



## Confidentiality Request Letter

### MIT Lincoln Laboratory

File Number: 0122-EX-CN-2021

Correspondence Reference Number: 62771

Pursuant to the requirement in CFR § 0.459(b), that any request for confidentiality be accompanied by a statement of the reasons for withholding the materials from inspection, (see § 0.457), the following explanations to the associated subsections are submitted below, in-line with the relevant paragraph.

*(1) Identification of the specific information for which confidential treatment is sought;*

The information for which confidential treatment is sought is the document and its contents attached to the Application For New or Modified Experimental Radio Station Authorization (Form 442), file number: 0122-EX-CN-2021. This attached project narrative contains the confidential project details.

*(2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission;*

The specific circumstances giving rise to the submission are described in the attached, confidential project narrative

*(3) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged;*

Work related to this license submission is in support of US Government projects and results may be used to advise future decisions for standards requirements, where the preliminary disclosure of such would be undesirable.

*(4) Explanation of the degree to which the information concerns a service that is subject to competition;*

As a Federally Funded Research and Development Center (FFRDC), MIT Lincoln Laboratory tests and develops technology for the US Government. The rights to intellectual property derived from work funded under the contract belong to the US Government and depending on the decisions of the government regarding this information, there may be various commercial competition opportunities associated with this information.

*(5) Explanation of how disclosure of the information could result in substantial competitive harm;*

Preliminary disclosure of the confidential information in the project narrative has the potential to put the information owner in a position where they are competing with themselves in the development of the technology. As the US Government is a likely acquisition entity for technology developed under this contract, premature disclosure could provide unfair competitive advantage when industry competes for government technology acquisition.



*(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure;*

Operating under contract to the US Government, MIT Lincoln Laboratory exercises a variety of measures to prevent unauthorized disclosure of information. These measures include, but are not limited to specific non-disclosure agreements for all those who have access to the confidential information. Currently the material is handled pursuant to the requirements and guidelines put forth in Department of Defense Manual (DoDM) 5200.01 DoD Information Security Program.

*(7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties;*

The material in the confidential submission is not available to the public and any third party access to this point is controlled by the same aforementioned DoDM 5200.01.

*(8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure; and*

The research, development, and demonstration phase of the project is the critical period where unregulated disclosure would be detrimental to the project objections. Upon completion of the evaluation and decision phase of the project, disclosure will be forthcoming.

*(9) Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.*

Additional information regarding desired confidential treatment may be sought from the US Government sponsor, whose details appear in the confidential project narrative.