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MULTIPLE LAUNCH ROCKET SYSTEM

SUPPLEMENT

TO THE

BASIC MEMORANDUM OF UNDERSTANDING

ON A COOPERATIVE PROGRAM

FOR A

MEDIUM MULTIPLE LAUNCH ROCKET SYSTEM

#2

LAUNCH SYSTEM

ITALIAN PARTICIPATION

AS AN ASSOCIATE MEMBER

REGRADED UNCLASSIFIED WHEN SEPARATED
FROM ANNEX A

CLASSIFIED BY: MLRS SCG DTD 25 JUN 75

(REV 15 JUN 79) (AMD 2 OCT 80)

DECLASSIFY: 31 DEC 1990

[REDACTED]

29 JULY 1982

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ARTICLE I

INTRODUCTION

1.1 BACKGROUND

1.1.1 The governments of the Federal Republic of Germany (GE), the Republic of France (FR), the United Kingdom of Great Britain and Northern Ireland (UK), and the United States of America (US), reached agreement on a joint requirement for a Medium Multiple Launcher Rocket System (MLRS) and concluded a Memorandum of Understanding (MOU) on a Cooperative Program for a Medium Multiple Launch Rocket System, dated 14 July 1979, hereinafter referred to as the Basic MOU.

1.1.2 Subsequently, the government of the Republic of Italy (IT) has determined a requirement for such a weapon system and has requested to participate in the program. Such an arrangement will further enhance the standardization interoperability and readiness posture of the defense of Western Europe.

1.1.3 On 22 Jul 1981 the signatories of the Basic MOU signed a Declaration of Intent (DOI) to negotiate a supplement to the Basic MOU that establishes the terms and conditions for the participation of IT as an Associate Member. IT signed the DOI on 3 February 1982.

1.2 PURPOSE

The purpose of this Supplement is to define the provisions for IT participation in Phase 1 and Phase 2 projects.

1.3 PARTICIPANTS

The signatory governments of the Basic MOU and the Government of the Republic of Italy, hereinafter referred to as the Participants, accept the participation of the Government of the Republic of Italy as an Associate Member in the MLRS Program under the terms and conditions contained in this Supplement.

1.4 PROGRAM OBJECTIVES

The Tactical and Operational Requirement for systems design for the MLRS as contained in the Basic MOU has been accepted by IT and is included in this Supplement as Annex A. The objective of the development program will be to achieve the required operational capabilities while avoiding costly duplicative development programs. Moreover, it is the aim of the Participants to secure the maximum benefits achievable through the pursuit of common logistics and support concepts, co-production of MLRS, and collaboration on the development of all future product improvements. The Participants confirm their determination that the MLRS Program proceed without delay.

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1.5 PROGRAM PHASING

The total program for the development and deployment of the MLRS system consists of three phases.

1.5.1 Phase 1 Project

The MLRS requirement stems from an urgent need to field a multiple launch rocket system deploying a dual-purpose anti-materiel/anti-personnel submunition warhead for employment primarily in the counterbattery and air defense suppression role. The development project to achieve this objective is sufficiently advanced for the Participants to agree that any further redirection of this effort would be inappropriate. However, since the objectives of this development project must also meet the military requirements of all Participants, it is appropriate for IT to participate in this Phase 1, or basic MLRS design, project in accordance with the provisions and conditions set forth in this Supplement.

1.5.2 Phase 2 Project

The most urgent GE requirement establishes the need to field the Multiple Launch Rocket System with a scatterable anti-tank mine warhead to supplement the US designed dual-purpose submunition warhead. The US/GE development project to achieve this objective is sufficiently advanced for the Participants to acknowledge that any further redirection of this effort would be inappropriate. However, since the objectives of this Project must also meet the military requirements of all Participants, it is appropriate for IT to participate in this Phase 2 project in accordance with the provisions set forth in this Supplement.

1.5.3 Phase 3 Projects

Advanced technologies and other developments to enhance the military capabilities of the system will be considered for adaptation at a later stage in the program. Follow-on developments will lend themselves to cooperative efforts of a broader multi-national nature than are possible in the first two phases of the program. It is anticipated that IT will participate to a greater degree in the Phase 3 projects which will include the development of second generation munitions, systems improvements and the application of advance technology items. The provisions and conditions for IT Participation in these projects will be set out separately in appropriate supplements or amendments.

