



Mission Integration

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SENT VIA ELECTRONIC SUBMISSION WITH FORM 442 APPLICATION 0570-EX-PL-2014

5 September 2014

CONFIDENTIALITY REQUEST PURSUANT TO 47 C.F.R. § 0.457 and 0.459

Federal Communications Commission
Office of Engineering and Technology
Experimental Licensing Branch
445 12th Street, S.W.
Washington, DC 20554

RE: L-3 Mission Integration Division Application FORM 442 Confidentiality Request pursuant to a Government Contract (0570-EX-PL-2014) for Near Vertical Direction Finder (NVDF) Calibration System

Gentlemen:

L-3 Communications Integrated Systems, L.P., acting through its Mission Integration Division (L-3 MID) hereby requests that the documents being submitted herewith in connection with its Form 442 application for the NVDF Calibration System be held in confidence and not made available for public inspection or review pursuant to Sections 0.457 and 0.459 of the Commission's rules. Under 47 C.F.R. §§ 0.457 and 0.459 L-3 MID respectfully requests that only the redacted portions of the documents attached¹ to this request letter be treated as confidential and be withheld from public inspection.

This Form 442 application is a necessary action under a Government contract for fulfillment of obligations as they relate to Army aircraft which details the work to be performed thereunder. Certain technical aspects of the information contained in this application are currently subject to strict disclosure restrictions under the International Traffic in Arms Regulations. Confidential treatment of this document is also appropriate under Exemption 4 of the Freedom of Information Act ("FOIA"), which applies to information constituting "trade secrets and commercial or financial information" that "would not customarily be released to the public." See 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457(d).

¹ Redacted versions of the attached documents, appropriate for public disclosure, are being filed along with the Form 442 application.

Further in support of this request, L-3 MID provides the following information, as required under Section 0.459(b) of the Commission's Rules –

1. Specific Information For Which Confidential Treatment Is Sought - § 0.459(b)(1):

L3 MID requests confidential treatment of the equipment comprising the Near Vertical Direction Finder (NVDF) Calibration System, interconnection of the equipment and the bands of operation of the system as disclosed in the application, information relating to the contract and specifically, the trade secret system diagrams (attachment *NVDF Cal System Diagrams.pdf*) attached to the application.

2. Circumstances Giving Rise To The Submission - § 0.459(b)(2):

L-3 MID's NVDF Calibration System contains a radio transmitter device that is to be used in an experimental environment. As such, L-3 MID's application to the Commission is required pursuant to 47 C.F.R. § 5.53(a) that states "[n]o radio transmitter shall be operated in the Experimental Radio Service except under and in accordance with a proper station authorization granted by the Commission.

3. Degree To Which The Information Is Commercial Or Financial, Or Contains A Trade Secret Or Is Privileged - § 0.459(b)(3):

The application and related exhibits identify specifics of L-3 MID's proprietary calibration technique of a direction finding system and associated design characteristics as well as operational details. In addition, a person who understands the science can develop insight into the operation and function of the Near Vertical Direction Finder System itself. Both yield proprietary and confidential information about technologies important to L-3 MID's competitive position and contractual obligations to the United States Government. Disclosure of this information, "which would customarily be guarded from competitors,"² would not only be competitively harmful but could adversely impact possible future proposals and negotiations on Government and commercial contracts. Accordingly, public disclosure of the confidential terms of these documents could materially harm L-3 MID.

4. Degree To Which The Information Concerns A Service That Is Subject To Competition – § 0.459(b)(4):

As the Commission is aware, there is substantial competition in the radio transmission industry. Disclosure of the frequencies and methodology for the calibration technology would create great competitive harm to L-3 MID as such calibration systems as the NVDF are vital L-3 MID's business.

5. How Disclosure Of The Information Could Result In Substantial Competitive Harm – § 0.459(b)(5):

Information about both the methodology and frequencies of the NVDF Calibration System could be misused by potential competitors to gain commercially exploitable knowledge of L-3 MID's trade secret technical information allowing them to reap unfair advantages in pursuing similar technical development of competing systems. A substantial amount of L-3 MID's core business is through contracts to the U. S. Government and use similar technologies specific to military applications.

² James A. Kay, Jr., 17 FCC Rcd 1834 (2002) (withholding such information from public inspection).

Disclosure of confidential, technical information related to core system technologies can adversely affect L-3 MID's future business and may have an adverse effect from a defense perspective. Release of the details of the information we are requesting redaction would allow others to benefit from plans, technical insight into system design and technological information and capabilities that L-3 MID has spent considerable time and money developing.

