

§ 173.159a Exceptions for non-spillable batteries.

(a) Exceptions for hazardous materials shipments in the following paragraphs are permitted only if this section is referenced for the specific hazardous material in the §172.101 table or in a packaging section in this part.

(b) Non-spillable batteries offered for transportation or transported in accordance with this section are subject to the incident reporting requirements. For transportation by aircraft, a telephone report in accordance with §171.15(a) is required if a fire, violent rupture, explosion or dangerous evolution of heat (*i.e.*, an amount of heat sufficient to be dangerous to packaging or personal safety to include charring of packaging, melting of packaging, scorching of packaging, or other evidence) occurs as a direct result of a non-spillable battery. For all modes of transportation, a written report in accordance with §171.16(a) is required if a fire, violent rupture, explosion or dangerous evolution of heat occurs as a direct result of a non-spillable battery.

(c) Non-spillable batteries are excepted from the packaging requirements of §173.159 under the following conditions:

(1) Non-spillable batteries must be securely packed in strong outer packagings or secured to skids or pallets capable of withstanding the shocks normally incident to transportation. The batteries must meet the requirements of §173.159(a), be loaded or braced so as to prevent damage and short circuits in transit, and any other material loaded in the same vehicle must be blocked, braced, or otherwise secured to prevent contact with or damage to the batteries. A non-spillable battery which is an integral part of and necessary for the operation of mechanical or electronic equipment must be securely fastened in the battery holder on the equipment.

(2) The battery and outer packaging must be plainly and durably marked "NON-SPILLABLE" or "NON-SPILLABLE BATTERY." The requirement to mark the outer package does not apply when the battery is installed in a piece of equipment that is transported unpackaged.

(d) Non-spillable batteries are excepted from all other requirements of this subchapter when offered for transportation and transported in accordance with paragraph (c) of this section and the following:

(1) At a temperature of 55 °C (131 °F), the battery must not contain any unabsorbed free-flowing liquid, and must be designed so that electrolyte will not flow from a ruptured or cracked case; and

(2) For transport by aircraft, when contained in a battery-powered device, equipment or vehicle must be prepared and packaged for transport in a manner to prevent unintentional activation in conformance with §173.159(b)(2) of this Subpart.

(3) For transport by aircraft, must be transported as cargo and may not be carried onboard an aircraft by passengers or crewmembers in carry-on baggage, checked baggage, or on their person unless specifically excepted by §175.10.

[74 FR 2258, Jan. 14, 2009, as amended at 75 FR 72, Jan. 4, 2010; 77 FR 60942, Oct. 5, 2012; 78 FR 1085, Jan. 7, 2013; 78 FR 15328, Mar. 11, 2013]

§ 173.160 Bombs, smoke, non-explosive (corrosive).

Bombs, smoke, non-explosive may be shipped provided they are without ignition elements, bursting charges, detonating fuses or other explosive components. They must be packaged in metal (4A, 4B, 4N), wooden (4C1, 4C2), plywood (4D), or reconstituted wood (4F), fiberboard (4G) or solid plastic (4H2) boxes, or metal (1A2, 1B2, 1N2), plastic (1H2), plywood drums (1D), or fiber (1G) drums that meet Packing Group II requirements.

[78 FR 1085, Jan. 7, 2013]

§ 173.161 Chemical kits and first aid kits.

(a) *Applicability.* Chemical kits and first aid kits contain one or more compatible items of hazardous materials in boxes, cases, *etc.* that, for example, are used for medical, analytical, diagnostic, testing, or repair purposes.

(b) *Authorized materials.* (1) The kits may only contain hazardous materials for which packaging exceptions are provided in column 8(A) of the §172.101