1.6 INTERPRETATION

Any disagreement regarding the interpretation or application of this Supplement will be resolved by consultation among all the Participants, and will not be referred to an international tribunal or third party for settlement. In the event of conflict between the Basic MOU and this Supplement regarding the arrangements among France, Germany, the United Kingdom, and the United States among themselves, the Basic MOU will control. With respect to the Italian Participation this Supplement will control.

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ARTICLE II

REFERENCE TO EXISTING LAWS, REGULATIONS, AND PRIOR AGREEMENTS

2.1 DOCUMENTS

The following national and international documents are recognized as guiding documents in the execution of the provisions of this supplement. This list is not all inclusive:

2.1.1 Mutual Defense Assistance Agreement between the United States of America and the Republic of France, signed 27 January 1950, and any amendment thereto.

2.1.2 Mutual Defense Assistance Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland, signed 27 January 1950, and any amendment thereto.

2.1.3 Interchange of Patent Rights and Technical Information for Defense Purposes between the United States of America and the Republic of France, signed 12 March 1950.

2.1.4 North Atlantic Treaty Status of Forces, signed 19 June 1951.

2.1.5 Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America to Facilitate the Exchange of Patents and Technical Information for Defense Purposes, dated 19 January 1953.

2.1.6 Mutual Defense Assistance Agreement between the United States of America and the Federal Republic of Germany, signed 30 June 1955, and any amendment thereto.

2.1.7 Agreement between the Government of the Federal Republic of Germany and the Government of the United States of America to Facilitate Interchange of Patent Rights and Technical Information for Defense Purposes, signed 4 January 1955.

2.1.8 Interchange of Patent Rights and Technical Information for Defense Purposes: Filing Classified Patent Applications Between the United States of America and the Federal Republic of Germany, signed 9 March and 23 May 1959.

2.1.9 Interchange of Patent Rights and Technical Information for Defense Purposes: Filing Classified Patent Application Between the United States of America and the Republic of France, signed 28 May and 10 July 1959.

2.1.10 Agreement relating to Weapons Production Program between the United States of America and the Republic of France, signed 19 September 1960.

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2.1.11 Agreement between the Government of the Federal Republic of Germany and the Government of the United States of America Regarding Security Agreement and Operating Procedures for Implementation, dated 23 December 1960.

2.1.12 United States of America and the United Kingdom of Great Britain and Northern Ireland General Security Agreement, signed April 1961.

2.1.13 Agreement Relating to Defense: Weapons Production Program Between the United States of America and the United Kingdom of Great Britain and Northern Ireland, dated 29 June 1962.

2.1.14 United States of America and the United Kingdom of Great Britain and Northern Ireland Memorandum of Understanding Arrangements for Joint Military Development, May 1963.

2.1.15 The Basic Standardization Agreement Among the Armies of the United States of America, the United Kingdom of Great Britain and Northern Ireland, Canada, and Australia: 1 October 1964 (BSA 1964).

2.1.16 NATO Agreement on Communication of Technical Information for Defense Purposes, signed October 1970.

2.1.17 NATO Document C-M(55)-15(Final), signed 1 July 1973, including all supplements and amendments thereto.

2.1.18 Declaration of Eurogroup Principles of Cooperation in Logistics, endorsed 7 May 1975.

2.1.19 Memorandum of Understanding between the Government of the United States and the Government of the United Kingdom of Great Britain and Northern Ireland relating to the Principles Governing Cooperation in R&D, Production, and Procurement of Defense Equipment, dated 24 September 1975; with annex I, dated 2 April 1976; and Annex II, dated 9 October 1978.

2.1.20 Declaration of Intent between the United States of America and the Federal Republic of Germany on Development of a Medium Multiple Launch Rocket System (MLRS), signed 21 December 1977.

2.1.21 Memorandum of Understanding Between the Government of the French Republic and the Government of the United States of America concerning the Principles Governing Reciprocal Purchases of Defense Equipment, dated 22 May 1978.

