

REQUEST FOR CONFIDENTIAL TREATMENT

January 30, 2026

Trey Hanbury
Tel +1 202 637 6387
THanbury@jenner.com

VIA ICFS

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street N.E.
Washington, D.C. 20554

Re: Request for Confidential Treatment, ICFS File No. SAT-LOA-20260104-00002

Dear Ms. Dortch:

Anduril Industries, Inc. (“Anduril”) respectfully requests that the Commission withhold from public disclosure and afford confidential treatment to the spacecraft illustration marked as confidential (the “Confidential Illustration”) in the Orbital Debris Assessment Report (“ODAR”) filed as Exhibit B to the above-referenced Part 25 license application to launch and operate the ANDURIL-216 satellite (the “ANDURIL-216 Application”). The illustration contains proprietary, non-public, and competitively sensitive information related to Anduril’s spacecraft design.

Anduril submits this request pursuant to Exemption 4 of the Freedom of Information Act (“FOIA”) and Sections 0.457(d)(2) and 0.459(b) of the Commission’s rules.¹ FOIA Exemption 4 permits an agency to withhold from public disclosure any information that qualifies as “trade secrets and commercial or financial information obtained from a person and privileged or confidential.”² Sections 0.457(d) and 0.459 of the Commission’s rules allow persons to file a request for non-disclosure when submitting materials that they request be withheld from public inspection.³ Pursuant to section 0.457, if a party demonstrates that the materials contain trade

¹ 5 U.S.C. § 552(b)(4); 47 C.F.R. §§ 0.457(d)(2), 0.459(b). *See also In re Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission, Report and Order*, 13 FCC Rcd 24816 (1998) (“Confidential Information Order”).

² 5 U.S.C. § 552(b)(4).

³ 47 C.F.R. §§ 0.457(d), 0.459.

REQUEST FOR CONFIDENTIAL TREATMENT

secrets or privileged or confidential commercial, financial or technical data, the materials will not be made routinely available for inspection.⁴

In support of this request and pursuant to Section 0.459(b) of the Commission's rules,⁵ Anduril submits as follows:

(1) Identification of the specific information for which confidential treatment is sought.⁶

Anduril requests confidential treatment of the Confidential Illustration in the ODAR filed as Exhibit B to the ANDURIL-216 Application. The Confidential Illustration contains or reveals highly sensitive information not available to the public.

(2) Identification of the Commission proceeding in which the information was submitted.⁷

The Confidential Illustration was submitted as part of the ANDURIL-216 Application.

(3) Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.⁸

The Commission has recognized that, for purposes of FOIA Exemption 4, "records are 'commercial' as long as the submitter has a commercial interest in them."⁹ The Confidential Illustration contains proprietary and competitively-sensitive information concerning Anduril's satellite design, including information about specific components of the satellite system and related physical and operational design details. Such information "would customarily be guarded from competitors,"¹⁰ and Anduril protects this information as highly-confidential in all instances.

⁴ See *id.* § 0.457(d).

⁵ *Id.* § 0.459(b).

⁶ *Id.* § 0.459(b)(1).

⁷ *Id.* § 0.459(b)(2).

⁸ *Id.* § 0.459(b)(3).

⁹ *In re Robert J. Butler*, Memorandum Opinion and Order, 6 FCC Rcd 5414, 5415 ¶ 12 (1991) (citing *Pub. Citizen Health Rsch. Grp. v. FDA*, 704 F.2d 1280, 1290 (D.C. Cir. 1983); *Am. Airlines, Inc. v. Nat'l Mediation Bd.*, 588 F.2d 863, 868 (2d Cir. 1978)).

¹⁰ See *Confidential Information Order*, 13 FCC Rcd at 24863, Appendix B (amended language to 47 C.F.R. § 0.457).

REQUEST FOR CONFIDENTIAL TREATMENT

Accordingly, the Confidential Illustration constitutes sensitive “commercial” information that may be withheld under FOIA Exemption 4.

(4) Explanation of the degree to which the information concerns a service that is subject to competition.¹¹

Anduril faces competition from many other defense companies. The Confidential Illustration contains proprietary and non-public information about Anduril’s technology and operations that, if publicly disclosed, could put Anduril at a competitive disadvantage with regard to competitors in the same space.

(5) Explanation of how disclosure of the information could result in substantial competitive harm.¹²

The D.C. Circuit has found parties do not have to “show actual competitive harm” to justify confidential treatment.¹³ Rather, “[a]ctual competition and the likelihood of substantial competitive injury” is sufficient to bring commercial information within the realm of confidentiality.”¹⁴ Additionally, the Supreme Court has ruled that a showing of substantial competitive harm is not necessary to come within Exemption 4.¹⁵

Public release of the Confidential Illustration would likely cause competitive harm to Anduril by providing competitors and the public with sensitive business information not ordinarily available to the public. Exposure of the Confidential Illustration to competitors and to other governments could also diminish the value of Anduril’s operations by reducing the competitive advantage it may afford to United States companies and to the government and people of the United States.

(6) Identification of any measures taken by the submitting party to prevent unauthorized disclosure.¹⁶

Anduril consistently safeguards the Confidential Illustration in its application as highly confidential. The Confidential Illustration is known only to those personnel who have a need to

¹¹ 47 C.F.R. § 0.459(b)(4).

¹² *Id.* § 0.459(b)(5).

¹³ *Pub. Citizen Health Research Grp.*, 704 F.2d at 1291 (quoting *Gulf & Western Indus. v. United States*, 615 F.2d 527, 530 (D.C. Cir. 1979)).

¹⁴ *Id.*

¹⁵ *See Food Mktg. Inst. v. Argus Leader Media*, 139 S. Ct. 2356, 2360, 2366 (2019).

¹⁶ 47 C.F.R. § 0.459(b)(6).

REQUEST FOR CONFIDENTIAL TREATMENT

know the subject matter, and personnel, both internal and external, are aware of the confidential and sensitive nature of the information and are required to protect that information as well.

(7) Identification of whether the information is available to the public and the extent of any previous disclosure of information to third parties.¹⁷

Anduril has not previously disclosed the Confidential Illustration to the public or third parties other than as addressed above, nor does it intend to do so.

(8) Justification of period during which the submitting party asserts that the material should not be available for public disclosure.¹⁸

Given the proprietary and non-public nature of the Confidential Illustration, Anduril does not foresee a date after which it would no longer consider this information to be highly confidential, and requests that confidential treatment apply indefinitely.

(9) Other information that Anduril believes may be useful in assessing whether its request for confidentiality should be granted.¹⁹

Under applicable precedent, the information provided by Anduril on a confidential basis should be protected from public disclosure. Exemption 4 of FOIA shields from disclosure information that is: (1) a trade secret, commercial, or financial in nature; (2) obtained from a person outside government; and (3) privileged or confidential. The Confidential Illustration clearly satisfies this test.

For these reasons, Anduril respectfully requests that the Commission grant confidential status to the Confidential Illustration and withhold it from public inspection.

Please direct any questions to the undersigned.

Sincerely,

/s/ Trey Hanbury

Trey Hanbury
Counsel for Anduril Industries, Inc.

¹⁷ *Id.* § 0.459(b)(7).

¹⁸ *Id.* § 0.459(b)(8).

¹⁹ *Id.* § 0.459(b)(9).