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Standards and Rulemaking Division

Pipeline and Hazardous Materials Safety Administration (PHMSA)

U.S. Department of Transportation

1200 New Jersey Avenue, SE

Washington, DC 20590-0001

Subject: Request for Regulatory Interpretation – Proper Shipping Name for Lithium Battery-Powered Generators

Dear Sir or Madam,

Southeast Consulting & Analysis, LLC provides regulatory guidance and training to motor carriers and hazardous materials shippers. We are submitting this request for interpretation regarding the appropriate proper shipping name and classification for a lithium battery-powered generator system developed by one of our clients.

The generator in question is powered by multiple lithium metal batteries (UN3090, Lithium Titanium Oxide), which are installed in series within the base of the generator. These batteries provide power to both the generator and its onboard control systems. The generator's upper components are permanently mounted on this base. Once assembled, the batteries are not accessible without complete disassembly of the unit, which is a process that requires manufacturer technicians and specialized equipment.

Certain models of the generator include an onboard diesel charging unit; others are produced without it to allow external generator charging, depending on customer requirements. The fully assembled units are designed for stationery or portable use and are commonly mounted on trailers or flatbeds for transport.

We are seeking clarification on whether these units should be classified under:

- **UN3536 – Lithium batteries installed in cargo transport unit, or**
- **UN3091 – Lithium metal batteries contained in equipment; or UN 3481, Lithium ion batteries contained in equipment** which will be dependent upon the type battery used.

We believe the correct classification is **UN3091 or UN3481**, based on the following reasoning:

1. **Permanently Installed Batteries:** The batteries are fully enclosed and sealed within the equipment at the time of manufacture, with no user access during normal operation or transport.
2. **Not a Cargo Transport Unit:** The generator is not designed to carry cargo. Moreover, the term "cargo transport unit" is defined solely in 49 CFR §176.2 and applies specifically to Part 176 (maritime transport). We interpret this to mean that the definition and corresponding classification under UN3536 would not apply to our client's equipment.

To aid in your review, we have included representative photographs showing:

- Battery configuration prior to installation.
- Final assembled units, both with and without the diesel charging system.
- Installed units mounted on trailers and flatbeds.

We respectfully request PHMSA's guidance on the following:

1. Whether **UN3091 or UN3481** are the appropriate shipping description for these generators, based on the type of battery installed, across applicable modes of transportation
2. The term cargo transport unit is referred to in guidance letter No. 22-0131. While we feel the generators in question are completely different in design and construction than the device referenced in this letter, the term **cargo transport unit** is not defined in 49 CFR 171.8 or 173.185 and is only defined in 49 CFR 176.2, which is applicable to maritime transportation. Is it the intent of PHMSA for this definition to be used throughout the HMR's or is it specifically applicable to maritime operations.

Thank you for your attention to this matter. Please do not hesitate to contact us if additional information is needed.

Sincerely,



S. Brent Moore

President

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Complete unit (battery generator in the front connected to diesel generator in the rear)



Flatbed trailer with 15 lithium metal powered generator units permanently installed



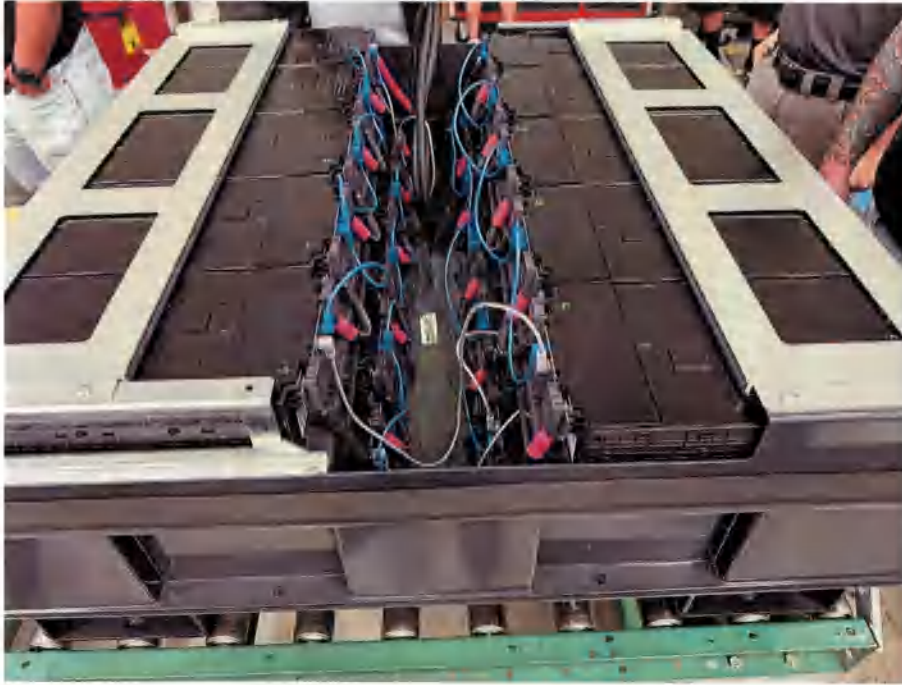
Complete Unit (w/o Diesel charging system)



Head Unit (Preinstallation)



Battery Pack Configuration



Battery Pack Lid

