



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

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

JUN 19 2009

Mr. Steven Charles Hunt
ShipMate, Inc.
780 Buckaroo Trail, Suite D
Sisters, OR 97759-0787

Ref. No.: 09-0105

Dear Mr. Hunt:

This responds to your letter regarding exceptions for the transportation of accumulators on board a passenger-carrying aircraft under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and the International Civil Aviation Organizations Technical Instruction for the Safe Transport of Dangerous Goods by Aircraft (ICAO Technical Instructions). Specifically, you ask for confirmation of your understanding that accumulator devices are not subject to the HMR, provided the accumulators meet all of the requirements of §173.306(f)(4), in addition to Special Provision "A114" under the ICAO Technical Instructions.

Your understanding is correct. Accumulators intended to function as shock absorbers, struts, gas springs, pneumatic springs or other impact or energy-absorbing devices are not subject to the HMR, provided they meet the criteria as specified in § 173.306(f)(4). In addition, articles, containing gas, intended to function as shock absorbers, including impact energy absorbing devices, or pneumatic springs are not subject to the ICAO Technical Instructions, provided they meet the conditions of Special Provision "A114," when shipped by aircraft.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards



ShipMate, Inc.
780 Buckaroo Trail, Suite D
Sisters, OR 97759-0787
Phone: +1 (310)-370-3600
Fax: +1 (310) 370-5700
E-mail: shipmate@shipmate.com

May 1, 2009

Mr. Edward T. Mazzullo
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
East Building, 2nd Floor
Washington, DC 20590-0001

Engrum
§173.306 (f)(4)
Cylinders
09-0105

Subj: Request for Letter of Interpretation

Dear Mr. Mazzullo:

Steven Charles Hunt, ShipMate, Inc., on behalf of the Petitioner, Kawasaki Racing, 9950 Jeronimo Rd, Irvine, CA 92618, Tel: +1 (949) 770-0400 x 2459, Fax: +1 (949) 460-5791, Attn: Diane Porte, is submitting this request.

The Petitioner respectfully requests a letter of interpretation regarding the carriage of accumulators on board passenger-carrying aircraft as not regulated for transportation.

The Petitioner, Kawasaki Racing, needs to transport the pressurized accumulators between races; however, small package dispatch services are often not available to deliver these parts in time for the race. Consequently, the Petitioner is requesting a letter of interpretation which confirms that these devices are not regulated as hazardous materials, provided that all of the requirements of 49 CFR §173.306(f)(4) are complied with which state:

Accumulators intended to function as shock absorbers, struts, gas springs, pneumatic springs or other impact or energy-absorbing devices are not subject to the requirements of this subchapter provided each:

- (i) Has a gas space capacity not exceeding 1.6 L and a charge pressure not exceeding 280 bar, where the product of the capacity expressed in L and charge pressure expressed in bars does not exceed 80 (for example, 0.5 L gas space and 160 bar charge pressure);
- (ii) Has a minimum burst pressure of 4 times the charge pressure at 20° C for products not exceeding 0.5 L gas space capacity and 5 times the charge pressure for products greater than 0.5 L gas space capacity;
- (iii) Design type has been subjected to a fire test demonstrating that the article relieves its pressure by means of a fire degradable seal or other pressure relief device, such that the article will not fragment and that the article does not rocket; and
- (iv) Accumulators must be manufactured under a written quality assurance program which monitors parameters controlling burst strength, burst mode and performance in a fire situation as specified in paragraphs (f)(4)(i) through (f)(4)(iii) of this section. A copy of the quality assurance program must be maintained at each facility at which the accumulators are manufactured.



Mr. Edward T. Mazzullo
Subj: Request for Letter of Interpretation
May 1, 2009
Page 2 of 2

The Petitioner fully complies with all of the requirements above as well as the International Civil Aviation Organization (ICAO) Technical Instructions for the Transport of Dangerous Goods by Air, Special Provision A114.

Your assistance in this matter would be most appreciated. If I may be of assistance in any way, please call. We look forward to your response.

Sincerely yours,

Steven Charles Hunt
ShipMate, Inc.

cc: Ms. Diana Porte, Kawasaki Racing