



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION III
2443 WARRENVILLE ROAD, SUITE 210
LISLE, ILLINOIS 60532-4352

FEB 23 2009

Stephen Bindon
Radiation Safety Officer
Trijicon, Inc.
49385 Shafer Avenue
Wixom, MI 48393

SUBJECT: REQUEST FOR AN AMENDMENT AND WITHHOLDING INFORMATION
CONTAINED IN LETTER DATED JANUARY 27, 2009, FROM PUBLIC DISCLOSURE

Dear Mr. Bindon:

By Letter from Trijicon dated January 27, 2009, and affidavit dated January 29, 2009, you submitted proprietary material consisting of business information and requested that it be withheld from public disclosure pursuant to 10 CFR 2.390. This letter is our response to your request.

You stated that the submitted information should be considered exempt from public disclosure for reasons contained in item 3 of your signed and notarized affidavit.

We have reviewed your application and the material in accordance with the requirements of 10 CFR 2.390 and, on the basis of your statements, have determined that the submitted information sought to be withheld does contain proprietary information. Therefore, the business information to be withheld contained in letter dated January 27, 2009, marked as proprietary will be withheld from public disclosure pursuant to 10 CFR 2.390 and Section 103(b) of the Atomic Energy Act of 1954, as amended. Your request for withholding will be maintained by Region III indefinitely.

Withholding documents from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the documents. If the need arises, we may send copies of this information to our consultants working in this area. We will, of course, ensure that the consultants have signed the appropriate agreements for handling proprietary information.

If the basis for withholding this information from public inspection should change in the future such that the information could then be made available for public inspection, you should promptly notify the U.S. Nuclear Regulatory Commission (NRC.) You should understand that NRC may have cause to review this determination in the future (e.g., if the scope of a Freedom of Information Act request includes your information.) In all review situations, if NRC makes a determination adverse to the decision above, you will be notified in advance of any public disclosure.

Enclosed is Amendment No. 11 to your NRC Material License No. 21-19874-01 in accordance with your request dated January 27, 2009. Please note that the changes made to your license are printed in **bold** font.

Please review the enclosed document carefully and be sure that you understand all conditions. If there are any errors or questions, please notify the U.S. Nuclear Regulatory Commission, Region III office at (630) 829-9887 so that we can provide appropriate corrections and answers.

Please be advise, and as discussed with Aaron Adkins of your staff on February 17, 2009, your original tritium storage safe will need to remain a restricted area until a proper closeout survey is conducted and submitted to NRC for review. When that information is available, please provide it in a new amendment request. Also, your exempt distribution license will need to be amended to make necessary changes. Please contact Richard Struckmeyer at 301-415-5477 for information on how to amend your exempt distribution license.

You will be periodically inspected by NRC. Failure to conduct your program in accordance with NRC regulations, license conditions, and representations made in your license application and supplemental correspondence with NRC will result in enforcement action against you. This could include issuance of a notice of violation, or imposition of a civil penalty, or an order suspending, modifying or revoking your license as specified in the General Statement of Policy and Procedure for NRC Enforcement Actions. Since serious consequences to employees and the public can result from failure to comply with NRC requirements, prompt and vigorous enforcement action will be taken when dealing with licensees who do not achieve the necessary meticulous attention to detail and the high standard of compliance which NRC expects of its licensees.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). The NRC's document system is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,


James R. Mullauer, M.H.S.
Health Physicist
Materials Licensing Branch

License No. 21-19874-01
Docket No. 030-19451

Enclosure: Amendment No. 11