6. Measures Taken By L-3 MID To Prevent Unauthorized Disclosure - § 0.459(b)(6):

L-3 MID's NVDF Calibration System is trade secret information. L-3 MID rigorously protects its trade secret information from disclosure. Pursuant to L-3 MID's Corporate Policy 801, trade secret information is available only to persons on a need-to-know basis. As standard procedure, the information contained in the application is communicated within L-3 MID's corporate communication networks. When necessary to provide the information to outside organizations, the information is exchanged using trusted or otherwise secure communication resources and only after execution of L-3 MID's standard non-disclosure agreement that has strict confidentiality obligations and disclosure limitations. Any disclosure not compelled by law requires prior written consent of L-3 MID.

7. The Information Submitted Is Not Available To The Public and Has Not Previously Been Disclosed To Third Parties, Except For Appropriately Limited Circumstances- § 0.459(b)(7):

No part of the Government contract with L-3 MID has been publicly disclosed. Disclosure has been limited to those with "a need to know" basis in accordance with L-3 MID's Corporate Policy. 801, Security and Information Asset Protection. Those with access to the information have agreed in writing to be bound by or are otherwise subject to confidentiality obligations consistent with L-3 MID's policy. The information is not made available to the public or third parties who do not have a need to know. Third parties with a need to know have signed non-disclosure agreements with L-3 MID.

8. Period During Which The Submitted Material Should Not Be Available For Public Disclosure - § 0.459(b)(8):

L-3 MID respectfully requests that the confidential information attached hereto be kept confidential and permanently withheld from public disclosure. Alternatively, if a permanent withhold is not approved, then L-3 MID requests confidentiality for a period of five years from the date of this filing. L-3 MID's standard non-disclosure terms require protection of all proprietary information for a period of five years, and return or destruction confirmation of such confidential proprietary information upon request. Accordingly, L-3 MID requests that the Commission maintain NVDF Calibration System confidential treatment of the information requested to be withheld permanently, or for five years, or until L-3 MID notifies the Commission that confidential treatment is no longer required.

9. Other Information Supporting Request For Confidential Treatment - § 0.459(b)(9):

The Commission has long recognized that certain contracts may contain competitively sensitive information. The Commission has therefore adhered to a policy of declining to disclose such contracts "on the mere chance" that such disclosure might be helpful to a third party in some fashion, and has typically required a showing prior to disclosure. L-3 MID requests such treatment

for this application because in this case it has more than a mere chance of harm to L-3 MID is such disclosure is made.

For all of the foregoing reasons, L-3 MID respectfully requests that the redacted portions of the documents attached to this letter for the NVDR Calibration System Form 442 application be granted confidential status by the Commission and be withheld from public inspection. If confidential treatment of the redacted portions of the attached documents is not granted, please notify the undersigned immediately of such denial and return all copies of the NVDF Calibration System block diagram two pages that are submitted with the application.

L-3 MID further requests that, in the event that disclosure of the unredacted copies of these documents is ultimately found necessary, any party ultimately examining such documents be required to enter into an appropriate protective order.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Theresa M. Taylor".

Theresa M ("Teri") Taylor
Assistant General Counsel

Attachments: Redacted Forms:

- 1) FCC Form 442;
- 2) Question 4 Statement Regarding Government Contract; and
- 3) NVDF Calibration System Diagrams

**FCC FORM 442 - FEDERAL COMMUNICATIONS COMMISSION
APPLICATION FOR NEW OR MODIFIED RADIO STATION UNDER PART 5 OF FCC
RULES - EXPERIMENTAL RADIO SERVICE (OTHER THAN BROADCAST)**

**Approved by
OMB
3060 - 0065
Expires
09/30/98**

Applicant's Name (company): L3 Communications

File No.: 0570-EX-PL-2014

Mailing Address

Attention: Kenneth Shamburger CBN 158
Street Address:
P.O. Box: 6056
City: Greenville
State: TX
Country:
Zip Code: 75403-6056
E-Mail Address: kenneth.h.shamburger@l-3com.com

Application Purpose

Application is for: NEW LICENSE

For Modification indicate below

File No.: Callsign:

Government Contract

Is this authorization to be used for fulfilling the requirement of a government contract with an agency of the United States Government? If "YES", include as an exhibit a narrative statement describing the government project, agency and contract number. Yes

Foreign Government Use

Is this authorization to be used for the exclusive purpose of developing radio equipment for export to be employed by stations under the jurisdiction of a foreign government? If "YES", include the contract number and the name of the foreign government concerned as an exhibit. No

Research Project

Is this authorization to be used for providing communications essential to a research project? (The radio communication is not the objective of the research project)? If "YES", include as an exhibit the following information:

- a. A description of the nature of the research project being conducted.
- b. A showing that the communications facilities requested are necessary for the research project involved.
- c. A showing that existing communications facilities are inadequate.

