



Herrick Technology Laboratories, Inc.

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March 8, 2023

From: Herrick Technology Laboratories, Inc.

To: Travis Nguyen

Subject: Confidentiality Request letter

RE: File Number: 0106-EX-ST-2023

Corresponding Reference Number: 75981

Date of Original Email: 03/08/2023

Dear Mr. Nguyen,

As requested in your email dated 8 March 2023, the following questions (provided in your 8 March email) and the HTL responses for each are provided below.

- (1) Identification of the specific information for which confidential treatment is sought;
 - a. The HTL products that will be used to transmit signals of interest for the Vanguard23 exercise fall under ITAR category XI(b). General release of HTL technical data is not permitted for non-US persons. It is unclear whether this data would be exposed to non-US persons which is the reason for the confidential markings.
 - b. The documents effected include:
 - i. Radio Picture
 - ii. Emitter Layout Vanguard
 - iii. Vanguard Contract information
 - iv. Pre coordination documents
- (2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission;
 - a. An FCC STA was submitted in support of the US Government Vanguard23 exercise. HTL has been requested to transmit signals of interest during this government sponsored event.
- (3) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged;
 - a. The confidential marking is not related to commercial or financial concerns, but rather the ITAR classification of HTL hardware and wanting to avoid an inadvertent release of ITAR information to a non-US person.
- (4) Explanation of the degree to which the information concerns a service that is subject to competition;
 - a. Medium level of concern that the HTL capabilities provided could give HTL competitors insight as to our current capabilities.
- (5) Explanation of how disclosure of the information could result in substantial competitive harm;



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- a. HTL specific techniques are proprietary. Exposure to competitors could take away a competitive advantage for HTL. Since HTL capabilities have been funded internally under HTL IRAD programs, losing this advantage would cause financial harm.
- (6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure;
 - a. Document markings applied.
 - (7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties;
 - a. HTL information that is available to the public is limited to information that does not rise to the level of technical data as fined by ITAR. Details on our transmit capabilities are controlled.
 - (7) Justification of the period during which the submitting party asserts that material should not be available for public disclosure; and
 - a. Technical data as defined by ITAR should not be released to the public with an approved Department of State export license in place.
 - (8) Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.
 - a. None. Please do not hesitate to call me directly at 301-775-2837 if you have any questions.

Sincerely,

Tim Gelwicks

Tim Gelwicks
Empowered Official