



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

FEB 5 1998

Mr. E.A. Altemos
HMT Associates, L.L.C.
1850 K Street, NW, Suite 200
Washington, DC 20005

Dear Mr. Altemos:

This is in response to your letter of December 5, 1997, regarding highway shipment of lithium cells and batteries for testing purposes under the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). Your questions are paraphrased and answered as follows:

Q. Under § 173.185(j), is transportation of lithium batteries "for testing purposes" limited to transport for purposes of performing lithium battery classification or may prototype lithium cells and batteries be transported for performance testing in connection with cell and battery development programs?

A. Prototype lithium cells and batteries may be transported for performance testing (i.e., product evaluation) in connection with development programs when transported in conformance with § 173.185(j).

Q. In the case of lithium ion cells and batteries, do the 12g and 500g limitations on the lithium or lithium alloy content in any cell or battery, respectively, apply to the quantity of ionized lithium in the anode?

A. Yes, the quantity limitation for lithium or lithium alloy content in any cell or battery applies to the quantity of lithium (ionic or metallic) in the anode of a fully charged battery.

Q. May cells and batteries transported in accordance with § 173.185(j) be classed as Class 9 without performing the classification test otherwise required in accordance with § 173.185(e)(9)?

A. The answer is yes. Provided the cells or batteries are not contained in equipment, the quantity limitations for lithium or lithium alloy in each cell or battery are not exceeded, and the transportation is by highway only, they may be classed as Class 9.

I hope this information is helpful.

Sincerely,


Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards

HMT ASSOCIATES, L.L.C.

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December 5, 1997

Mr. Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards (DHM-10)
Research and Special Programs
Administration
Department of Transportation
Washington, D.C. 20590-0001

Dear Mr. Mazzullo:

This is to request confirmation of my understanding of the provisions in 49 CFR 173.185(j), as revised by the Docket No. HM-215B final rule published in the *Federal Register* on May 6, 1997 [62 FR 24690], relating to the transport of lithium cells and batteries for testing purposes. I recognize that this paragraph applies only to the transport of cells and batteries (when not contained in equipment) by highway. However, I would appreciate your confirmation of the following specific points in relation to the transport of lithium cells and batteries employing the "lithium ion" technology under the provisions of this paragraph:

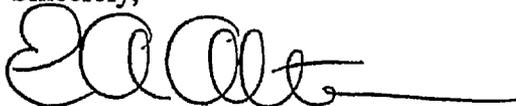
- 1) In the context of this paragraph, transportation "for testing purposes" is not limited to transport for purposes of performing lithium battery classification testing as prescribed in the UN Manual of Tests and Criteria, but also includes the transport of prototype lithium cells and batteries for performance testing in connection with cell and battery development programs.
- 2) In the case of lithium ion cells and batteries, the 12 g and 500 g limitations on the lithium (or lithium alloy) content in any cell or battery, respectively, apply to the quantity of *ionized* lithium in the anode of any cell or battery.
- 3) Cells and batteries transported in accordance with the provisions of this paragraph may be classed in Class 9 without performing the classification tests otherwise required in accordance with § 173.185(e)(9) to establish such classification.

HMT ASSOCIATES, L.L.C.

Mr. Edward T. Mazzullo
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Confirmation of this understanding of the provisions of § 173.185(j), as they relate to the transport of lithium ion cells and batteries for testing purposes, would be appreciated at your earliest opportunity. Please do not hesitate to contact me if you have questions concerning this matter, or if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. A. Altemos', with a long horizontal flourish extending to the right.

E. A. Altemos

cc: Dr. Charles Ke (DHM-21)