2.1.22 Statement of Position Among the Federal Republic of Germany, the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Republic of France on a Multiple Launch Rocket System (MLRS) Project, signed 9 June 1978.

2.1.23 Memorandum of Understanding between the Federal Minister of Defense of the Federal Republic of Germany and the Secretary of Defense of the United States of America concerning the Principles Governing Mutual Cooperation in the Research and Development, Production, Procurement, and Logistic Support of Defense Equipment, dated 17 October 1978.

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2.1.24 Declaration of Intent between the Federal Republic of Germany, the Republic of France, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and the Government of Italy on Associate Membership under the Memorandum of Understanding on a Cooperative Program for a Medium Multiple Launch Rocket System, dated 3 February 1982.

2.1.25 Memorandum of Understanding on a Cooperative Program for a Medium Multiple Launch Rocket System among the Governments of the US, GE, UK, and FR, dated 14 July 1979.

2.1.26 Memorandum of Understanding between the Government of Italy and the Government of the United States of America concerning the Principles Governing Mutual Cooperation in the Research, Development, Production, and Procurement of Defense Equipment, dated 11 September 1978.

2.1.27 Agreement effected by exchange of notes between the US and Italy for Safeguarding of Classified Information signed and entered into force 4 August 1964.

2.1.28 Agreement between the Government of the United States of America and the Government of Italy relative to Mutual Defense Assistance, signed and entered in force 27 January 1950.

2.2 IMPLEMENTATION

In implementing this Supplement, the controlling laws and regulations of the respective Participants will be observed.

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ARTICLE III

DEFINITIONS

3.1 BACKGROUND INFORMATION

"Background Information" is that technical information necessary to or useful in the system development, but generated prior to commencement of, or outside of, this cooperative program; (a) in government establishments, (b) by contractors at private expense, or (c) by government contract expense.

3.2 BASELINES

3.2.1 Functional Baseline

"Functional Baseline" is the technical documentation, as set forth in a system specification, that establishes the overall performance of a system to be developed. This specification addresses the technical and mission requirements of a system as an entity and includes test provisions to assure that development requirements are achieved. The Functional Baseline is a product of the system concept definition.

3.2.2 Allocated Baseline

"Allocated Baseline" is the technical documentation in the form of development specifications, drawings, and interface control documentation requirements that are allocated from the Functional Baseline (System Specification) to individual hardware end items as they are developed during the Validation of a program life cycle. The Allocated Baseline Technical Data Package (TDP) contains the physical and functional characteristics of the hardware end items as well as the interface requirements. The Allocated Baseline TDP is only suitable for limited production use, and is a product of Validation.

3.2.3 Product Baseline

"Product Baseline" is the technical documentation in the form of specifications, standards, drawings, and quality assurance provisions that are suitable for high rate production of Army material. This Technical Data Package (TDP) must specify form, fit, and function to assure technical and logistical interchangeability; and detail design disclosures to permit the delivery of identical items of hardware from piece part to end item level. The Product Baseline is an output of Maturation.

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3.3 BASE PRICE

"Base Price," for the purpose of computing development cost recoupment, is all contractor manufacturing charges, both direct and indirect; all cost of government furnished equipment, material, and property; quality assurance; technical assistance and documentation; production test and evaluation related to the production of an end item.

3.4 COMPETITIVE SENSITIVE (COMMERCIAL CONFIDENTIAL) INFORMATION

"Competitive Sensitive Information" is information generated by either prime contractor or his subcontractors, or the Government's evaluation of such information, which if disclosed to another current or potential contractor could jeopardize or compromise the contractor's competitive position.

3.5 CONCEPT DEFINITION

"Concept Definition" is the first phase in a project's life cycle. The technical, military, and economic bases for the program and concept feasibility, are established through pertinent studies and the development and evaluation of experimental hardware. Threat projections, technological forecasts, and joint and Army plans are examined by combat developers to determine operational capabilities, doctrine, organization, or potential materiel systems that will improve readiness.