No

Exhibit Information

If all the answers to Items 4, 5, 6 are "NO", include as an exhibit a narrative statement describing in detail the following items:

- a. The complete program of research and experimentation proposed including description of equipment and theory of operation.
- b. The specific objectives sought to be accomplished.
- c. How the program of experimentation has a reasonable promise of contribution to the development, extension, expansion or utilization of the radio art, or is along line not already investigated.

Estimated Duration

Give an estimate of the length of time that will be required to complete the program of experimentation proposed in this application: 12 Months

Environmental Impact

Would a commission grant of this application come within Section 1.1307 of the FCC Rules, such that it may have a significant environmental impact? If "YES", include as an exhibit an Environmental Assessment as required by Section 1.1311. No

Manufacturer

List below transmitting equipment to be installed (if experimental, so state) if additional rows are required, please submit equipment list as an exhibit :

Manufacturer	Model Number	No. Of Units	Experimental
Agilent	N8241A	1	No
Agilent	E4420B	1	No
Standford Research	FS725	1	No
Ophir RF	5254FE	2	No
CMT	CMF874	2	No

Station ID

Is the equipment listed in Item 10 capable of station identification pursuant to Section 5.115? No

Applicant Type

Applicant is: Corporation

Foreign Government

Is applicant a foreign government or a representative of a foreign government? No

License Denied or Revoked

Has applicant or any party to this application had any FCC station license or permit revoked or any application for permit, license or renewal denied by this Commission?

If "YES", include as an exhibit a statement giving call sign of license or permit revoked and relate circumstances. No

Owner and Operator

Will applicant be owner and operator of the station? Yes

Contact Information

Give the following information of person who can best handle inquiries pertaining to this application: First Name: Kenneth

Last Name: Shamburger

Title: Principle Systems Engineer

Phone Number: 903-457-5339

E-Mail Address: kenneth.h.shamburger@l-3com.com

Drug Abuse Question

APPLICANT ANTI-DRUG ABUSE CERTIFICATION: By checking "YES", the individual applicant certifies that he or she is eligible for this license. This requires that he or she is not subject to a denial of federal benefits, including FCC benefits, as a result of a drug offense conviction pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 862. A non-individual applicant, e.g., corporation, partnership or other unincorporated association, certifies that no party to the application is subject to a denial of federal benefits, pursuant to that section. For definition of a "party" for these purposes, see 47CFR 1.2002(b). Yes

Certification**THE APPLICANT CERTIFIES THAT:**

- a. Copies of the FCC Rule Parts 2 and 5 are on hand; and
- b. Adequate financial appropriations have been made to carry on the program of experimentation which will be conducted by qualified personnel; and
- c. All operations will be on an experimental basis in accordance with Part 5 and other applicable rules, and will be conducted in such a manner and at such a time as to preclude harmful interference to any authorized station; and
- d. Grant of the authorization requested herein will not be construed as a finding on the part of the Commission:
 - 1. that the frequencies and other technical parameters specified in the authorization are the best suited for the proposed program of experimentation, and
 - 2. that the applicant will be authorized to operate on any basis other than experimental, and
 - 3. that the Commission is obligated by the results of the experimental program to make provision in its rules including its table of frequency allocations for applicant's type of operation on a regularly licensed basis.

THE APPLICANT FURTHER CERTIFIES THAT:

- e. All the statements in the application and attached exhibits are true, complete and correct to the best of the applicant's knowledge; and
- f. The applicant is willing to finance and conduct the experimental program with full knowledge and understanding of the above limitations; and
- g. The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the USA.

