



Mission Integration

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**SENT VIA ELECTRONIC SUBMISSION WITH APPLICATION: 0943-EX-ST-2014
In furtherance of FORM 442 APPLICATION 0570-EX-PL-2014**

31 October 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 0943-EX-ST-2014 in furtherance of its
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 and furtherance of its initial application 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 additional 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 original confidentiality request with regards to 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.

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. This additional application supplements and is in addition to the radio transmitter original application, and also for use in an experimental environment

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 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 the 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

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

U. S. Government and use similar technologies specific to military applications. 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 additional application because in this case it has more than a mere chance of harm to L-3 MID if 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 that supplement 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,



Theresa M ("Teri") Taylor
Assistant General Counsel

Attachments: 1) Redacted Form for 0943-EX-ST-2014
2) Letter dated 5 September 2014 requesting confidentiality for the original FCC Form 442 submission and related redactions.