



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

February 27, 2024

1200 New Jersey Avenue, SE
Washington, DC 20590

DOT-SP 21704

EXPIRATION DATE: 2026-01-31

(FOR RENEWAL, SEE 49 CFR 107.109)

1. **GRANTEE:** KULR Technology Corporation
San Diego, CA

2. **PURPOSE AND LIMITATIONS:**
 - a. This special permit authorizes the manufacture, mark, sale, and use of non-DOT specification packagings for the transportation in commerce of lithium ion cells and batteries and lithium metal cells and batteries and those contained in or packed with equipment for recycling, reuse, refurbishment, repurposing or evaluation. 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 development of this special permit only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.

 - c. In accordance with 49 CFR 107.107(a), party status may not be granted to a manufacturing special permit. These packagings may be used in accordance with 49 CFR 173.22a.

3. **REGULATORY SYSTEM AFFECTED:** 49 CFR Parts 106, 107 and 171-180.

4. **REGULATIONS FROM WHICH EXEMPTED:** Except when a shipment of consolidated packages has an aggregate gross weight exceeding 1000 pounds, 49 CFR Subparts C through H of Part 172 in that shipping papers, marking, labeling, placarding, and emergency response information are not required, and alternative training is authorized; and § 173.185(b) in that alternative packaging is authorized, as specified herein.

Tracking Number: 2024014595

5. BASIS: This special permit is based on the application of KULR Technology Corporation dated December 21, 2023, submitted in accordance with § 107.105 and the public proceeding thereon.
6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Lithium ion batteries	9	UN3480	N/A
Lithium ion batteries contained in equipment	9	UN3481	N/A
Lithium ion batteries packed with equipment	9	UN3481	N/A
Lithium metal batteries	9	UN3090	N/A
Lithium metal batteries contained in equipment	9	UN3091	N/A
Lithium metal batteries packed with equipment	9	UN3091	N/A

7. SAFETY CONTROL MEASURES:

a. SAFETY CONTROLS:

- (1) Lithium ion and metal cells and batteries must be secured and protected against short circuits while the packages are in transportation.
- (2) Cells or batteries contained in or packed with equipment must be protected against short circuits (unless the equipment affords that protection) and unintentional activation.
- (3) Cells and batteries are limited to those with a Watt-hour rating not exceeding 300 Wh or lithium content not exceeding 25 grams.

b. PACKAGING:

- (1) INNER PACKAGING: Cells, batteries, or equipment containing them must be enclosed in a specially designed inner container (SafeCASE or SafeSLEEVE incorporated with TRS) that consists of a synthetic composite

resistant to high temperatures that is lined with a fiber core material infused with an extinguishing liquid.

(2) OUTER PACKAGING: Inner packagings must be further packed in a fiberboard box designed and constructed in accordance with 49 CFR 178.516.

(3) Each package may not exceed 70 pounds gross weight.

(4) Packagings may be reused provided they continue to meet the requirements of this special permit and general packaging requirements of the HMR.

c. MARKING AND LABELING: Each packaging manufactured under terms of this special permit must be durably and legibly marked and labeled and displayed on a background of contrasting color with the following:

(1) “DOT-SP 21704”.

(2) The words: “Recycled lithium batteries” in letters at least 12 mm (0.5 inch) in height.

(3) “FOR GROUND TRANSPORT ONLY – FORBIDDEN FOR TRANSPORT BY AIRCRAFT AND VESSEL” at least 6 mm (0.25 inch) in height.

(4) The lithium battery handling marking conforming to 49 CFR 173.185(c).

d. OPERATIONAL CONTROLS:

(1) The packaging under this special permit is not authorized for lithium cells and batteries, and those contained in or packed with equipment, identified as damaged, defective, or recalled. This packaging may only be used for the transportation of cells or batteries and those contained in or packed with equipment for recycling, reuse, refurbishment, repurposing or evaluation purposes.

(2) Packages must be stored away from sources of ignition or excessive sources of heat or flames that could result in the content of the content of the package experiencing a thermal event.

(3) KULR Technology Corporation must provide detailed closure, packing, and shipping instructions to individuals (consumers, retail employees, and KULR Technology Corporation hazardous materials employees) preparing shipments under the terms of the special permit.

(4) The grantee must make available upon request a list of names and addresses of each person who has ordered the packaging authorized by this special permit and used under this special permit. The grantee must be notified when the packaging has reached its destination.

(5) Shipments containing a single packaging, pallet or aggregate quantity of packages with a gross weight exceeding 1,000 pounds are not excepted from the requirements of Subparts C and H of Part 172.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this special permit for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this special permit.

b. A current copy of this special permit must be made available to a person transporting cells and batteries when the package is offered or reoffered for transportation.

c. Each packaging manufactured under the authority of this special permit must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Safety for a specific manufacturing facility.

d. A current copy of this special permit must be maintained at each facility where the packaging is manufactured under this special permit. It must be made available to a DOT representative upon request.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and rail freight.

10. MODAL REQUIREMENTS: None as a requirement of 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:

- 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 adequate instruction on the requirements and conditions of this special permit. Adequate instruction should include providing closure instructions and providing access to online training and testing that can be completed prior to offering packages for transport.

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 Materials 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: ae