



U.S. Department  
of Transportation

Pipeline and Hazardous Materials  
Safety Administration

1200 New Jersey Avenue SE  
Washington DC 20590

MAR 12 2015

Mr. Ron Fink  
Specialist, Dangerous Goods  
Alaska Air, SEADG  
20833 S. International Blvd., P.O. Box 68900  
Seattle, WA 98168-0900

Ref. No. 14-0188

Dear Mr. Fink:

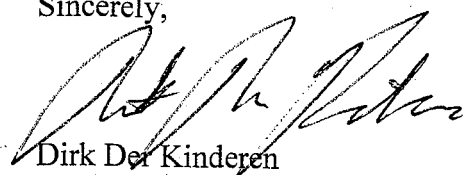
This letter responds to your September 18, 2014 email regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) to lithium metal (cell) batteries. In your letter, you describe an electronic bag tag that would replace the commonly used paper bag tags attached to checked baggage of the traveling public. The electronic bag tag is powered by a lithium metal (cell) battery that contains 0.08 grams of lithium metal. Through discussions we were informed that the electronic bag tag would be given to or acquired by airline passengers, would be attached to the outside of their baggage, and would be used by both the passenger and Alaska Airlines to track and manage movement of the baggage before and after transportation. Specifically, you request confirmation that carriage of the electronic bag tag aboard passenger aircraft would not be subject to the HMR other than the reporting requirements found in §§ 171.15(b)(6) and 171.16.

Electronic bag tags that are attached to the outside of passenger baggage and that are designed to be used by both the passenger and the aircraft operator are not subject to the HMR including the reporting requirements found in §§ 171.15(b)(6) and 171.16. However, these electronic bag tags must meet all requirements of the Federal Aviation Administration (FAA) and the aircraft operator is still responsible for reporting incidents involving fire to the FAA in accordance with 14 CFR 121.703 and 14 CFR 135.415.

These electronic bag tags are considered portable electronic tracking devices and are subject to FAA policies and guidance for operation. It is the operator's responsibility to ensure that these devices meet FAA policies and guidance prior to allowing their use. For more detailed information on FAA policies and guidance for such devices please contact FAA's Aircraft Maintenance Division at 202-267-1695.

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dirk Der Kinderen', written in a cursive style.

Dirk Der Kinderen  
Acting Chief, Standard Development  
Standards and Rulemaking Division

Broussard  
\$173.185  
Lithium Batteries  
14-0188

**Dodd, Alice (PHMSA)**

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**From:** Ciccarone, Michael CTR (PHMSA)  
**Sent:** Thursday, October 02, 2014 5:09 PM  
**To:** Hazmat Interps  
**Subject:** FW: Confidential Request for Interpretation  
**Attachments:** Alaska Airlines CONFIDENTIAL interp request v.2.pdf; Alaska Airlines CONFIDENTIAL interp request redacted v.18Sep.pdf

Shante and Alice,

I don't see this in the interps database, can you make sure it gets submitted? This guy called the HMIC back to check on the status.

Thanks,

Mike

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**From:** Ciccarone, Michael CTR (PHMSA)  
**Sent:** Thursday, September 18, 2014 3:28 PM  
**To:** Hazmat Interps  
**Subject:** FW: Confidential Request for Interpretation

Shante and Alice,

Please submit this for a formal letter of interpretation.

Thanks,

Mike

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**From:** Ron Fink [<mailto:ron.fink@alaskaair.com>]  
**Sent:** Thursday, September 18, 2014 2:04 PM  
**To:** INFOCNTR (PHMSA)  
**Cc:** Rick Nagy; Mike Tobin  
**Subject:** Confidential Request for Interpretation

Good afternoon, Sir/Madame:

We are requesting confidential review and request for interpretation the attached request (one actual, one redacted attached). We appreciate your consideration of the request in advance. Please feel free to contact myself, or Rick Nagy 206/392-2364 with any questions regarding the proposed use of the electronic baggage tag device on our commercial fleet of passenger-carrying aircraft. Thank-you again for this review, and will wait for your reply or advice if any further information is required.

