



DEPARTMENT OF THE ARMY
HEADQUARTERS, U.S. ARMY MATERIEL COMMAND
5001 EISENHOWER AVENUE, ALEXANDRIA, VA 22333-0001

September 12, 2000

REPLY TO
ATTENTION OF

Director
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Sirs:

This is in reference to Title 10 CFR 71, subject: Packaging and Transportation of Radioactive Material. We are requesting an exemption to the requirements of the Hazardous Materials Regulations (HMR, 49CFR Parts 171-180) per 10 CFR section 71.5(b).

The Army is an organization on the move. Whether for the purpose of national defense, training or maintenance, their weapon systems are highly transportable. Some of these weapons systems have low level radioactive items attached that can be classified as "instruments or articles." When the Army transports these weapon systems, they are not generally packaged per many of the requirements of HMR. The Department of Transportation (DOT) has informed us that when transporting hazardous materials in military vehicles operated by military personnel solely for noncommercial military purposes, the Army is not subject to the Hazardous Materials Regulations of 49 CFR Parts 171-180.

However, Title 10 CFR 71.5(b) apparently invalidates this exemption, stating that, "If DOT regulations are not applicable to shipment of licensed material, the licensee shall conform to the standards and requirements of the DOT specified in paragraph (a) of this section to the same extent as if the shipment or transportation were subject to DOT regulations."

Therefore, we request and apply for modification, waiver, or exemption from the requirements of the HMR in accordance with section 71.5(b) for radioactive material on weapon systems transported by the U.S. Army when transported materials in military vehicles solely for noncommercial military purposes.

The point of contact is Mr. Gavin Ziegler, (309) 782-2995.

Sincerely,


JOHN G. MANFEE
Health Physics Manager
Safety Office

NM5524

Copies Furnished:

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Mr. Wendell Carviker, Director, office of Hazardous Materials
Standards, U.S. Army Department of Transportation/RSPA
(DHM-10), 400 7th Street, S.W., Washington, DC 20590-0001

Commander, U.S. Army Materiel Command Logistics Support
Activity, ATTN: AMXLS-TP-T (Ms. Gorba), Tobyhanna Army Depot,
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