



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

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

MAY 21 2009

Mr. Steve Fricker  
Vice President  
Cell-Con, Inc.  
305 Commerce Drive, # 300  
Exton, PA 19341

Ref. No.: 09-0085

Dear Mr. Fricker:

This is in response to your April 3, 2009 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request a letter confirming your conclusion that effective October 1, 2009 all "small" lithium ion batteries must pass the tests outlined in Section 38.3 of the UN Manual of Tests and Criteria.

Your understanding is correct. On August 9, 2007, the Pipeline and Hazardous Materials Safety Administration amended the HMR to enhance the safe transportation of lithium batteries (HM-224C & HM-224E; 72 FR 44929). As described in § 172.102, Special Provision 188 applicable to small lithium cells and batteries, effective October 1, 2009, each cell or battery must be of a type proven to meet the requirements of each test in the UN Manual of Tests and Criteria.

I trust this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Betts".

Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards



Leary  
\$173,185  
Batteries  
09-0085

April 3, 2009

Office of Hazardous Materials Safety (PHH-10)  
Pipeline and Hazardous Materials Safety Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue  
SE East Building, 2<sup>nd</sup> Floor  
Washington, DC 20590

Attention: Mr. Edward Mazzullo

Dear Mr. Mazzullo:

Cell-Con is an assembler of battery packs consisting of all chemistries, including lithium ion.

It is our understanding that as of October 1, 2009, all 'small' lithium ion battery packs must first be tested and pass the UN T1-T8 tests before commercial shipment via any means (ground or air) can occur.

Although we advise our customers of the need to have their battery packs tested and approved, from time to time our customers request a formal letter from the US DOT be sent to acknowledge this requirement.

To satisfy this request from our customers, we are asking that an 'interpretation letter' be issued from the US DOT stating as such.

We look forward to receiving such a letter, and would be glad to provide any additional information required to receive such a letter.

Thank you in advance for your assistance with this request.

Best regards,

Steve Fricker  
Vice President  
Cell-Con, Inc.