



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

June 21, 2024

1200 New Jersey Avenue, SE
Washington, DC 20590

DOT-SP 21716

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of prototype and low production lithium ion batteries that have not passed the criteria in Part III, subsection 38.3 of the UN Manual of Tests and Criteria and exceed 35 kg net weight 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. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
 - d. This special permit serves as an approval under Special Provision A88 and State Variation US 3 of the ICAO TI 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.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.185(a)(1) in that lithium batteries have not passed the criteria in Part III, subsection 38.3 of the UN Manual of Tests and Criteria and § 172.101 Hazardous Materials Table Column (9B) in that the net weight of each battery exceeds 35 kg net weight when transported aboard cargo-only aircraft.

Tracking Number: 2024024060

5. BASIS: This special permit is based on the application of Kraken Robotics US Inc. dated February 1, 2024, 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 <i>batteries including lithium ion polymer batteries</i>	9	UN3480	N/A

7. SAFETY CONTROL MEASURES:

a. OPERATIONAL CONTROLS:

- (1) Only prototype and low production lithium ion batteries identified in the application dated February 1, 2024, on file with the Office of Hazardous Materials Safety (OHMS) may be offered for transportation under the terms of this special permit. ("Low production" is defined as a production run of no more than 100 cells or batteries annually of a particular type.). Each different battery type must comply with all the conditions of this special permit prior to being offered for transportation.
- (2) The state of charge for prototype and low production lithium ion batteries may not exceed 30% when offered for transportation.
- (3) The watt-hour rating of the lithium ion battery may not exceed 17.7 kWh.
- (4) The batteries must be equipped with an effective means of preventing dangerous reverse current flow when cells or modules are connected in parallel.
- (5) Cells and batteries must be protected against short circuiting.

b. TESTING:

- (1) Lithium ion cells identified in the application dated February 1, 2024, on file with OHMS must be of a type that has been demonstrated by testing to pass all required tests as specified in the revision of the "UN Manual of Tests and Criteria" identified in the February 1, 2024, application on file with OHMS.

(2) Lithium ion batteries need not be of a type that has been demonstrated by testing to pass all required tests as specified in Part III, subsection 38.3 of the “UN Manual of Tests and Criteria”.

c. PACKAGING:

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

(2) Each lithium ion battery must be individually packed in a non-metallic inner packaging and must be surrounded by cushioning material that is non-combustible and electrically non-conductive.

(3) The inner packaging containing the lithium ion battery must be packed in a UN 4B aluminum box outer packaging that meets Packing Group I performance criteria.

(4) Not more than one lithium ion battery may be packaged within an outer packaging.

(5) Each lithium battery must exceed 35 kg (77 pounds) but may not exceed 148 kg (326 pounds).

(6) The requirements in Packing Instruction 910 of the Supplement to the ICAO TI must be met.

d. MARKING REQUIREMENTS: Each package, and overpack if used, prepared under the provisions of this special permit must be plainly marked with the special permit number: “DOT-SP 21716.”

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 and it is reoffered for transportation in conformance with this special permit, the HMR, and the ICAO TI.

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

c. 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 the State of Operator.

d. The grantee must maintain the following record and upon request make this record available to DOT representatives or enforcement officials. The record must contain a 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.:



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: Steve H