



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

**January 31, 2024**

1200 New Jersey Avenue, SE  
Washington, DC 20590

DOT-SP 21222  
(SECOND REVISION)

**EXPIRATION DATE: 2027-06-30**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Bren-Tronics, Inc.  
Commack, NY
2. PURPOSE AND LIMITATION:
  - a. This special permit authorizes the transportation in commerce of lithium ion batteries that exceed 35 kg in non-DOT specification packaging aboard 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. No party status will be granted to this special permit.
  - d. This special permit serves as an approval under Special Provision A99 and the fourth paragraph of Section IA.2 of Packing Instruction 965 of the ICAO TI, as an approval under 49 CFR 173.185(b)(5), and as a "Competent Authority Approval" as defined under 49 CFR § 107.1.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180 and the ICAO TI.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 172.101 Hazardous Materials Table Column (9B) in that a battery may not exceed 35 kg, except as specified herein.

Tracking Number: 2023044280

5. BASIS: This special permit is based on the application of Bren-Tronics, Inc. dated August 14, 2023, submitted in accordance with § 107.105 and the public proceeding thereon.
6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Lithium ion batteries <i>including lithium ion polymer batteries</i>	9	UN3480	N/A

7. SAFETY CONTROL MEASURES:

a. OPERATIONAL CONTROLS:

- (1) A “Brenergy” Battery series:
  - (a) With a maximum Watt-hour rating of 6.1 kWh and;
  - (b) Contains 560 MOLI lithium ion 2.6Ah, 2.8 Ah, or 3.0 Ah cells in a 14-series /40-parallel configuration.
- (2) All cell types within the lithium ion battery must have been tested in accordance with Section 38.3 of the UN Manual of Tests and Criteria.
- (3) Cells and batteries must be protected against short-circuiting.
- (4) Batteries connected in parallel must be equipped with an effective means to prevent dangerous reverse current flow.
- (5) The batteries must be offered for transportation at a state of charge not greater than 30%.
- (6) The batteries must be equipped with a battery management system that has been verified as preventing overcharge, short circuits, and over-discharge between the batteries.
- (7) Each battery module and battery pack must weigh 12 kg or greater and have a strong, impact-resistant outer casing.

b. PACKAGING:

- (1) Each battery must be packaged in a poly shipping bag and then securely packaged in a corrugated, double wall fiberboard box.
- (2) Batteries must meet the requirements of Section I of Packing Instruction 965 of the ICAO TI (except the CAO net quantity per package limitation in Table 965-IA). Additionally, the requirement in Packing Instruction 974 of the Supplement to the ICAO TI must be met.
- (3) The gross weight of each package must not exceed 72 kg.

8. SPECIAL PROVISIONS:

- a. Under the terms of this special permit, the grantee may only offer hazardous materials (i.e., the grantee is not authorized as a carrier).
- b. 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 and it is reoffered for transportation in conformance with this special permit, the HMR, and the ICAO TI.
- c. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.
- d. 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 countries of origin, transit, destination and State of the Operator.
- e. The special permit holder must maintain a record of all activity conducted under the authority granted in this special permit and upon request make this information available to a DOT representative or an enforcement official. The record must contain a complete listing and number of shipments made to include:
  - (1) Dates of shipment; and
  - (2) Description of each type of shipment.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo-only aircraft.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each aircraft 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.

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.:

A handwritten signature in blue ink, appearing to read "W. Schoonover", is written over a horizontal line.

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-13, 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 <https://www.phmsa.dot.gov/approvals-and-permits/hazmat/special-permits-search>. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: CT/TG