March 30, 2023

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration

DOT-SP 21380

EXPIRATION DATE: 2025-01-31

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Tesla, Inc.
   Palo Alto, CA

2. PURPOSE AND LIMITATION:

   a. This special permit authorizes the transportation in commerce of lithium battery assemblies contained within a cargo transport unit, equipped with a spark arrestor system that is active during transportation. This special permit provides no relief from the Hazardous Materials Regulations (HMR) 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.


4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.102 Special Provision 389 in that the battery may be active during transportation; and § 173.21(c) in that electrical devices may create sparks, as specified herein.

5. BASIS: This special permit is based on the application of Tesla, Inc. dated January 26, 2022, submitted in accordance with § 107.105 and the public proceeding thereon.

Tracking Number: 2022055293
6. **HAZARDOUS MATERIALS (49 CFR 172.101):**

<table>
<thead>
<tr>
<th>Proper Shipping Name</th>
<th>Hazard Class/Division</th>
<th>Identification Number</th>
<th>Packing Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lithium batteries installed in cargo transport unit</td>
<td>9</td>
<td>UN3536</td>
<td>N/A</td>
</tr>
</tbody>
</table>

7. **SAFETY CONTROL MEASURES:**

a. **SAFETY CONTROLS:**
   
   (1) Only lithium ion battery assemblies installed in a cargo transport unit (energy storage system), as described in Tesla Inc.’s application dated January 22, 2022, and on file with the Office of Hazardous Materials Safety (OHMS), may be offered for transportation under the terms of this special permit.

   (2) The battery assembly must be offered for transportation at a state of charge not exceeding 30 percent.

   (3) The battery assembly must be equipped with an effective means of preventing dangerous reverse current flow for cells that are connected in parallel. The battery assembly must be equipped with a system capable of monitoring the battery assembly and preventing short circuits, or over discharge between the batteries in the assembly and any overheat or overcharge of the battery assembly.

   (4) The cells, battery modules, and battery assembly must be protected against short circuiting.

b. **PACKAGING:** The energy storage system must meet the requirements of 49 CFR 172.102 Special Provision 389.

c. **TESTING:**

   (1) Each battery module must be comprised of lithium ion cells that are of a type that have passed the required tests as specified in the “UN Manual of Tests and Criteria, 6th Revised Edition”.

   (2) Each battery module must be of a type that has passed the required tests as specified in the “UN Manual of Tests and Criteria, 6th Revised Edition”.
d. **OPERATIONAL CONTROLS:**

(1) Only one (1) energy storage system is authorized to be transported on each motor vehicle.

(2) Each energy storage system must be transported on an open-air flat-bed trailer. A tarpaulin, or other cover, may be used during transportation to shield the energy storage system provided the cover will not allow for the build-up of any gases.

(3) Each energy storage system must be secured to the trailer during transportation in a manner that does not interfere with the venting of the system.

(4) Safety sparker assemblies within the energy storage system, as described in Tesla Inc.’s application date January 22, 2022, and on file with OHMS, may operate during transportation.

(5) Other devices and components within the energy storage system that contain no more than de minimis quantities, or other non-regulated quantities of hazardous materials (including, but not limited to, the devices specified in Tesla Inc.’s application dated January 22, 2022, and on file with OHMS) may be activated or remain in operation during transportation.

(6) A copy of Tesla Inc.’s “Lithium-Ion Battery Emergency Response Guide for Tesla Energy Products” must be carried aboard each motor vehicle used to transport the energy storage system.

e. **MARKING:** Each energy storage system, and protective covering if used, must be durably and legibly marked “DOT-SP 21380”.

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.
10. **MODAL REQUIREMENTS**: A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit.

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*:

   - All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
   - 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.
   - 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.:

[Signature]

for William Schoonover
Associate Administrator for Hazardous Materials Safety


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: Andrew Eckenrode