

Charles E. Betts
Director for Standards and Rulemaking
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE.
East Building
Washington, DC 20590-0001

Antonielli
§ 173.306(b)(4)
Limited Quantity
15-0220

Subject: Request for Letter of Interpretation

Dear Mr. Betts:

We are writing to seek guidance regarding the regulatory exceptions under 49 C.F.R. § 173.306(f)(4) and Special Provision "A114" of the International Civil Aviation Organization (ICAO) Technical Instructions, for the transportation of closed-case suspension systems on board passenger-carrying aircraft. Our two factory racing teams, KTM Motorsports, Inc. and Husqvarna Motorsports, Inc., desire to carry on board its suspension systems between races, rather than use dispatch services which are often not available to deliver these parts in time for a race.

We are aware of a June 19, 2009 letter of interpretation provided by your office to ShipMate, Inc., in which Kawasaki Racing sought guidance on the carriage of accumulators on board passenger-carrying aircraft. Similarly, we request a letter of interpretation that confirms the suspension systems used by KTM Motorsports and Husqvarna Motorsports are not regulated as hazardous materials, provided that they meet the criteria of 49 C.F.R. § 173.306(f)(4), 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 liters 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;

KTM NORTH AMERICA, INC.

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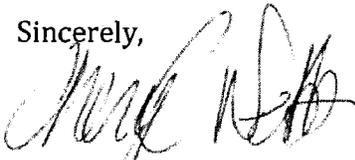
(iii) Design type has been subjected to a fire test demonstrating that the article relieves its pressure by means of a fire degradable seal or other pressure relief device, such that the article will not fragment and that the article does not rocket; and

(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.

We have attached documentation from WP Performance Systems, the manufacturer of the suspension systems, which substantiates that the suspension systems fully comply with ICAO Technical Instructions, Special Provision "A114," and therefore with all the requirements of 49 C.F.R. § 173.306(f)(4) as well.

Thank you for your time and assistance in this matter. Please contact me should you require any additional information. We look forward to your response.

Sincerely,



Cheryl Webb
Director of Legal Department
T: 951-600-8007 x.4117

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KTM-SPORTMOTORCYCLE AG
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5230 Mattighofen
Austria

Munderfing, 18.06.2015

Dangerous Goods

Ladies and Gentleman!

WP Performance Systems GmbH confirms that all pressurized forks and shocks containing nitrogen and air are tested with max. burst-pressure according to requirements of International Air Transport Association, Accord Européen Relatif and International Maritime Dangerous Goods. These products do not have to be labelled as dangerous material, as they are subject to special provision IATA (A114), ADR (283), IMDG (283).

Mit freundlichen Grüßen,

A handwritten signature in black ink, appearing to read 'Hannes Haunschmid', written over a horizontal line.

Mag. Hannes Haunschmid

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Attachment.

FN Nr. FNZ 60306
Leadschneidwerkzeuge
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