Name of Applicant: L3 Communications

Signature (Authorized person filing form): Kenneth Shamburger

Signature Date (Authorized person filing form): 07/24/2014

Title of Person Signing Application: Principle Systems Engineer

Classification: Authorized employee

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(A)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

NOTIFICATION TO INDIVIDUALS UNDER PRIVACY ACT OF 1974 AND THE PAPERWORK REDUCTION ACT OF 1980

Information requested through this form is authorized by the Communications Act of 1934, as amended, and specified by Section 308 therein. The information will be used by Federal Communications Commission staff to determine eligibility for issuing authorizations in the use of the frequency spectrum and to effect the provisions of regulatory responsibilities rendered by the Commission by the Act. Information requested by this form will be available to the public unless otherwise requested pursuant to 47 CFR 0.459 of the FCC Rules and Regulations. Your response is required to obtain this authorization.

Public reporting burden for this collection of information is estimated to average four (4) hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Records Management Branch, Paperwork Reduction Project (3060-0065), Washington DC 20554. DO NOT send completed applications to this address. Individuals are not required to respond to this collection unless it displays a currently valid OMD control number.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

Station Location

City	State	Latitude	Longitude	Mobile	Street (or other indication of location)	County	Radius of Operation
0 Greenville	Texas	North 33 4 13	West 96 3 29		Majors Field	HUNT	

Datum: NAD 83

Is a directional antenna (other than radar) used? Yes

Exhibit submitted: Yes

(a) Width of beam in degrees at the half-power point:

(b) Orientation in horizontal plane:

(c) Orientation in vertical plane:

Will the antenna extend more than 6 meters above the ground, or if mounted on an existing building, will it extend more than 6 meters above the building, or will the proposed antenna be mounted on an existing structure other than a building? No

(a) Overall height above ground to tip of antenna in meters: 1.50

(b) Elevation of ground at antenna site above mean sea level in meters: 165.00

(c) Distance to nearest aircraft landing area in kilometers: 0.35

(d) List any natural formations of existing man-made structures (hills, trees, water tanks, towers, etc.) which, in the opinion of the applicant, would tend to shield the antenna from aircraft:

Action	Frequency	Station Class	Output Power/ERP	Mean Peak	Frequency Tolerance (+/-)	Emission Designator	Modulating Signal
New		FX	5.000000 W 178.000000 W	M		10K0XXN	five unmodulated carriers
Action	Frequency	Station Class	Output Power/ERP	Mean Peak	Frequency Tolerance (+/-)	Emission Designator	Modulating Signal
New		FX	5.000000 W 178.500000 W	M		10K0XXN	five unmodulated carriers
Action	Frequency	Station Class	Output Power/ERP	Mean Peak	Frequency Tolerance (+/-)	Emission Designator	Modulating Signal
New		FX	5.000000 W 178.500000 W	M		10K0XXN	five unmodulated carriers
Action	Frequency	Station Class	Output Power/ERP	Mean Peak	Frequency Tolerance (+/-)	Emission Designator	Modulating Signal
New		FX	5.000000 W 178.500000 W	M		10K0XXN	five unmodulated carriers
Action	Frequency	Station Class	Output Power/ERP	Mean Peak	Frequency Tolerance (+/-)	Emission Designator	Modulating Signal
New		FX	5.000000 W 178.500000 W	M		10K0XXF	five unmodulated carriers
Action	Frequency	Station Class	Output Power/ERP	Mean Peak	Frequency Tolerance (+/-)	Emission Designator	Modulating Signal
New		FX	5.000000 W 178.500000 W	M		10K0XXN	five unmodulated carriers
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New		FX	5.000000 W 178.500000 W	M		10K0XXN	five unmodulated carriers
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New		FX	5.000000 W 178.500000 W	M		10K0XXN	five unmodulated carriers
Action	Frequency	Station Class	Output Power/ERP	Mean Peak	Frequency Tolerance (+/-)	Emission Designator	Modulating Signal
New		FX	5.000000 W 178.500000 W	M		10K0XXN	five unmodulated carriers
Action	Frequency	Station Class	Output Power/ERP	Mean Peak	Frequency Tolerance (+/-)	Emission Designator	Modulating Signal
New		FX	5.000000 W	M		10K0XXN	five unmodulated

			178.500000 W				carriers
Action Frequency	Station Class	Output Power/ERP	Mean Peak	Frequency Tolerance (+/-)	Emission Designator	Modulating Signal	
New	FX	5.000000 W 178.500000 W	M		10K0XXN	five unmodulated carriers	
Action Frequency	Station Class	Output Power/ERP	Mean Peak	Frequency Tolerance (+/-)	Emission Designator	Modulating Signal	
New	FX	5.000000 W 178.500000 W	M		10K0XXN	five unmodulated carriers	
Action Frequency	Station Class	Output Power/ERP	Mean Peak	Frequency Tolerance (+/-)	Emission Designator	Modulating Signal	
New	FX	5.000000 W 178.500000 W	M		10K0XXN	five unmodulated carriers	

