



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

AUG 27 2015

Mr. Roger Miksad
Associate
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006

Ref. No.: 15-0093

Dear Mr. Miksad:

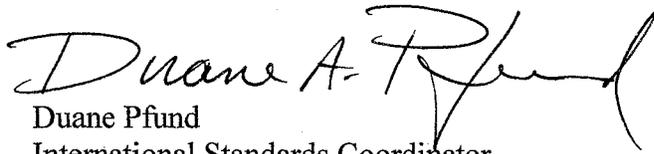
This responds to your May 4, 2015 letter regarding the requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to a lithium ion battery pack. In your letter you describe a battery pack comprised of several sets of cells contained in a single outer casing. You also provide a proprietary memorandum that described the configuration in more detail along with associated schematics. As described in your letter the lithium ion battery pack is capable of being placed into one of three modes: a "transport state," a "first working state" and a "second working state." In the transport state the sets of cells in the battery pack are physically and electrically disconnected from each other through the use of a "transport cap." The transport cap fixes the battery pack in the transport state and prevents movement to one of the working states. You request confirmation of your understanding that when the transport cap is installed into the lithium ion battery pack, the battery pack would constitute separate lithium batteries.

Based on the information described in your letter, the lithium ion battery pack configuration and the associated schematics, it is the opinion of this Office that your lithium ion battery pack would constitute individual lithium batteries when the transport cap is installed. In several previous letters (14-0152, 11-0307, 10-0264 and 09-0182) we stated that a battery pack comprised of multiple cells or batteries that incorporate a switch or other means so that the cells or batteries are electrically isolated would be considered separate batteries. In this case, provided the transport cap electrically isolates the sets of cells then each set of cells would be considered a separate lithium ion battery. If the transport cap is not installed, not functional, or the battery pack is in one of the working states, the pack would constitute a single lithium ion battery. The resulting single lithium ion battery must comply with all applicable requirements of the HMR.

Please note that prior to transportation in commerce the lithium ion battery pack described in your letter must be of a type proven to successfully pass all of the applicable tests in Section 38.3 of the UN Manual of Tests and Criteria for each state prior to transport.

I hope this answers your inquiry. If you need additional assistance, please contact the Standards and Rulemaking Division at (202) 366-8553.

Sincerely,

A handwritten signature in black ink that reads "Duane A. Pfund". The signature is written in a cursive style with a large, prominent initial "D".

Duane Pfund
International Standards Coordinator
Standards and Rulemaking Division

Leary
\$ 173,185
Batteries
15-0093

Dodd, Alice (PHMSA)

From: Geller, Shelby CTR (PHMSA)
Sent: Wednesday, May 06, 2015 10:24 AM
To: Hazmat Interps
Subject: FW: Request for Interpretation Letter
Attachments: Scan Document.pdf; PHMSA_Request_for_Interpretation - 5-4-2015.pdf

Hi Shante and Alice,

Attached is a formal letter of interpretation request. Mr. George Kerchner spoke with Jordan Rivera about ensuring the confidentiality of this request.

Thanks,
Shelby

From: Davis, Raleigh [<mailto:RDavis@wileyrein.com>]
Sent: Tuesday, May 05, 2015 4:15 PM
To: INFOCNTR (PHMSA)
Cc: Miksad, Roger H.
Subject: Request for Interpretation Letter

Attached is a request for interpretation letter that contains confidential commercial information. In accordance with 49 CFR 105.30, I have provided a redacted version of the letter.

Thank you for your assistance.

Raleigh Davis | Regulatory Analyst | **Wiley Rein LLP** | 1776 K Street NW | Washington, DC 20006
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Roger H. Miksad
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May 4, 2015

**CONTAINS CONFIDENTIAL COMMERCIAL
INFORMATION**

Mr. Joe Nicklous
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Standards
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Dear Mr. Nicklous:

We are following up on the meeting that was held at your office on February 11, 2015, regarding a new lithium ion battery pack designed by our client. Based on the issues we discussed and the *confidential* specifications that were reviewed during our February 11th meeting, we are requesting written confirmation that, for purposes of the U.S. and international hazardous materials (dangerous goods) regulations, this unique battery pack design constitutes separate individual lithium ion batteries housed within the battery pack when a specified "transport cap" is securely coupled to the battery pack.

Attached to this letter is a *confidential* memorandum containing additional proprietary information, design specifications, and other supporting documentation. We request that those documents be treated as confidential commercial information and not be disclosed to the public, and expect that they will be treated accordingly.

The battery pack comprises several sets of cells contained in a single housing. The battery pack is intended to provide power to various electrical devices. The battery pack is capable of being placed into one of three operating modes: a "transport state," a "first working state," or a "second working state." In the transport state, the multiple sets of cells are physically and electrically disconnected (isolated) from each other with a reliable, mechanical break by use of the "transport cap," which is securely coupled to the battery pack's mounting interface. While in the transport state, we consider the individual sets of cells to be separate lithium ion batteries housed within the battery pack. In each of the working states, the transport cap is not securely coupled to the battery pack and the multiple sets of cells are electrically coupled to each other by mechanical switches, so that the battery pack can power an electrical device to which the battery pack is coupled.



Mr. Joe Nicklous
May 4, 2015
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We believe this design is consistent with PHMSA's prior interpretation letters regarding other battery pack designs with separate individual lithium ion batteries including: Letter to Nick Pelsler, Space Information Laboratories, November 25, 2014 (Ref. No. 14-0152); Letter to Mr. David Brongie1, ICC Nexergy, February 8, 2012 (Ref. No. 11-0307); Letter to Mr. Roger Hine, CEO of Liquid Robotics, February 18, 2011 (Ref. No. 10-0264); Letter to Mr. Tom Pigget, GE Sensing & Inspection Technologies, October 13, 2009 (Ref. No. 09-0182).

Again, we request confirmation from PHMSA that, for purposes of the U.S. and international hazardous materials (dangerous goods) regulations, our client's battery pack design constitutes separate individual lithium ion batteries housed within the battery pack when the "transport cap" is securely coupled to the battery pack.

Thank you for your assistance.

Best regards,

A handwritten signature in black ink, appearing to read "R. Miksad", written over a horizontal line.

Roger H. Miksad

Attachments