



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

**September 20, 2024**

1200 New Jersey Avenue, SE  
Washington, DC 20590

DOT-SP 21721  
(SECOND REVISION)

**EXPIRATION DATE: 2026-04-30**

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Fortescue Zero Limited  
Kidlington, United Kingdom

U.S. AGENT: Curries Associates  
Glen Falls, NY

2. PURPOSE AND LIMITATION:

a. This special permit authorizes the transportation in commerce of lithium ion batteries exceeding 35 kg 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 of the ICAO TI and § 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.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.101 Hazardous Materials Table Column (9B) in that a battery may not exceed 35 kg when transported aboard aircraft, except as specified herein.

Tracking Number: 2024085395

5. BASIS: This special permit is based on the application of WAE Technologies Limited dated February 7, 2024, submitted in accordance with § 107.105 and the public proceeding thereon and additional information dated May 8, 2024, and August 28, 2024.
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. PACKAGING:

- (1) Inner Packaging: Each battery must be secured to the inner base and surrounded by cushioning material.
- (2) Outer Packaging: Each battery must be secured to the inner base and surrounded by cushioning material before it is placed in a foam lined UN Standard 50B rigid aluminum Large Packaging that is tested and certified as meeting the Packing Group I. The UN Standard 50B rigid aluminum Large Packaging serves as a strong outer packaging.
- (3) Additionally, the battery must be packaged within the outer packaging as described in the application dated February 7, 2024, and on file with the Office of Hazardous Materials Safety (OHMS).
- (4) Packages offered for transportation must be in accordance with the requirements in Packing Instruction 974 of the Supplement to the ICAO TI. Additionally, waste lithium batteries and lithium batteries being shipped for recycling or disposal are forbidden from air transport, and lithium batteries must not be packed in the same outer packaging with substances and articles of Class 1 (explosives) other than Division 1.4S, Division 2.1 (flammable gases), Class 3 (flammable liquids), Division 4.1 (flammable solids), or Division 5.1 (oxidizers).
- (5) No more than one battery is allowed per package.

(6) The net weight of the battery may not exceed 316.2 kg (697.1 pounds).

b. TESTING:

(1) Each cell within the battery must be of a type tested in accordance with the UN Manual of Tests and Criteria, 7<sup>th</sup> Revised Edition.

(2) Each battery must be of a type tested in accordance with the UN Manual of Tests and Criteria, 7<sup>th</sup> Revised Edition.

c. OPERATIONAL CONTROLS:

(1) Only batteries identified as WAE Formula E Gen3 Boost Charger that are comprised of cells identified as SAFT SL5R product number: D000898 manufactured by Saft Space and Defense as outlined in the application dated February 7, 2024, and on file with OHMS may be offered for transportation under the terms of this special permit.

(2) Each battery has a nominal energy rating of 15.9 kWh. Each battery must have a strong, impact resistant outer casing.

(3) All batteries must be offered for transportation at a state of charge not exceeding 30 percent.

(4) Cells and batteries must be protected against short circuiting.

(5) Cells or batteries connected in parallel will be equipped with an effective means to prevent dangerous reverse current flow.

(6) Each battery must be fitted with a Battery Management System (BMS) which monitors cell temperature, fuses, contactors, HVIL connectors, humidity sensor, pack vent discs, and voltage. The BMS and its associated software prevents cell overheating, overcharging, or over discharging.

(7) Lithium ion batteries must be packed to prevent accidental activation of the battery.

(8) Cells or batteries that are leaking or liable to rapidly disassemble, dangerously react, produce a flame or a dangerous evolution of heat or a dangerous emission of toxic, corrosive, or flammable gases, or vapors under normal conditions of transport may not be transported under this special permit.

(9) Any changes to the battery or cell from the ones listed above invalidate this special permit.

d. MARKINGS: Each package must be marked with the special permit number "DOT-SP 21721" in accordance with § 172.302(c).

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.

In addition to the training required by §§ 172.700 through 172.704, 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.

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: CT/Casey Chambers