



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

JAN 22 2013

Mr. Davy Hicks  
Resistacap Energy Products  
11547 South Memorial Parkway  
P.O. Box 14069  
Huntsville, AL 35815

Ref. No.: 12-0251

Dear Mr. Hicks:

This is in response to your November 5, 2012 email concerning requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) for design-type testing of lithium-ion batteries. The specific requirements you address are contained in Section 38.3.2.1 of the United Nations (UN) Manual of Tests and Criteria and are implemented through the provisions of 49 CFR 173.185. Specifically you ask if the attachment of a tab to a lithium ion battery would require the battery design to be retested in accordance with the UN Manual of Tests and Criteria.

The criteria by which a lithium battery design is considered to be a new type of battery and require retesting are found in § 38.3.2.1 of the UN Manual of Tests and Criteria. One of the criteria that requires testing is when a cell or battery differs from the type tested by "a change that would lead to a failure of any of the tests." The type of change that might be considered to differ from a tested type, such that it might lead to failure of any of the test results, may include, but is not limited to: 1) a change in the material of the anode, cathode, the separator or electrolyte; 2) a change of protective devices, including hardware and software; 3) a change of safety design in cells or batteries, such as a venting valve; 4) a change in the number of component cells; or 5) a change in connecting mode of component cells. A manufacturer of lithium batteries should take these types of changes into account when determining whether or not a cell or battery is a new type and requires retesting.

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

Sincerely,

Delmer Billings  
Senior Regulatory Advisor  
Standards and Rulemaking Division

Leary  
\$73.159  
\$73.185

**Drakeford, Carolyn (PHMSA)**

**From:** INFOCNTR (PHMSA)  
**Sent:** Monday, November 05, 2012 3:50 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Request for formal interpretation

Batteries  
12-0251

Hi Carolyn,

We received the following request for a formal letter of interpretation.

Thanks,  
Victoria

**From:** Davy Hicks [mailto:Davy@resistacap.com]  
**Sent:** Monday, November 05, 2012 3:44 PM  
**To:** INFOCNTR (PHMSA)  
**Subject:** Request for formal interpretation

Request for a formal interpretation on a Lithium Ion battery,

We are a modification center for batteries and we have a question.

All we are wanting to do is put a tab on a Lithium Ion battery in which this does not add any lithium content or change mechanically. The question is can this be shipped normally and with no un testing required?

I was told over the phone that you guys have talked about this and you have a consensus for this. If you would please send the other parts of this also.

**Davy Hicks**  
**Manufacturing Engineer**  
**Phone 256-382-9531**  
**Fax 256-382-1921**  
[www.resistacap.com](http://www.resistacap.com)