City	State	Latitude	Longitude	Mobile	Street (or other indication of location)	County	Radius of Operation
0							

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(a) Overall height above ground to tip of antenna in meters: 1.50

(b) Elevation of ground at antenna site above mean sea level in meters: 19.00

(c) Distance to nearest aircraft landing area in kilometers: 0.46

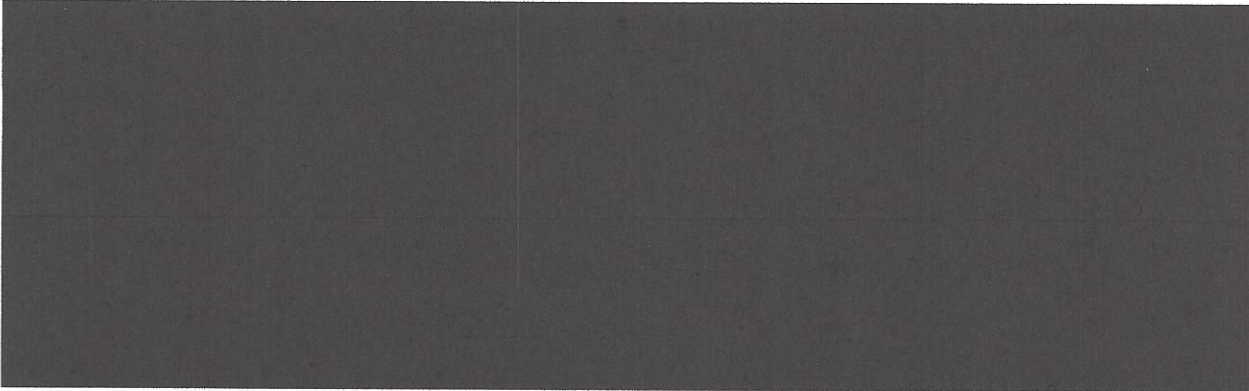
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New	FX	5.000000 W 178.500000 W	M		10K0XXN	five unmodulated carriers
Action Frequency	Station Class	Output Power/ERP	Mean Peak	Frequency Tolerance (+/-)	Emission Designator	Modulating Signal
New	FX	5.000000 W 178.500000 W	M		10K0XXN	five unmodulated carriers
Action Frequency	Station Class	Output Power/ERP	Mean Peak	Frequency Tolerance (+/-)	Emission Designator	Modulating Signal
New	FX	5.000000 W 80.000000 W	M		10K0XXN	five unmodulated carriers
Action Frequency	Station Class	Output Power/ERP	Mean Peak	Frequency Tolerance (+/-)	Emission Designator	Modulating Signal
New	FX	5.000000 W 178.500000 W	M		10K0XXN	five unmodulated carriers

Action Frequency	Station Class	Output Power/ERP	Mean Peak	Frequency Tolerance (+/-)	Emission Designator	Modulating Signal
New [REDACTED]	FX	5.000000 W 178.500000 W	M		10K0XXN	five unmodulated carriers
Action Frequency	Station Class	Output Power/ERP	Mean Peak	Frequency Tolerance (+/-)	Emission Designator	Modulating Signal
New [REDACTED]	FX	5.000000 W 178.500000 W	M		10K0XXN	five unmodulated carriers
Action Frequency	Station Class	Output Power/ERP	Mean Peak	Frequency Tolerance (+/-)	Emission Designator	Modulating Signal
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New [REDACTED]	FX	5.000000 W 178.500000 W	M		10K0XXN	five unmodulated carriers
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For Official Use Only
L3 Communications MID Propriety

QUESTION 4: STATEMENT REGARDING GOVERNMENT CONTRACT



As part of the fulfillment of this contract, L3 Communications at Majors Field in Greenville, Texas is tasked with providing resources to be used during the calibration of a Near Vertical Direction Finder (NVDF) System [REDACTED]

[REDACTED] The common methodology used for the calibration of DF systems is to transmit known signals from a known point to the system being calibrated. The responses of the DF system to these known signals are used to correct biases and other errors in the measurement algorithm.

The experimental system described in this application comprises the Near Vertical Direction Finder Calibration System. This system generates the signals used for calibration of the NVDF System. The calibration will be accomplished at Majors field, Greenville, Texas [REDACTED]

REDACTED

REDACTED