3.6 CONFIGURATION CONTROL

"Configuration Control" is the systematic evaluation, coordination, approval or disapproval, and implementation of all approved changes after formal establishment of the hardware and software baseline.

3.7 CONFIGURATION MANAGEMENT

"Configuration Management" is a discipline applying technical and management principles to identify and document the functional and physical characteristics of hardware and software, control changes to these characteristics, and report change processing and implementation status.

3.8 CONTRACTOR

"Contractor" means a contractor or subcontractor, as the case may be, having offices, plants, or other facilities, wherever located, who is awarded a contract, subcontract, or similar instrument, for any part, phase, or aspect of the design, development, test, manufacture, production, operation, or maintenance of a MLRS component or components under this program. Facilities may be privately or government owned.

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3.9 COPRODUCTION

"Coproduction" capabilities may be implemented either directly through technology transfers between governments or indirectly through specific licensing arrangements by designated commercial firms, in a manner which will enable all Participants to acquire the "know-how" to manufacture or assemble, repair, maintain, and operate, in whole or in part, the MLRS, any element thereof, or any product improvement or later added component.

3.10 DEFENSE PURPOSES

"Defense Purposes" means the operation, use, maintenance, and logistics support, as applicable, of the MLRS or any subsystem or component thereof: (a) by and within the national armed forces of an individual Participant for its own national defense purposes; or (b) by and within the national armed forces of an individual Participant in conjunction with its commitment with respect to mutual defense of that Participant and any one or more of the other Participants.

3.11 DEVELOPMENT SPECIFICATION

"Development Specification" provides the requirements for design and development of a specific product (end item of hardware or software) in sufficient detail to describe the performance characteristics of that product.

3.12 END ITEM

"End Item" is a final combination of component parts and or materials which, when delivered, is ready for its intended use.

3.13 FOREGROUND INFORMATION

"Foreground Information" is technical information generated in the course of or under this program and includes any invention or discovery, whether or not patentable, conceived or first actually reduced to practice in the course of or under this program.

3.14 FULL SCALE PRODUCTION

"Full Scale Production" is the phase of the MLRS Production program which will occur after the product baseline technical documentation package is released. Quantities authorized for production may be considerably larger than quantities authorized by the preceding limited production phase.

3.15 INTELLECTUAL PROPERTY RIGHTS

"Intellectual Property Rights" as used herein is any product of the human mind which is capable of being protected under law. This includes, but is not limited to, patents, trademarks, trade secrets, and copyrights.

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3.16 INTERFACE CONTROL DOCUMENTATION

"Interface Control Documentation" is the documentation describing the functional and physical characteristics required to exist between two or more hardware or software items which are produced by different contractors and/or government agencies. Once a baseline is established, changes to the interface control documentation will be processed in accordance with configuration control procedures.

3.17 KNOW-HOW

"Know-how" includes research development, and production data; manufacturing machinery or tools; manufacturing processes; raw or finished material; components or major subassemblies; managerial skills; procurement assistance; and quality control procedures.

3.18 LIMITED PRODUCTION

"Limited Production" encompasses the initial production and production facilitation phase for MLRS equipment, spares, and support equipment conducted in parallel with Maturation, to meet Production Qualification Test and early deployment delivery requirements. Limited production is based on the Allocated Baseline Technical Data Package.

3.19 LOGISTICAL INTERCHANGEABILITY

"Logistical Interchangeability" as used in this Supplement, exists between two items when:

3.19.1 Their technical interchangeability is based on form, fit, and function characteristics, and

3.19.2 The items can be assigned a common stock number, and

3.19.3 The special tools, test, and measuring instruments, and documentation, utilized by the different user countries, can be identically employed for their repair, and

3.19.4 Their difference in reliability (less than 10 percent) has no effect on stockage quantity, and

3.19.5 The items represent the lowest repairable level.

3.20 MATURATION

"Maturation" consists of those steps in the development cycle of a project during which the design will be finalized and rigorously tested for qualification in the several natural and induced environments required of fielded military equipment. Final technical documentation packages, field manuals, training plans, and maintenance support packages are prepared during Maturation and the design is qualified for full scale production.