Sincerely,

Ron Fink,  
Specialist, Dangerous Goods  
Alaska Air Group, Alaska Airlines and Horizon Air  
20833 S. International Blvd, Department SEADG  
PO Box 68900

Seattle, WA 98168-0900

Tel; 206-392-7855

[Ron.fink@alaskaair.com](mailto:Ron.fink@alaskaair.com)

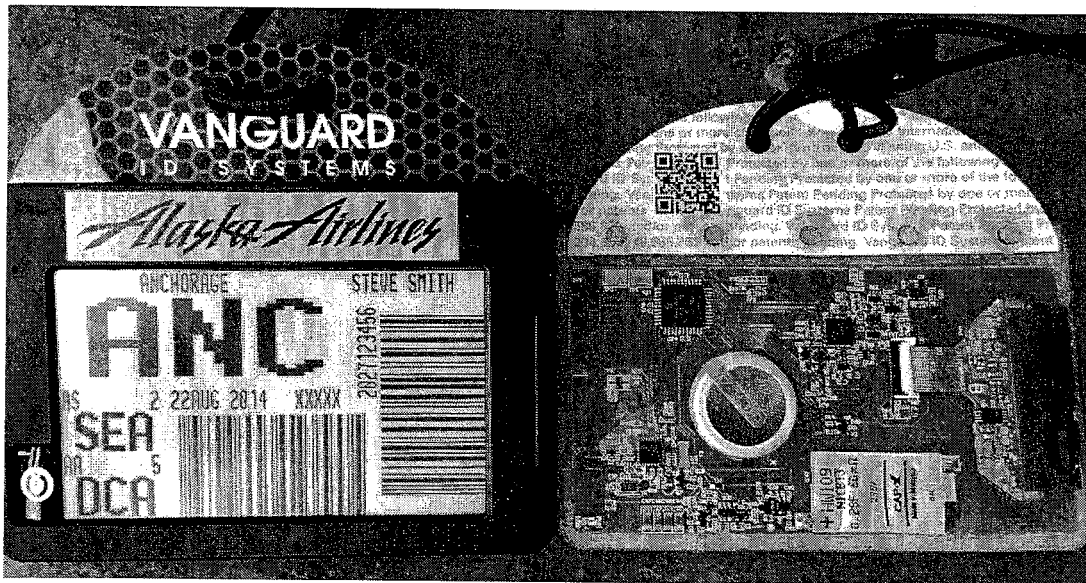


U.S. Department of Transportation  
PHMSA Office of Hazardous Materials Standards  
Attn: PHH-10  
East Building  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590-0001

### CONFIDENTIAL Interpretation Request

Pursuant to 49 CFR § 105.30, Alaska Airlines hereby requests confidential treatment of our interpretation request because it contains proprietary information that is protected from disclosure under the Freedom of Information Act (FOIA) pursuant to applicable law, including 49 U.S.C. 40123, 14 CFR 193, 49 CFR 7.29, 5 USC 552(b)(4), and 18 USC § 1905.

**Alaska Airlines would like confirmation from PHMSA that an electronic bag tag powered by one Panasonic BR2230 primary lithium metal battery, which contains 0.08 grams lithium metal, is not subject to the Hazardous Materials Regulations, other than the incident reporting requirements of §§ 171.15(b)(6) and 171.16.**



We are working on permanent bag tags to replace the single-use paper bag tags. The object on the left is the top part of the tag, the bottom half of the tag is on the right. We broke this hard plastic case open to photograph it. Passengers cannot open the tag without rendering it useless. The round item on the right with a yellow edge is the Panasonic BR2230 primary lithium metal battery.

Passengers will upload their reservation to their bag tag via their Alaska Airlines smartphone application by depressing the power button on the lower left hand side of the front of the device. The screen updates with the new itinerary instantly.

We believe this bag tag constitutes "lithium metal battery contained in equipment." But there will be no packaging of the battery other than be installed on a motherboard in a rigid plastic tag.

The 0.08 grams is below the threshold in 173.185(c)(1)(ii) – but the exception is for "a package containing..."

*§173.185(c) Exceptions for smaller cells or batteries. A package containing lithium cells or batteries, or lithium cells or batteries packed with, or contained in, equipment, that meets the conditions of this paragraph, is excepted from the requirements in subparts C through H of part 172 of this subchapter and the UN performance packaging requirements in paragraphs (b)(3)(ii) and (b)(4) of this section under the following conditions and limitations.*

*(1) Size limits:*

*(ii) The lithium content may not exceed 1 g for a lithium metal cell or 2 g for a lithium metal battery.*

In 49CFR 171.8 the terms are defined as:

*Package or Outside Package means a packaging plus its contents. For radioactive materials, see §173.403 of this subchapter.*

*Packaging means a receptacle and any other components or materials necessary for the receptacle to perform its containment function in conformance with the minimum packing requirements of this subchapter. For radioactive materials packaging, see §173.403 of this subchapter.*

Thank you in advance for your reply. If you have any questions, please don't hesitate to ask.



MIKE TOBIN, CHMM  
Manager Dangerous Goods  
Alaska Airlines – SEADG  
P.O. Box 68900  
Seattle, WA 98168

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206-392-7854