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### DEPARTMENT OF THE AIR FORCE HEADQUARTERS 377TH AIR BASE WING (AFGSC)



Colonel Lance K. Kawane 377 ABW/CV 2000 Wyoming Blvd SE Kirtland AFB NM 87117

0 4 FEB 2016

Mr. John Greenewald

Dear Mr. Greenewald

This is the Air Force Global Strike Command's response to your Freedom of Information Act (FOIA) request, Case No. 2016-01047-F, received by the FOIA Office, Kirtland AFB, on 22 Dec 15, seeking a report from TracLabs, Inc., no. AFRL-RV-PS-TR-2015-0090. The responsive document is a Final Report generated by TracLabs, Inc. consisting of 58 pgs. For the reasons set forth below, this report is being provided in redacted form.

Exemption 3 of the FOIA mandates the withholding of information prohibited from disclosure by another statute. 5 U.S.C. 552(b)(3). Exemption (b)(3) applies to certain technical data privileged from disclosure under 10 USC 130 and 22 USC 2778(e) (Arms Export Control Act). Accordingly, such protected information has been properly redacted from the report. The authority for this exemption is the U.S. Code, Title 5, Section 552(b)(3) and Department of Defense (DoD) Regulation 5400.7-R\_AFMAN 33-302, 21 Oct 10, paragraph C3.2.1.3. See also Colonial Trading Corp. v. Dep't of the Navy, 735 F. Supp. 429, 431 (D.D.C. 1990).

Exemption 4 of the FOIA protects from disclosure two broad categories of information: (1) trade secrets, and (2) financial and/or commercial information. 5 U.S.C. 552(b)(4). Information which meet three criteria are subject to protection from disclosure under Exemption 4 if the following factors exist – if such information is: (1) commercial or financial in nature, and; (2) obtained from a person, and; (3) privileged or confidential. 5 U.S.C. 552(b)(4). For purposes of Exemption 4, the Court of Appeals for the District of Columbia Circuit in Public Citizen Health Research Group v. FDA, 704 F.2d 1280, 1288 (D.C. Cir. 1983) has adopted a "common law" definition of the term "trade secret", defined as "a secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort." 704 F.2d at 1288. On this basis, the responsive report has been redacted to withhold proprietary company data. Of note, the original report was marked with protected SBIR Data Rights, effective through June 20, 2020. The authority for this exemption is the U.S. Code, Title 5, Section 552(b)(4) and Department of Defense (DoD) Regulation 5400.7-R\_AFMAN 33-302, 21 Oct 10, paragraph C3.2.1.5.

Exemption 6 of the FOIA permits the government to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." 5 U.S.C. 552(b)(6). This statute protects from disclosure names, signatures, and other personal information of non-public individuals for privacy purposes. The responsive report has been redacted to withhold private information of certain individuals, as noted. The authority for this exemption is the U.S. Code, Title 5, Section 552(b)(6) and DoD Regulation 5400.7-R\_AFMAN 33-302, 21 Oct 10, paragraph C3.2.1.8.

If you decide to appeal this decision, write to the Secretary of the Air Force within 60 calendar days from the date of this letter. Include your reasons for appeal and attach a copy of this letter. Address your letter to:

Secretary of the Air Force Thru: 377 MSG/SCOF (FOIA Manager) 2051 Wyoming Blvd SE Kirtland AFB, NM 87117-5607

Sincerely

LANCE K. KAWANE, Colonel, USAF

Vice Commander

Attachment:

Final Report, AFRL-RV-PS-TR-2015-0090 (partially redacted)

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## AUTONOMOUS MISSION MANAGEMENT FOR SATELLITE SYSTEMS

(b)(6)			

