

November 09, 2018



U.S. Department
of Transportation

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

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 20435
(FIRST REVISION)

EXPIRATION DATE: 2022-09-30

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Atieva USA Inc
Menlo Park, CA
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of low production lithium ion batteries in excess of 35 kg by cargo-only aircraft. This special permit provides no relief from the Hazardous Materials Regulations (HMR) or the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.
 - c. This special permit serves as an approval under Special Provisions A88 and A99 of the International Civil Aviation Organizations Technical Instructions (ICAO TI) and as a "Competent Authority Approval" as defined under 49 CFR § 107.1.
 - d. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

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4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 172.101(j) and 172.101 Column 9B in that a lithium battery may not exceed 35 kg when transported by cargo aircraft, except as provided herein; and 49 CFR § 173.185(a) in that the batteries are not of a type proven to meet the requirements of the UN Manual of Tests and Criteria, Fifth Revised Edition.
5. BASIS: This special permit is based on the application of Atieva USA Inc dated October 4, 2018, submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Lithium ion batteries	9	UN3480	N/A

7. SAFETY CONTROL MEASURES:

a. OPERATIONAL CONTROLS -

- (1) The batteries are rated at 63,200 Wh and comprised of battery modules which contain Sony cells each rated at 10.8 Wh.
- (2) Cells, modules and batteries must be protected against short-circuiting.
- (3) Batteries must be offered for transportation at a state of charge not greater than 30%
- (4) The batteries must be equipped with an effective means of preventing dangerous reverse current flow when a battery contains cells or modules that are connected in parallel.
- (5) The battery must be equipped with a battery management system capable of preventing overcharge, short circuits, and over discharge between the modules.

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b. TESTING - Each cell must be of a type that has passed the required tests in accordance with the UN Manual of Tests and Criteria, 5th Revised Edition.

c. PACKAGING -

(1) Each battery must have a strong, impact-resistant outer casing.

(2) The battery must be placed in a rigid and strong outer box meeting Packing Group I performance criteria that is fitted with thermally insulating, nonflammable foam material that provides protection from excessive heat, shock and vibration, as described in the May 9, 2017 email and on file with Office of Hazardous Materials Approvals and Permits Division.

(3) The outer box is affixed to a pallet.

(4) The packaging must comply with the additional requirements in ICAO TI Packing Instruction 965.

(5) The net weight of batteries within each package must not exceed 400 kg.

d. MARKING - Each package covered under the terms of this special permit must be durably and legibly marked and displayed on a background of contrasting color with "DOT-SP 20435."

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this special permit and the HMR.

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

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, cargo vessel, and cargo-only aircraft.

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10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel, aircraft, or motor vehicle used to transport packages covered by this special permit. The shipper must furnish a copy of this special permit to the air carrier before or at the time the shipment is tendered.

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.

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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 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 William Schoonover
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: SH/TG/kah