



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

MAR 25 2008

Mr. Adam Jablonski
SIEMENS Building Technologies, Inc.
1000 Deerfield Parkway
Buffalo Grove, IL 60089

Ref. No.: 08-0006

Dear Mr. Jablonski:

This is in response to your December 11, 2008 letter regarding requirements applicable to the transportation of lithium batteries installed in and packaged with equipment under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as amended in Docket HM-224C and HM-224E, published August 9, 2007 (72 FR 44929). Specifically, you ask if the exception from the prohibition on the transport of primary lithium batteries by passenger aircraft under Special Provision 188 applies to batteries packaged with equipment.

The answer is yes. The exception from the prohibition on the transport of primary lithium batteries by passenger aircraft in Special Provision 188 under paragraph a.(2) applies to batteries packed "in" as well as "with" equipment.

I hope 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 "H. Mitchell", written over a horizontal line.

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

§ 172.102 SP188
§ 175.10(a)(17)
HM-224C
Lithium Battery
08-0006

December 11, 2007

Mr. John Gale
Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, DC 20590-0001

Subject: Request for clarification of SP 188 regarding transportation of lithium batteries.

Dear Mr. Gale:

Effective October 1, 2008, SP188, [a][2][f] provides for exceptions from the requirements of [a][2][f][1-4] when batteries are contained IN equipment. Since [a][2][f][4] is a sub clause of [a][2][f] and contains requirements for batteries shipped WITH equipment, it is unclear if the word IN referenced in [a][2][f] also includes batteries that are shipped along WITH the equipment.

Our products are shipped with the battery in either configuration:

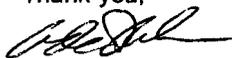
- (1) The battery may be installed in the product in its final operating position (but disabled from operation). The product is then placed in a fiberboard container. or
- (2) The battery is separately packaged and taped to the end product or secured in the same fiberboard container as the final product.

The products are then placed in a larger fiberboard over pack, where there may be more than 12 products (batteries) in the over pack.

The way this is requirement is currently written, it would provide the exceptions for shipments containing batteries in products. However, the same shipment having the batteries packed with the product instead of in the product would need to meet the requirements when more than 12 batteries are included in the overall package.

Our questions is: Does the exception provided by SP188, [a][2][f] when batteries are shipped IN the product also apply when batteries are shipped with the product?

Thank you,



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