



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

OCT 21 2008

Rüdiger Peil
Lieutenant Colonel
DtLwKdo USA/CAN S4
P.O. Box 60-1366
Ft. Bliss, TX 79916-7709

Ref. No.: 08-0226

Dear Lt. Colonel Peil:

This responds to your letter dated September 9, 2008, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the HMR apply to transportation of hazardous materials in the United States using German military aircraft, German military motor vehicles or German military vessels operated by German military personnel for non-commercial purposes.

The HMR apply to the transportation of hazardous materials in commerce. The transportation of hazardous materials for non-commercial purposes, in foreign military transport vehicles (i.e., aircraft, vessel, or motor vehicle) operated by foreign military personnel, is not subject to the HMR.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Gorsky".

Susan Gorsky,
Acting Chief, Standards Development
Office of Hazardous Materials Standards

Eichenlaub

§ 171.1

Applicability 08-0226

Betts, Charles <PHMSA>

From: Rüdiger Peil [RuedigerPeil@bundeswehr.org] on behalf of DtLwKdo USA CAN S4 [DtLwKdoUSCAS4@bundeswehr.org]
Sent: Tuesday, September 09, 2008 5:38 PM
To: Betts, Charles <PHMSA>
Subject: Clarification on the Hazardous Material Regulations (HMR; 49 CFR), Ref.-No 08-0136

Ref.: US DoT from 07/25/2008

Dear Mr Betts,

I am the Senior Logistics Officer and HazMat-Supervisor of the German Air Force Command in USA/CAN, El Paso, TX. Referring to former requests of Mastersergeant Weyel I please you to support our needs one more time.

With the letter dated July 25, 2008, it was confirmed, that the transportation of hazardous materials for non-commercial purpose is not subject to the HMR, if this transport will be executed by military personal in military aircrafts. Unfortunately this statement refers only to transportation in military aircrafts.

Could you clarify, that every mean of transportation (rail, street, ship, air) is not subject to the HMR, if a military transport (non-commercial purpose) will be executed by foreign military personal in any kind of military vehicle (car, ship, train, aircraft)?

Such a confirmation would enable the German Forces to transport special spare parts (e.g. Emergency Oxygen Bottles, Lithium Batteries, wich are not certified as required by 49 CFR) to support excercises and deployments within the US. At the moment this is only possible, if there are german military airlift capabilities available. This requires a long-time planing and causes high costs.

Additional to this clarification I please you to give some advise concerning declaration and documentation:
Is there any special declaration / documentation for the non-commercial military transport required?
How can be ensured, that police, sheriff or Highway patrol don't require the fullfillment of HMR in case of controll?
Is it enough to fullfill the international as well as special german military regulations in executing such a transport?

It would be kind to provide us with an additional statement.

Yours sincerely

Rüdiger Peil
Lieutenant Colonel

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