

September 26, 2014



U.S. Department
of Transportation

East Building, PHH - 30
1200 New Jersey Avenue, Southeast
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 16011
(FIRST REVISION)

EXPIRATION DATE: May 31, 2016

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Americase
Waxahache, TX
2. PURPOSE AND LIMITATIONS:

a. This special permit authorizes the manufacture, mark, sale and use of two specially designed packagings intended for the transport of certain lithium ion cells and batteries that may be damaged or defective and may be contained in equipment. This special permit provides no relief from the Hazardous Materials Regulations (HMR), International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI), or the International Maritime Dangerous Goods (IMDG) Code other than as specifically stated herein. The most recent revision supersedes all previous revisions.

b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.

c. This special permit serves as an approval under § 173.185(g), as an "exemption" as defined in 1;3.1.1 of the ICAO TI and Part 7, Chapter 7.9, Section 7.9.1 of the IMDG Code (see IMO MSC/Circ. 1075-Granting Exemptions from the Provisions of the IMDG Code), and as a "Competent Authority Approval" as defined under 49 CFR § 107.1.

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3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180, the ICAO TI, and the IMDG Code.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.185(f) in that alternative packaging is authorized; Part 2, Chapter 2.9, Section 2.9.4 of the IMDG Code; Special Provision A154 of Part 3, Chapter 3 and Paragraph 2. (specifically, damaged or defective lithium batteries forbidden for transport) of Packing Instructions 965 and 967 of Part 4, Chapter 11 of the ICAO TI in that damaged or defective cells and batteries may be transported as provided herein.
5. BASIS: This special permit is based on the application of Americase dated October 2, 2013 submitted in accordance with § 107.105 and the public proceeding thereon, and additional information dated September 12, 2014.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Lithium ion batteries*	9	UN3480	II
Lithium ion batteries contained in equipment*	9	UN3481	II

*Only Damaged or defective lithium ion cells or batteries or equipment containing such cells or batteries may be transported under the terms of this special permit. All cells and batteries must have met all requirements of § 173.185(a) prior to being damaged or defective.

7. SAFETY CONTROL MEASURES:
 - a. Each cell and battery must be protected against short-circuits.
 - b. Each cell and battery contained in equipment must be protected from short-circuits.
 - c. Lithium metal cells, batteries, or equipment containing such cells or batteries are not authorized under the terms of this special permit.

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d. PACKAGING - UN standard packaging is required. Thermally insulated UN 4G fiberboard and UN 4B aluminum boxes identified as Model Numbers ENG-FBLIB-9100 and ENG-ATLIB-9100, respectively, may be used as outer packagings for transporting damaged and defective cells and batteries, including those contained in equipment, provided that other applicable packaging requirements are met including:

1. For Model Number ENG-FBLIB-9100, cells and batteries, including those contained in equipment, may not have an aggregate Watt-hour (Wh) rating of more than 1,500 Wh (or 120 grams total equivalent lithium content);
 2. For Model Number ENG-ATLIB-9100, cells and batteries, including those contained in equipment, may not have an aggregate Watt-hour (Wh) rating of more than 5,700 Wh (or 456 grams total equivalent lithium content);
 3. For transportation via cargo aircraft, each lithium ion cell or cell contained in equipment may not be rated to more than 20 Wh and each battery or battery contained in equipment may not be rated to more than 100 Wh;
 4. Each cell, battery, and equipment containing such cells or batteries, must be surrounded by cushioning material that is non-combustible, and non-conductive;
 5. The outer packaging must meet Packing Group I performance criteria; and
 6. Persons offering packages for transportation must comply with the closure instructions accompanying the packaging. A copy of the closure instructions must be provided to persons offering the shipment.
8. OPERATIONAL CONTROLS:
- a. MARKING - When used to transport damaged or defective lithium ion cells and batteries, including those contained in equipment, each package shipped under the terms of this special permit must be marked "Damaged/Defective Lithium-ion Batteries" on a contrasting background in proximity to the markings and labels required by the HMR, the ICAO TI, and the IMDG Code.

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b. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this special permit for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this special permit.

c. A person who is not a holder of this special permit, but receives a package covered by this special permit, may reoffer it for transportation provided no modification or change is made to the package and it is offered for transportation in conformance with this special permit, the HMR, the ICAO TI, and the IMDG Code.

d. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

e. Each packaging manufactured under the authority of this special permit must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Special Permits and Approvals for a specific manufacturing facility.

f. A current copy of this special permit must be maintained at each facility where the packaging is manufactured under this special permit. It must be made available to a DOT representative upon request.

g. For purposes of transportation by cargo aircraft and cargo vessel, this special permit also constitutes an exemption to the ICAO TI in accordance with 1;1.1.3. and as an exemption to the IMDG Code in accordance with Part 7, Chapter 7.9, Section 7.9.1.

h. Any package that is damaged is not authorized to be loaded and transported.

i. The damaged/defective lithium ion cells, batteries, or equipment containing such lithium ion cells or batteries authorized under this special permit may only be transported by cargo aircraft that is authorized as a "will-carry" operator in accordance with 14 CFR.

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j. Aircraft operators must have an approved operations manual that permits the carriage of damaged/defective lithium ion cells, batteries, or equipment containing such lithium ion cells or batteries in accordance with this special permit. See 14CFR 121.35 or 135.23.

k. Authorized U.S. Air Carriers - the following U.S. air carriers are the only authorized air carriers to accept any shipment under the terms of this special permit:

1. FedEx, Inc.; and
2. United Parcel Service Co.

l. This special permit in no way affects the need to obtain any required authorizations from other agencies of the United States Government or from the competent authorities of the States of origin, transit, over flight, and destination of the consignment, as well as the State of the air operator.

m. A foreign aircraft operator may only carry damaged or defective lithium ion cells, batteries or equipment containing such lithium ion cells or batteries in accordance with this special permit with the approval of the competent authority of the foreign State responsible for certification of the aircraft.

n. DAMAGED OR DEFECTIVE LITHIUM ION CELLS, BATTERIES, OR EQUIPMENT CONTAINING SUCH LITHIUM ION CELLS OR BATTERIES AUTHORIZED UNDER THE TERMS OF THIS SPECIAL PERMIT MAY NOT BE TRANSPORTED INTERNATIONALLY BY AIR.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo Aircraft Only with restrictions (see Paragraph 8.k. and 8.n.), Motor Vehicle, Cargo Vessel, Rail Freight.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo aircraft, cargo vessel or motor vehicle used to transport packages covered by this special permit. The shipper must furnish a current copy of this special permit to the air carrier before or at the time the shipment is tendered.

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11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 Immediate notice of certain hazardous materials incidents, and 171.16 Detailed hazardous materials

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incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Dr. Magdy El-Sibaie
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: Hwang/Nicklous:dl