

Attestation (Non-Disclosure)

Application for FCC STA
AVIATION PROTECTION SYSTEMS, INC.
FRN: 0011780178

Applicant AVIATION PROTECTION SYSTEMS, INC. respectfully requests non-disclosure of Company Confidential proprietary information submitted to the FCC in this request for special temporary authorization (STA) in accordance with FCC Rule Section 0.459 (b) (1 thru 9). Applicant seeks non-disclosure of materials related to its Flight Guard anti-terror technology, system design, advance developments, and system operations to be conducted under the STA, e.g.:

- 1.) Terrorists Informed -- If the system information is exposed, terrorists planning a missile attack on a Flight Guard equipped aircraft, may learn of possible ways to hamper the system's effectiveness and the public will be harmed;
- 2.) Anti-Competitive Early Disclosure -- There is a good chance that the US Government Department of Homeland Security (DHS) will be involved in this program soon, but exposing this product data upfront will harm Applicant's chances to achieve DHS involvement and support; and
- 3.) Trade Secrets -- There is strong competition from another US company in the commercial aviation market and exposing system data will harm Applicant and will help our competitors to fight against Applicant's system.

Commingling of the Flight Guard system Confidential and public technical details has been necessary. Applicant, by designation below, lists the Exhibits with material covered this non-disclosure request, providing justification for including such materials in its request for non-disclosure. The Exhibits requested by Applicant for non-disclosure are:

Terrorists Informed -- EXHIBIT 3 -- All materials relating to the description of the operation to be executed should be held totally confidential, terrorists could determine the linkage between planning for the STA and the ultimate system acceptance in operation, terrorists could determine the linkage between planning for the STA and the ultimate system acceptance in operation, this information is highly likely to alert such terrorists and cause them to readjust planning for their attacks as knowledge of the timing and conduct of such operations can give an early warning, there should be no public disclosure at least until an acceptable system is chosen; EXHIBIT 4 -- Knowledge of times and dates of operational tests by the terrorists can allow terrorists to disrupt or destroy testing facilities and equipment, causing delays in the scheduling of tests and product demonstrations; EXHIBIT 6 -- Giving knowledge of the actual location(s) of tests to terrorists would give them confidence they can disrupt or destroy Applicant's capability to produce such tests or demonstrations, because it is not normally public knowledge, such information should be withheld from terrorists during the entire testing program; EXHIBIT 7 -- Keeping such commercial information from terrorists is mandated by good security practice, limiting the terrorists ability to duplicate and

AR&R® SERVICES Co.
P.O. Box 5750, Springfield, Virginia 22150
Phone: 1-800-273-0596, 703-644-0075 Fax: 703-644-3186

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investigate the full capabilities of the equipment to be used during the tests and demonstrations, this limits their ability to build defenses against such aviation protective systems; EXHIBIT 8 - the actual frequencies to be used should be kept confidential until after the tests are completed, this prevents terrorists from having the edge, enabling them to design and prepare attacks against tests and demonstrations held during competitions for acceptance; EXHIBIT 9, 10, and 11 – These technical performance details should never be allowed to be given to terrorists, they would use such information to design defense systems to assure the effects of their missiles, such information is now only released after equipment approvals have been granted, which should withhold release of such information from the public.

Anti-Competitive Early Disclosure -- EXHIBIT 3 - All materials relating to the description of the operation to be conducted should be held totally confidential, the public ordinarily does not have knowledge of such testing regimes, competitors could determine the linkage between planning for the STA and the ultimate system acceptance in operation, this information is highly competitive as knowledge of the timing and conduct of such operations can give an early advantage to a competitor's system, there should be no public disclosure at least until an acceptable system is chosen; EXHIBIT 4 - Knowledge of times and dates of operational tests by competitors can allow them to attempt to find means to delay or disrupt such test that would cause them to lose a timing or logistic advantage; EXHIBIT 6 - Giving foreknowledge of the actual location(s) of tests to competitors would give them confidence they can pry upon and observe Applicant's capability to produce such tests or demonstrations, because it is not normally public knowledge, such information should be withheld from competitors during the entire testing program; EXHIBIT 7 - Keeping such commercial information from competitors during the testing and demonstration phases is mandated by good security practice, limiting competitor's ability to duplicate and investigate the full capabilities of the equipment to be used during the tests and demonstrations, this limits their ability to backward-engineer such aviation protective systems, product information should not be revealed until equipment approvals have been obtained; EXHIBIT 8 – the actual frequencies to be used should be kept confidential until after the tests are completed, this allows all parties to have an equal footing during any competition for acceptance, EXHIBITS 9, 10, and 11 - These technical performance details should be allowed to be given to competitors and the public only after the grant of equipment approval, an early release of such information to competitors would abuse the marketplace for such information and enable backward engineering, such information should be withheld from the public for a period of time past equipment approval.

Trade Secrets -- EXHIBIT 2 – The fact that an STA is requested could indicate to a competitor Applicant's intentions to offer a competing system to that offered by the competitor, such information is highly privileged and not regularly available to the public, the offering of aviation protection systems is a highly competitive enterprise with

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sales to commercial carrier airlines a growing safety equipment market, such information should not be public knowledge until all participants have an equal opportunity to compete; EXHIBIT 3 - competitors could determine the linkage between planning for the STA and the ultimate system acceptance in operation, this information is highly competitive as knowledge of the timing and conduct of such operations can give an early advantage to a competitor's system, there should be no public disclosure at least until an acceptable system is chosen, EXHIBIT 4 - Knowledge of times and dates of operational tests by competitors can allow them to attempt to find means to delay or disrupt such testing that would cause them to lose a timing or logistic advantage; EXHIBIT 6 - Giving foreknowledge of the actual location(s) of tests to competitors would give them confidence they can pry upon and observe Applicant's capability to produce such tests or demonstrations, because it is not normally public knowledge, such information should be withheld from competitors during the entire testing program; EXHIBIT 7 - Keeping such commercial information from competitors during the testing and demonstration phases is mandated by good security practice, limiting competitor's ability to duplicate and investigate the full capabilities of the equipment to be used during the tests and demonstrations, this limits their ability to backward-engineer such aviation protective systems, as trade secrets, product information should not be revealed until equipment approvals have been obtained; EXHIBIT 8 - the actual frequencies to be used should be kept confidential until after the tests are completed, this allows all parties to have an equal footing during any competition for acceptance; EXHIBITS 9, 10, and 11 - These technical performance details should be allowed to be given to competitors and the public only well after the grant of equipment approval, such information should be withheld from the public for a period of time past equipment approval.

Signed: Robert A. Heber

Date: October 26, 2004

Robert A Heber, Vice President of Operations
AVIATION PROTECTION SYSTEMS, INC.

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