



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety Administration**
MAR 28 2008

1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Mr. Curtis M. Bowling
Department of Defense Explosive Safety Board
2461 Eisenhower Avenue
Alexandria, VA 22331-0600

Ref. No.: 07-0199

Dear Mr. Bowling:

This is in response to your October 11, 2007 letter regarding testing requirements for lithium batteries under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

- Q1. If a manufacturer ships a small production run of batteries to the Department of Defense (DoD) and DoD incorporates the batteries into a device, must DoD test the batteries before offering the device for transportation?
- A1. No. Subsequent shipments of small production run batteries may be shipped under Special Provision 29. You should be aware that the exception for small production runs in Special Provision 29 does not apply to transportation by aircraft. Therefore, if DoD intends to ship the devices via commercial aircraft, testing of the batteries is required.
- Q2. When transporting a device classified as an explosive that contains a primary lithium battery, do the new marking requirements for lithium batteries apply as amended in Docket HM-224C and HM-224E, published August 9, 2007 (72 FR 44929)?
- A2. A device that contains an explosive must be examined and approved by the Associate Administrator for Hazardous Materials Safety in accordance with § 173.56(b). In the future, approvals issued by the Associate Administrator for devices containing explosives and lithium batteries will specify the marking requirements. Effective October 1, 2008, packages containing small lithium cells and batteries must be marked in accordance with Special Provision 188, including those classified by the DoD in accordance with § 173.56(b)(2).
- Q3. DoD has a device containing an explosive and a small lithium battery. The device was examined and determined to be non-regulated based on the size of the battery. Is DoD required to perform UN testing on the battery device based on the new requirements promulgated under Docket HM-224C?

A3. Yes. In accordance with Special Provision 188, effective October 1, 2009, the battery must be of a type proven to meet the requirements of each test in the UN Manual of Tests and Criteria for transport as Class 9 or excepted.

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 'Hattie L. Mitchell', written in a cursive style.

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

Pollack
\$173,185
Lithium Batteries
07-0199



DEPARTMENT OF DEFENSE EXPLOSIVES SAFETY BOARD
2461 EISENHOWER AVENUE
ALEXANDRIA, VIRGINIA 22331-0600

DDESB-PD

MEMORANDUM FOR U.S. DEPARTMENT OF TRANSPORTATION, PIPELINE AND
HAZARDOUS MATERIALS SAFETY ADMINISTRATION, OFFICE
OF HAZARDOUS MATERIAL STANDARDS, 400 SEVENTH
STREET, SW , WASHINGTON, DC 20590-0001 (ATTN: MR.
Edward Mazullo)

SUBJECT: Transportation of Lithium Batteries

Reference: (a) Federal Register: August 9, 2007, Volume 72, Number 153, Hazardous Materials;
Transportation of Lithium Batteries; Final Rule

The Department of Defense Explosives Safety Board (DDESB) has reviewed reference (a)
and requests clarification concerning the following:

1. **Special Provision 29 (SP 29)**—What is the definition of a production run? Based on reference (a) page 44936 we interpret a production run to be from 100 to 1,000 batteries. Is this correct? DoD may purchase small quantities of lithium batteries for use in research and development pieces of equipment. If the battery manufacturer used SP 29 (which does not require testing) for transportation, does DoD become responsible for meeting the UN Test requirements since the battery is now integrated in a DoD system?
2. **Labeling Requirements**-DoD may classify a system that contains both a primary lithium battery as a Class 1. Is lithium battery labeling required in these instances? If so, what label?
3. **Testing Requirements**-If we have an explosive item that contains a primary lithium battery as one of the subcomponents and the battery was previously classified as non-regulated, is the DoD now responsible for ensuring that the battery is tested in accordance with the UN tests?

Thank you for your attention to this matter. If you have any questions, please contact Dr Josephine Covino, Safety Engineer, Policy Development Division Department of Defense Explosives Safety Board Room 856C, Hoffman Building I2461 Eisenhower Avenue Alexandria, VA 22331-0600. Her phone number is 703-325-8625 and her e-mail is Josephine.Covino@DDESB.OSD.MIL.

CURTIS M. BOWLING
Acting Chairman
DDESB

cc:
USATCES (SJMAC-EST)
HQ AFSC (SEWCH)
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