph d, it is unclear whether the net weight of the package is pertained to only the weight of the sonobuoy primary lithium battery as referenced in 173.185 (c) (4) or the total sonobuoy weight. We believe the intent was for the primary lithium battery weight only because it is the hazardous item being addressed by ref (a). The intent was to allow for the transport of a sonobuoy containing a primary lithium battery as cargo aboard passenger carrying aircraft.

Subj: ATC. CIRCULAR NO. 173, 185 (1) (2) AND SPECIAL PROVISION A102 D.

3. This is a critical interpretation in determining how our sonobuoys will be packed and transported. The sonobuoys contain small lithium batteries that otherwise meets the requirements of 173.185 (c) but the sonobuoy itself, which is where the batteries are used, weigh above the 5 kg specified requirement.

4. NSWC Crane point of contact is Dale Hoit, Code 6074, telephone comm (812) 854-2093.



CHARLES KIMBLE
By direction