

From: Ryan Martineau

To: Doug Young

Date: December 06, 2017

Subject: Request for Info - File # 0759-EX-CN-2017

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Message:

See below for the item-by-item justification for the confidentiality request to answer the nine subsections of Part 0.459(b) of the FCC's rules.

(1) Identification of the specific information for which confidential treatment is sought; SDL requests confidential treatment of the document "Orbital Debris Assessment for The CubeSats on the (LV) /ELaNa-22 Mission per NASA-STD 8719.14A" document number ELVL-2016-0044542 (FCC) created October 3, 2016.

(2) Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission; To operate the OPAL spacecraft, SDL is required to obtain an FCC license. Per FCC license Form 442, SDL submitted the ODAR document which is required by the FCC. The ODAR document is marked confidential.

(3) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged; The ODAR document does not contain financial information; however, it does contain information regarding commercial designs that contains proprietary information.

(4) Explanation of the degree to which the information concerns a service that is subject to competition; The service subject to competition is spacecraft design, and the ODAR document, which is marked as sensitive, contains competition-sensitive information. Details are provided in the ODAR that are not normally publicly available including sizes and weights of materials and components lists.

(5) Explanation of how disclosure of the information could result in substantial competitive harm; Significant investments have been made by multiple corporations to produce the materials and components listed in the ODAR document. To publicly publish this information may compromise the returns of those investments.

(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure; SDL received the ODAR document from a NASA source, which was provided with a "Sensitive But Unclassified" marking. As a result, when SDL submitted this document to the FCC, SDL marked it confidential. This document is only disclosed by SDL on a need-to-know basis for official use only.

(7) Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties; Generic descriptions of the spacecraft within the ODAR document have been disclosed to the public in part on websites for the funding agency and papers and presentations regarding the spacecraft in question.

(8) Justification of the period during which the submitting party asserts that material should not be available for public disclosure; There is no expiration on the "Sensitive But Unclassified" marking of the ODAR document.

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

SDL did not create the ODAR document. The launch service provider marked the ODAR document "Sensitive But Unclassified" when it was delivered to SDL.