TRACLabs Inc. 100 N.E. Loop 410, Suite 520 San Antonio, TX 78216

25 Aug 2015

#### **Final Report**

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3550 Aberdeen Ave SE
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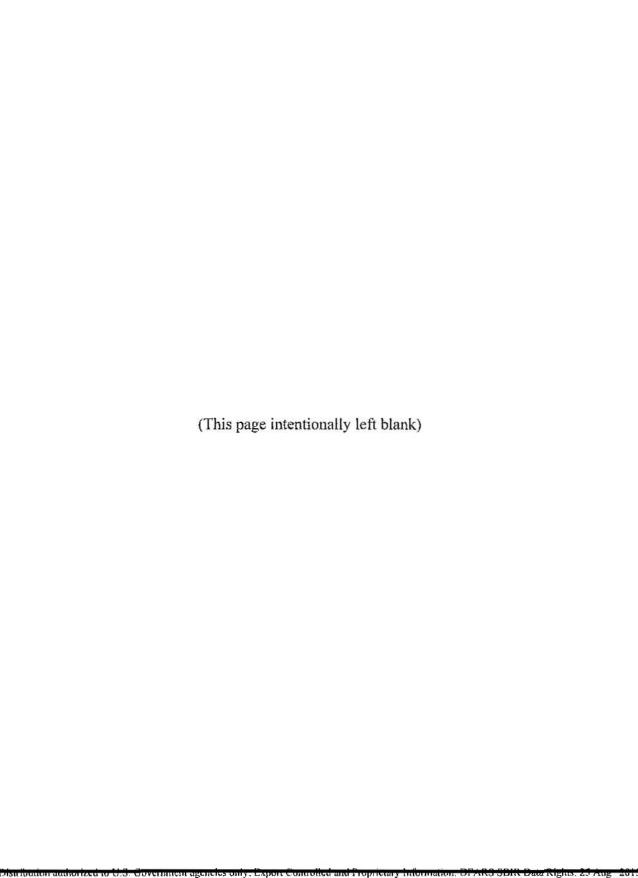
Qualified requestors may obtain copies of this report from the Defense Technical Information Center (DTIC) (http://www.dtic.mil).

AFRL-RV-PS-TR-2015-0090 HAS BEEN REVIEWED AND IS APPROVED FOR PUBLICATION IN ACCORDANCE WITH ASSIGNED DISTRIBUTION STATEMENT.

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This report is published in the interest of scientific and technical information exchange, and its publication does not constitute the Government's approval or disapproval of its ideas or findings.

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 $Contractor Address: 100\,N.E.\,Loop\,410, Suite\,520, San\,Antonio, TX\,78216$ 

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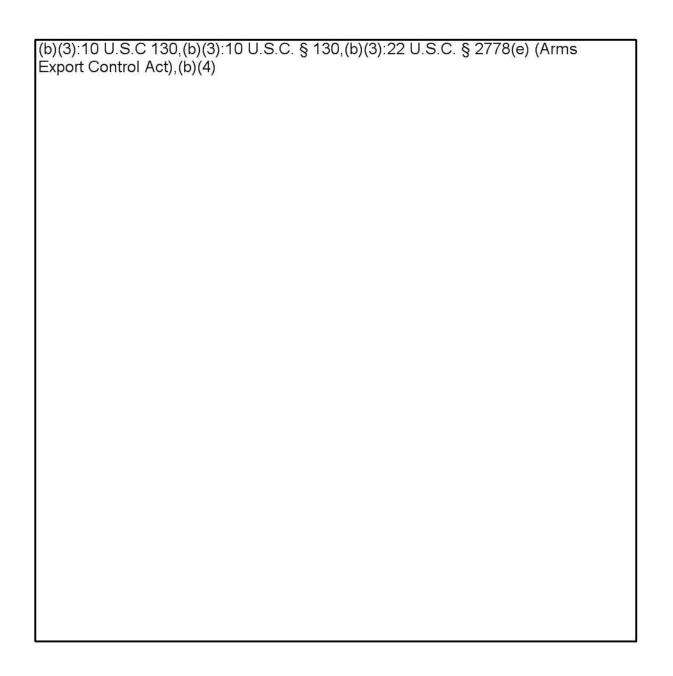
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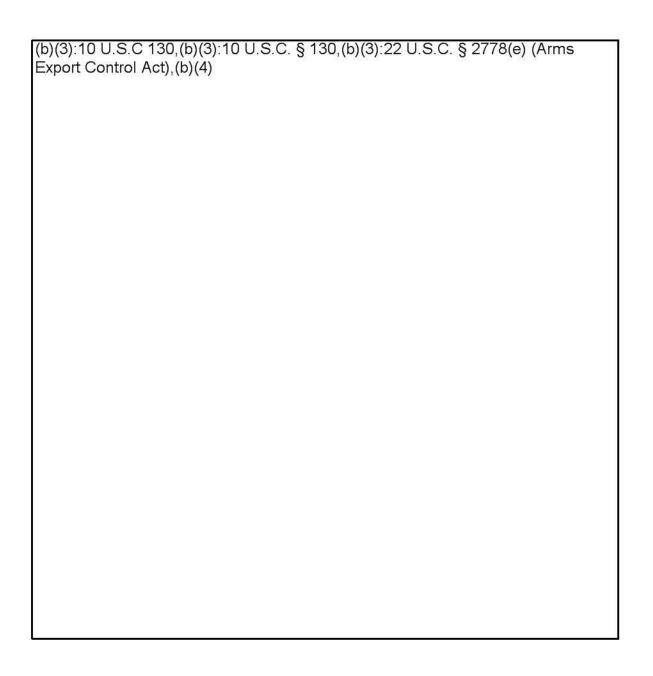


