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January 5, 2001

GEORGE Y. WHEELER
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VIA HAND DELIVERY

Federal Communications Commission
Equipment Approval Services
7435 Oakland Mills Road
Columbia, MD 21046

Re: GE Marquette Medical Systems
Request for Confidential Treatment of Technical Information
Contained in Application filed Under FCC ID No. OU5XXXXXX

To the Commission:

GE Marquette Medical Systems, Inc. ("GE Marquette"), by its attorneys, hereby requests confidential treatment with respect to portions of the above-referenced application.

The information for which confidentiality is requested as follows:

Exhibit Type	Description of Exhibit
Block Diagram	Operational Block Diagram
Operational Description	Output Spectrum Modulation
Operational Description	Theory of Operation

Schematics	SH 01
Schematics	SH 02
Schematics	SH 03
Schematics	SH 04
Schematics	SH 05
Schematics	SH 06
Schematics	SH 07
Schematics	SH 08
Schematics	SH 09
Schematics	SH 10
Schematics	SH 11
Internal Photo	Transmitter Board
Internal Photo	Flip Side Transmitter Board
Internal Photo	Single RF Transmitter Board
Internal Photo	RF Cable Block
Internal Photo	Flip Side RF Cable Block
Internal Photo	Rear Photo Cable Block
Internal Photo	Close Up of Cable Connections
Internal Photo	Image 4 Transmitter

This request is made under the provisions of Section 0.457(d) of the Commission's Rules, 47 C.F.R. § 0.457(d), and Section 552(b)(4), of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), which permit the withholding from public disclosure of "trade secrets and commercial or financial information obtained from any person and privileged of confidential." 47 C.F.R. § 0.457(d); See also Gulf & Western Industries, Inc. v. United States, 615 F.2d 527, 529 (D.C. Cir. 1979).

The technical documents for which confidential treatment is sought clearly contain trade secrets. See Kewanee Oil Co. v. Bicron Corp., 416 U.S. 470, 474-75 (1974); Public Citizen Health Research Group v. FDA, 704 F.2d 1280 (D.C. Cir. 1983). The documents provide detailed technical specifications – schematics, diagrams, and information on manufacturing techniques and methods – for the GE Marquette equipment for which certification was requested.

Moreover, the documents contain technical information that is "confidential." As noted in Section 0.457(d) of the FCC's Rules, the Commission may withhold materials "would customarily be guarded from competitors" by person supplying the

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information. 47 C.F.R. § 0.457(d). The United States Court of Appeals for the District of Columbia Circuit has determined that such material "is confidential" for purposes of the exemption if disclosure of the information is likely to have either of the following effects: (1) to impair the government's ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained." National Parks & Conservation Ass'n. v. Morton, 498 F.2d 765, 770 (D.C. Cir. 1974) (footnote omitted); Neal-Cooper Grain Co. v. Kissinger, 385 F. Supp. 769, 776-77 (D.D.C. 1974).

The technical information that GE Marquette seeks to protect is material that it customarily would not release to the public, and which, if it were released, would cause substantial harm to the competitive position of GE Marquette. GE Marquette has kept, and intends to keep, these technical documents confidential, i.e., non-affiliated third parties will not routinely be granted access to these documents of the information contained therein. Where access is provided to third parties, it will be pursuant to confidentiality agreements. If the FCC were to make these public, GE Marquette's potential competitors would gain the benefit of detailed technical information developed by GE Marquette. Under these circumstances, the information qualifies for withholding from public inspection. National Parks & Conservation Ass'n v. Kleppe, 547 F.2d 673, 684 (D.C. Cir. 1976).

Should any questions arise concerning this matter, please call me at (202) 457-7073.

Very truly yours,


George Y. Wheeler