



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

OCT 27 2011

Mr. Matthew Sears
EHS Department
Lockheed Martin - Sippican
7 Barnabas Rd.
Marion, MA 02738

Ref. No.: 11-0223

Dear Mr. Sears:

This responds to your September 1, 2011 request for clarification on use of an overpack for the shipment of lithium batteries under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask if the 35 kg weight limitation for lithium metal batteries contained in equipment, UN3091, in column 9B of the § 172.101 hazardous materials table and packing instruction 970 of the International Civil Aviation Organizations Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions) apply to the weight of individual packages or to the gross weight of all packages contained on the pallet.

The quantity limitations in the HMR apply to the weight of lithium batteries per package. The quantity limitations in the 2011-2012 ICAO Technical Instructions apply to the weight of lithium batteries per piece of equipment. Multiple packages consolidated onto a pallet would constitute an overpack as defined by the HMR and the ICAO Technical Instructions, and the gross weight of the overpack may exceed 35 kg.

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

Sincerely,

Ben Supko
Acting Chief, Standards Development
Standards and Rulemaking Division

Lockheed Martin Sippican, Inc.
Seven Barnabas Road Marion, MA 02738
Telephone 508-748-1160

LOCKHEED MARTIN 

September 6, 2011

Darral Relerford
Special Permits and Approvals PHH-31
PHMSA
U.S Department of Transportation
1200 New Jersey Ave
SE East Building, Room E23-418
Washington, DC 20590

Leary
§ 172.101
§ 173.25
§ 173.185
Batteries
11-0223

Re: Lockheed Martin Sippican, Inc. – Request for interpretation to ship lithium metal batteries contained in equipment UN 3091 without a Competent Authority Approval Letter

Dear Mr. Relerford:

On behalf of Lockheed Martin Sippican, Inc. (Lockheed), we are writing you to request an interpretation, so that we would be able to ship lithium metal batteries contained in equipment UN 3091, without an Competent Authority Approval Letter but instead follow the proper shipping requirements as outlined in 49 CFR 172.101, ICAO packing instruction 970 and 49 CFR 173.25

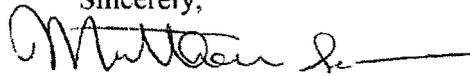
Lockheed consolidates an individually packaged product (EMATT) contained within a UN approved package and marked accordingly, and then secures it onto a pallet with straps for ease of transportation. Depending on the needs of our customers we may ship one (1) individually packaged EMATT, or up to thirty-six (36) individually packaged EMATTs on a pallet. Each EMATT weighs (including packaging) 15.9 kg and contains .0810 kg of lithium in a lithium metal battery pack. The battery pack is also UN tested and contains all of the required safety features including diodes and fuses.

Lockheed would like to confirm our interpretation of 49 CFR 173.25 which we understand that when a pallet is used to consolidate packages it is considered to be an overpack and is not subject to a 35 kg weight limitation. Therefore we would not be required to have a Competent Authority approval to ship EMATTs.

Also attached is a June 28, 2007 interpretation letter which we believe applies to our situation. However we wanted to confirm with your office that we will be shipping EMATTs properly.

Should you have any additional questions, please do not hesitate to call me at (774) 553 - 6584 or write me at the address above.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Sears", followed by a horizontal line extending to the right.

Matthew Sears
Environmental, Health, and Safety Engineer

Attachment