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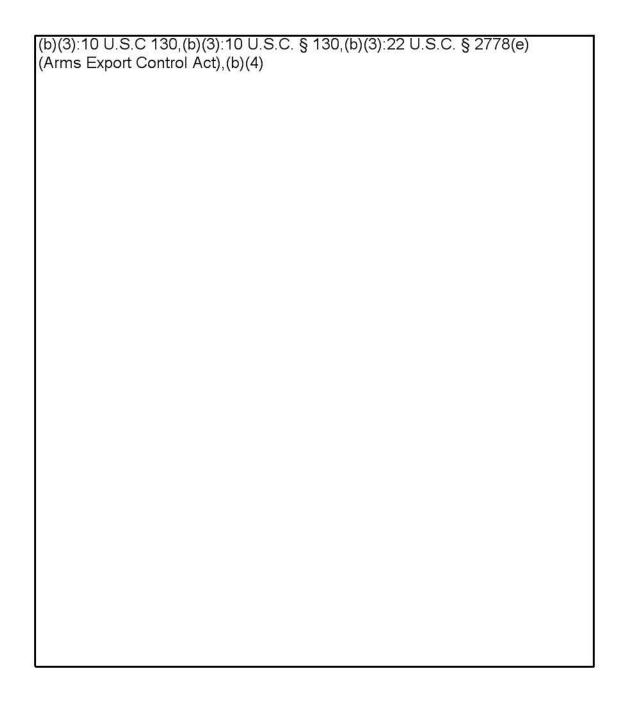
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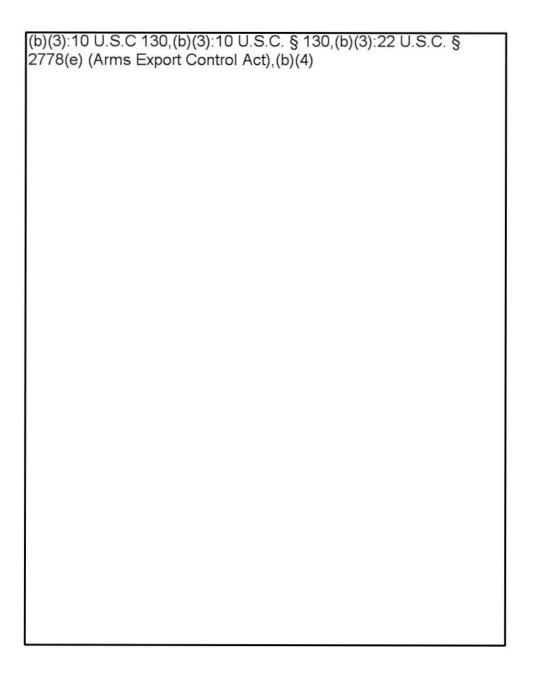
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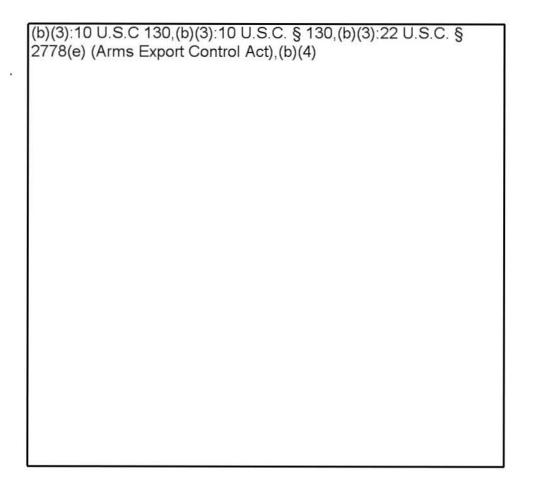
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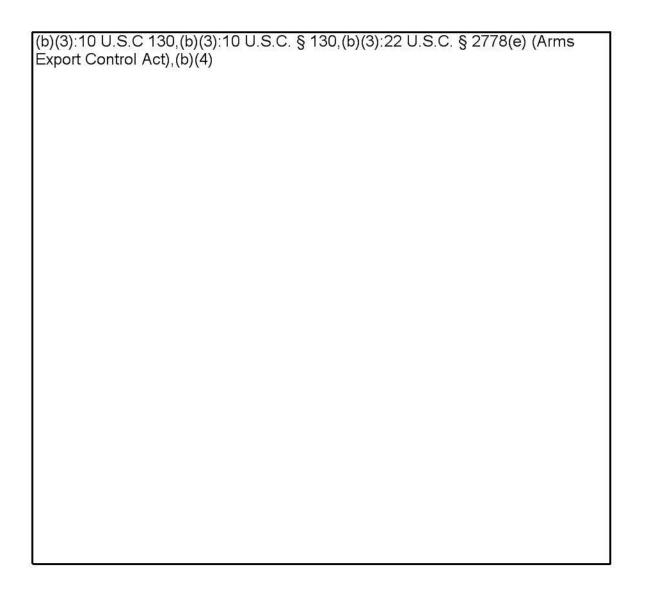
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