



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

February 24, 2026

1200 New Jersey Avenue, SE
Washington, DC 20590

DOT-SP 22094
(FIRST REVISION)

EXPIRATION DATE: 2028-01-31

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: BAE Systems Controls Inc.
Endicott, NY
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of low production lithium ion batteries that have not completed all UN testing 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. No party status will be granted to this special permit.
 - d. This special permit serves as an approval under Special Provision A88 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 and the ICAO TI.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.101 Hazardous Materials Table Column (9B) in that lithium batteries may have a mass exceeding 35 kg per package; and § 173.185(a) in that low production lithium batteries need not be of a type proven to meet the 38.3 criteria in the UN Manual of Tests and Criteria, as specified herein.

Tracking Number: 2026024556

5. BASIS: This special permit is based on the application of BAE Systems Controls Inc. dated September 5, 2025, and the supplemental information dated September 25, 2025, 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

*Only low production lithium ion batteries as described in BAE Systems Controls Inc.'s request submitted on September 5, 2025, and 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 not more than 100 cells or batteries annually of a particular type).

7. SAFETY CONTROL MEASURES:

a. PACKAGING:

- (1) Each battery must have an aluminum, impact-resistant casing of the Energy Storage System (ESS) chassis, as described in BAE Systems Controls Inc.'s application dated September 5, 2025, and on file with the OHMS.
- (2) Each ESS containing the battery, as described in BAE Systems Controls Inc.'s application dated September 5, 2025, and on file with the OHMS, must be secured on a pallet and have a plywood cover placed above the pallet.
- (3) The inside of the cover must be surrounded by foam cushioning material to prevent damage to the battery.
- (4) Only one battery is permitted per package.
- (5) Packagings must comply with the requirements in Packing Instruction 910 of the Supplement to the ICAO TI.

(6) 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).

(7) The net weight of an ESS containing the battery in a single package must not exceed 321 kg (708 pounds) with a gross weight of a package not exceeding 398 kg (877 pounds).

(8) The cells and battery must be protected against short-circuiting and be equipped with a means of preventing dangerous reverse current flow when cells or modules are connected in parallel.

b. TESTING: Each Molicel cell must be of a type tested in accordance with the UN Manual of Tests and Criteria, 7th Revised Edition.

c. OPERATIONAL CONTROLS:

(1) A battery within the ESS consists of eight (8) modules with each module housing 234 Molicel type P50B cells and is nominally rated at 33.7 kWh.

(2) The state of charge for lithium ion batteries must be not more than 30% when offered for air transportation.

(3) Lithium ion cells or batteries that are leaking, are likely 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.

d. MARKING: Each package must be marked with the special permit number "DOT-SP 22094" in accordance with § 172.301(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 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.

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 or State of the Operator.

d. For each cell and battery type, the grantee must maintain the following record and upon request make this record available to DOT representatives or enforcement officials. The record to be maintained is as follows:

(1) A description of each cell and battery type and types of tests conducted and test results prior to offering for transportation.

(2) Dates and description of each shipment, to include number of cells and batteries.

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 Quade
Acting 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: BB