



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

**MAY 12 2014**

Mr. Andrew Romach  
Regulatory Compliance Manager  
URS Corporation  
1600 Perimeter Park Drive  
Morrisville, NC 27560

Ref. No.: 14-0017

Dear Mr. Romach:

This is in response to your January 21, 2014 letter requesting clarification of requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transport of prototype lithium batteries. Specifically, you ask if a prototype lithium battery can be offered for transport and transported by vessel in accordance with special provision 310 of the International Maritime Dangerous Goods (IMDG) Code.

Provided all or part of the movement is by vessel, prototype lithium batteries may be transported in conformance with the requirements of special provision 310 of the IMDG Code and all applicable requirements of Part 171, Subpart C. Special provision 310 of the IMDG Code states that the testing requirements in chapter 38.3 of the UN Manual of Tests and Criteria do not apply to production runs consisting of not more than 100 lithium cells and batteries, or to pre-production prototypes of lithium cells and batteries when these prototypes are transported for testing, if:

1. The cells and batteries are transported in an outer packaging that is a metal, plastics or plywood drum or a metal, plastics, or wooden box and that meets the criteria for Packing Group I packagings; and
2. Each cell and battery is individually packed in an inner packaging inside an outer packaging and is surrounded by cushioning material that is non-combustible and non-conductive.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Shane C. Kelley  
Acting International Standards Coordinator  
Standards and Rulemaking Division



January 21, 2014

Mr. Charles Betts, Division Director  
Standards and Rulemaking (PHH-10)  
U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
East Building, 2nd Floor  
1200 New Jersey Ave., SE  
Washington, DC 20590

Leary  
§173.185(e)  
§171.22  
§171.25  
Lithium Battery - IMDG Code  
14-0017

Dear Mr. Betts:

I am writing to request a Department of Transportation (DOT) interpretation concerning the requirements for shipping a prototype lithium battery by marine transport under the International Maritime Dangerous Goods (IMDG) Code.

49 CFR 173.185(e) provides an exception from Chapter 38.3 of the United Nations *Manual of Tests and Criteria* for shipment of prototype lithium batteries by ground transport if certain packaging requirements are met. However, this exception lists ground transport only and does not list marine transport.

IMDG Chapter 3.3, Special Provision (SP) 310 incorporates the identical exception as 49 CFR 173.185(e) and allows exception from Chapter 38.3 of the United Nations *Manual of Tests and Criteria* for shipment of prototype lithium batteries by marine transport if certain packaging requirements are met.

Based on verbal guidance provided by Adam at the DOT HAZMAT Hotline, he stated that 49 CFR 171.22 authorizes the use of the IMDG Code, and 49 CFR 171.25 does not prohibit the use of the IMDG Code for transportation of prototype lithium battery. Therefore, DOT would allow prototype lithium ion batteries to be shipped under the IMDG Code following the provisions of IMDG Chapter 3.3, SP 310.

Please confirm that DOT would allow prototype lithium ion batteries to be shipped by marine under the IMDG Code following the provisions of IMDG Chapter 3.3, SP 310.

From a United Nations Harmonization standpoint, it would assist the shipper if a regulatory change could be made to add marine shipment into 49 CFR 173.185(e), as the exceptions for shipping prototype lithium batteries by DOT ground and IMDG marine are identical.

Sincerely,

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