



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 23, 2025

Ana Diaz
Regulatory Compliance Specialist
Currie Associates
101 Ridge Street
Suite I
Glenn Falls, NY 12801

Reference No. 25-0015

Dear Ms. Diaz:

This letter is in response to your February 7, 2025 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to United Nations (UN) identification number marking in accordance with Special Provision (SP) 389 for a shipment of “UN3536, Lithium Batteries installed in cargo transport unit *lithium ion batteries or lithium metal batteries*, 9.” Specifically, you seek confirmation of your understanding that the UN identification number displayed on an orange panel must be affixed on only two (opposing) sides of the cargo transport unit (CTU) associated with the Class 9 placard. You also seek confirmation that § 172.302(a) UN identification number marking requirements for bulk packagings do not apply.

Your understanding of both is correct. SP 389 excepts the lithium batteries installed in a CTU from the marking requirements of Part 172, Subpart D. Therefore, § 172.302(a) identification number marking requirements do not apply. However, SP 389 does still require the CTU to display the UN identification number in a manner in accordance with § 172.332 of the HMR and be placarded on two opposing sides. The requirement “on two opposing sides” applies to both preceding requirements, *i.e.*, the CTU shall display the UN identification number in a manner in accordance with § 172.332 of the HMR on two opposing sides, and the CTU shall be placarded on two opposing sides. Thus, whether displayed on an orange panel, a placard, or a white square-on-point in accordance with § 172.332, the condition of “on two opposing sides” applies.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Letter of Interpretation Request - UN number marking on UN3536
Date: Friday, February 7, 2025 3:19:16 PM
Attachments: [image001.png](#)
[01.06.2025 Currie LOI UN marking on UN3536.pdf](#)

Hello Alice,

Please see the attached interpretation request. Let us know if you need anything.

Sincerely,
Janaye

From: Tom Ferguson <Tom@currieassociates.com>
Sent: Friday, February 7, 2025 9:26 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Cc: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>; Leary, Kevin (PHMSA) <Kevin.Leary@dot.gov>; Chris Yakush <Chris@currieassociates.com>; Ana Diaz <ana@currieassociates.com>
Subject: Letter of Interpretation Request - UN number marking on UN3536

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Dear PHMSA,

Please find attached a request for a formal letter of interpretation regarding the marking requirements for UN3536, LITHIUM BATTERIES INSTALLED IN CARGO TRANSPORT UNIT. We believe, as described in the international regulations, that the UN marking requirement for such units requires 2 sides be marked with the UN number in association with the associated placards noted in SP389. We would like you to confirm our understanding of this requirement.

Please let us know if you have any questions about our request.

Best Regards,

Tom Ferguson, PG, CHMM, DGSA
President and Chief Technical Officer
Currie Associates, Inc.
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Online Training – www.dgcomplianceonline.com



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This information is intended to provide interpretative and authoritative information in regard to the subject matter covered as a service to our clients and has been answered to the best of our ability based on the information provided to us. We do not guarantee the accuracy or completeness of any such interpretation or information, however, nor do we warrant that compliance with any advice we provide will guarantee compliance with any legal or regulatory requirements. Our statements or opinions do not convey legal interpretation and government authorities or legal counsel should be contacted for such a response.



February 7, 2025

Mr. Shane Kelley
Director, Standards and Rulemaking Division
Pipeline and Hazardous Materials Safety Administration
Attn: PHH-10
U.S. Department of Transportation
East Building, 1200 New Jersey Ave., SE
Washington, D.C. 20590-0001
Submitted: **Via Email**
cc: infocntr@dot.gov

Dear Mr. Kelley,

Currie Associates requests a formal letter of interpretation regarding **Special Provision 389 (SP389)** when shipping under **UN3536 LITHIUM BATTERIES INSTALLED IN CARGO TRANSPORT UNIT**. Specifically, we want to confirm that the UN number (in an orange panel) is required to be affixed on only TWO sides of the cargo transport unit (ideally in association with the Class 9 placard).

Special Provision 389 states:

“...The cargo transport unit shall display the UN number in a manner in accordance with §172.332 of this subchapter and be placarded on two opposing sides.”

Further, we understand the marking and placarding requirements of SP389 are a deviation from the marking requirements under §172.302. SP389 points to the display provisions of the identification number markings in §173.332. However, the provision does not specify the number of sides the UN number must be marked on the cargo transport unit (CTU); it only details the number of placards to be used. Additionally, SP389 does not reference the marking requirements for bulk packagings outlined in §172.302, where additional factors for identification numbers include the packaging capacity as indicated in §172.302(a), specifically §172.302(a)(1) where it states, “One each side and each end, if the packaging has a capacity of 3,785 L (1,000 gallons) or more.”

The International Maritime Dangerous Goods Code (IMDG Code) Special Provision 389 gives similar guidance, but references on the dimensions on the UN number and implies the UN mark is only required to be on or near the required placard. Given there are only two placards required per this special provision, this provision suggests only two UN marks are required.

Based on the similar approach in the IMDG Code, Currie Associates would like to confirm our understanding that SP389 requires two placards to appear in association with the UN mark on

two opposing sides of the CTU, and that the provisions of § 172.302(a) are not applicable. Additional sides of the CTU may display the UN mark but it is not required.

Currie Associates appreciates your timely review of this interpretation request and we look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ana Diaz', with a stylized flourish extending to the right.

Ana Diaz
Regulatory Compliance Specialist
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ana@currieassociates.com
O: 518-761-0668