



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

JUL 25 2008

Mr. Egon Weyel
Mastersergeant
German Airforce FTC
Wing & Support Squadron
420 Delaware Ave, Building 283
Holloman Airforce Base, NM 88330

Ref. No.: 08-0136

Dear Mr. Weyel:

This responds to your letter dated May 9, 2008, requesting clarification on the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the HMR apply to the transportation of hazardous materials to the United States in German military aircraft operated by German military personnel.

The HMR apply to the transportation of hazardous materials in commerce. The transportation of hazardous materials for non-commercial purposes, in foreign military aircraft 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,

John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards

Drakeford, Carolyn <PHMSA>

From: Betts, Charles <PHMSA>
Sent: Wednesday, May 14, 2008 7:01 AM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: HazMat Transportation

Importance: High

Eichenlaub
§ 171.1
Applicability
08-0136

Please log in as an request for interpretation.

Thanks!

Charles

-----Original Message-----

From: Egon Weyel [mailto:EgonWeyel@bundeswehr.org] On Behalf Of FlgAusbZLw StUstgStff AuV
Sent: Tuesday, May 13, 2008 5:34 PM
To: Betts, Charles <PHMSA>
Subject: HazMat Transportation

Dear Mr. Betts,

I'm Mastersergeant Egon Weyel from the German Air Force Flying Training Center at Holloman Air Force Base in New Mexico. Since several month we are working on some problems which we have with the transportation of HazMat.

First I have to mention that we carried most of our HazMat with commercial carriers and under the regulations of the 49CFR. Due to the fact, that we have also HazMat which ist special manufactured for our Fighter Airplanes e.g. Emergency Oxygen Bottles, Lithium Batteries etc. and which is not according to the regulations in 49CFR but we have the need to transport them also (to our TDY's in the US and back to Germany). In the past we did it with our own military airlift capabilities or if we don't get airlift, we didn't transport them. As I mentioned that we working for a solution according to the US law, I received an eMail from your InfoCenter (attached).

During a HazMat Transportation Workshop in Nashville, TN last week I meet Mr.Patricio Romero and talk to him about the problems we have and I showed him that eMail. He and his colleagues agreed to this eMail but to make it more official he gave me our adress and mentioned that you may give us a letter which says that we (German Air Force) don't fall under 49CFR regulations, when we transport our HazMat not in commerce which means we transport it with our own personal with our own means of transport and for military purpose.

Sir, I would appreciate if you can support us in this case and give us an answer as soon as possible.

Best regards

Egon Weyel
Mastersergeant
German Air Force FTC / Wing & Support Squadron 420 Delaware Avenue -Bldg 283- Holloman AFB, NM 88330
Phone: 575 572 6141
Fax: 575 572 6144
eMail: egonweyel@bundeswehr.org

Attachment

Per our conversation Mr. Weyel you have a couple of potential options for your situation.

1) You could try to obtain a Special Permit from the Special Permits and Approvals Office at 202-366-4535 in order to transport hazardous materials in receptacles that are non-specification cylinders. They may grant you one, they may not. It is up to their discretion.

OR

2) You could transport the receptacles using military personnel, military vehicles for military purposes in which case it would not be considered to be transportation "in commerce" and would therefore not be subject to 49 CFR.

-----Original Message-----

From: Egon Weyel [mailto:EgonWeyel@bundeswehr.org]
Sent: Monday, May 07, 2007 2:40 PM
To: INFOCNTR <PHMSA>
Subject: Haz Mat packages

Ladies and Gentlemen,
the German Air Force Flying Training Center is a tenant unit of the United States Air Force at Holloman Air Force Base, New Mexico.
Our mission is to train German Air Force aircrews on the TORNADO fighter aircraft. Deployments to other Air Force Bases in the United States are part of our training requirements. To operate the TORNADO fighter aircraft we have to use several different pressure receptacles which are built specialy for this typ of aircraft ,these receptacles can only be used in this specific aircraft, all receptacles are made under UN recommandations but not within the requirements of 49CFR.
For deployments we transport these receptacles with commercial trucks, for maintenance in Germany and back to the U.S. we transport these receptacles due our own military airlift capacities.

Our question now is really easy, how can we transport these receptacles in the future to our deployment facilities and to Germany and what have we to do to be in line with the U.S. regulations?

very respectfully

Egon Weyel
SMsgt
German Air Force
(505) 572 6141