



June 25, 1996

U. S. Nuclear Regulatory Commission, Region III  
801 Warrenville Road  
Lisle, Illinois 60532-4351

Attention: Evelyn R. Matson, Materials Licensing Section

Reference: Wyle Laboratories, Newark Metrology Center, Application For New Radioactive Material License, Dated March 1, 1996 and Wyle Response Letter Dated June 20, 1996, Control Number 301020

Subject: Request for an Exemption from Certain Criteria in Title 10 CFR Part 35.23 and Response to Conversation Record Dated June 24, 1996

**Reference Item 1 of Conversation Record Dated June 24, 1996.** We request an exemption from certain criteria in Title 10 CFR Part 36.23 for the Cobalt-60 range. Request an exemption from certain criteria in paragraphs (a), (b), (c), (d), and (f) of 36.23. Reference our letter dated June 20, 1996 for a description of our range safety systems with regard to 36.23 requirements and how our safety systems meet an equivalent level of radiation safety.

The changes required to conform to the letter of 10 CFR Part 36.23 requirements will not provide any increased safety features to our present facility as described in our June 20, 1996 letter. The facility is a separate building with controlled access limited to our personnel only, who require access to perform our workload. Only those personnel who are assigned to perform work for the facility have direct access to the facility. Any other personnel can only gain access by being admitted to the facility by one of the assigned workers. The facility is underground with only two entrances and is inside a fenced area. The entrances are locked at all times with a controlled key only issued to the workers of the facility. The requirements of 36.23 are met by our safety systems either directly or by meeting the intent of the requirements.

We request an exemption based on the additional cost of modifying the range to conform to the letter of the requirements that will not produce any additional safety features to our present facility and personnel. Meeting the letter of the regulations does not justify this additional cost that would be incurred to modify the facility. Any additional safety systems that are added to meet this letter of the regulations are not justified when the present safety systems meet the intent of the regulations.

**Reference Item 2 of Conversation Record Dated June 24, 1996.** We understand that the Monsanto Model 2726-B sealed source used in the J. L. Shepherd Model 149 is not an approved sealed source and device combination. J. L. Shepherd apparently had not

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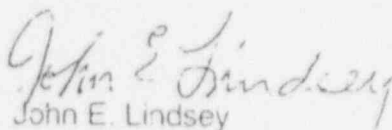
registered this source model number for the Model 149. They have indicated to us that they are in the process of doing so. We request an exception to the regulations until J. L. Shepherd has obtained an amended Sealed Source and Device Registration Certificate. We request a temporary exception while this amendment is being processed. This is beyond our control and until your Conversation Record Dated June 4, 1996 we were under the impression that it was a properly registered source and device combination. We request that this source be authorized on our license while J. L. Shepherd is in the amendment process.

Please provide a written response to us as soon as possible. We need this information to provide to the Air Force per our contract to operate the Air Force Primary Standards Laboratory. We have a schedule to transition the workload from Air Force responsibility to Wyle responsibility on July 15, 1996. We need to have our license before that time to transition the workload. Please advise us of our options relating to this item.

Please contact us if we can be of an assistance in this process or with any questions. Charles Nichols, the Photonics/Nucleonics Department Manager can be reached at (614) 522-7765, Don Hayes, our RSO at (614) 522-7865. Our fax number is (614) 788-5804. Thank you for your assistance in this matter.

Sincerely,

WYLE LABORATORIES  
Newark Metrology Center

  
John E. Lindsey  
Contract Manager

cc: DCMC/ACO/Mary Mack  
MLA/Karen Semer  
Wyle/Don Hayes  
Wyle/Fred Marx  
Wyle/Robert Everleigh

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