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3.21 MLRS

"MLRS" means a medium caliber Field Artillery Multiple Launch Rocket System. The system includes rocket rounds; command, launch, and mobility equipment; and other supporting equipment. The rocket round includes an assembled payload (warhead section) and a rocket motor with stabilizing fins. The command and launch equipment includes a launch pod/container, a launcher, an on-board fire control system, a communications equipment interface, and a self-propelled carrier. Other supporting equipment includes auxiliary equipment, technical documentation, special tools, maintenance and training equipment, and an ammunition resupply vehicle.

3.22 NATIONAL IMPLEMENTING AGENCY

"National Implementing Agency" is any agency within the national structure of a Participant which is responsible for the implementation of a program task under this Supplement. National Implementing Agencies will consist of those organizations, agencies, offices, and activities, including both contractor and government, responsible either directly or indirectly for executing the cooperative program under this Supplement.

3.23 PATENTS

"Patents" includes utility patents, design patents, registered designs, and other similar protection.

3.24 PROGRAM MANAGEMENT

"Program Management" is the act of handling, controlling, and directing assigned resources for the accomplishment of the overall program objectives under this Supplement. This program includes a number of separately identifiable national projects.

3.25 PROJECT MANAGEMENT

"Project Management" is the act of handling, controlling, and directing assigned resources for the accomplishment of specific national projects under this Supplement.

3.26 SYSTEM SPECIFICATION

"System Specification" is a document which provides the technical and mission requirements for a complete weapon system, allocates requirements to functional areas, and defines interfaces between and among the functional areas. Existing System Specifications are further defined in Annex B.

3.27 TECHNICAL ASSISTANCE

"Technical Assistance" means any and all support other than "Technical Information," provided by one Participant to another, or provided by one or more contractors to another or by a contractor to a government, directly related to the technical, scientific, manufacturing, test, inspection, operational, and logistics aspects of the MLRS.

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3.28 TECHNICAL DATA PACKAGE

"Technical Data Package" (TDP) includes such mandatory items as design drawings (equipment and packaging), manufacturing specifications, material specifications, details of commercial components, production lot acceptance schedules, and essential quality control processes and equipment necessary for the manufacture and test of MLRS hardware in either limited (Allocated Baseline) or full scale (Product Baseline) quantities.

3.29 TECHNICAL INFORMATION

"Technical Information" means that recorded or documented information of a scientific or technical nature, regardless of format or other documentary characteristics, including experimental and test data, specifications, designs, processes, inventions or discoveries whether or not patentable, technical writings, sound recordings, pictorial reproductions, drawings or other graphic representations, magnetic tape, computer software documentation, computer memory printouts or data retained in computer memory, and works of a technical nature, and any other relevant technical data in whatever form presented, whether or not copyrighted.

3.30 TECHNOLOGY TRANSFER PLANNING

"Technology Transfer Planning" is the process by which the Participants will study the means to prepare a Technical Data Package in such a manner as to enable the transfer of technology information from a developing agency to a non-developer.

3.31 THIRD PARTY SALES

"Third Party Sales" means sales by the Participants or their contractors to Non-Participants.

3.32 VALIDATION

"Validation" consists of those steps in the development cycle of a project required to verify the initial concept through preliminary design and engineering, planning, analysis of trade-off proposals, resolution of logistics problems, testing, and approval of the design for limited production.

3.33 ASSOCIATE MEMBER

"Associate Member" is any nation joining the MLRS Program after the original Participants. The provisions for participation of an Associate Member will be defined in a Supplement admitting the nation to the MLRS Program.

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ARTICLE IV

OBJECTIVES AND SCOPE

4.1 OBJECTIVES

The program encompasses the cooperative development of a multiple launch, free flight rocket system that will satisfy the agreed tactical requirements of the Participants as delineated at Annex A. The program will take advantage of the ongoing Multiple Launch Rocket System (MLRS) development program, the GE AT 2 mine development program, and the national expertise of the Participants. The desired results of the program are:

4.1.1 The development of a standard MLRS for deployment within the Armed Forces of all the Participants and for potential deployment within the Armed Forces of other NATO allies in order to enhance the military posture of the alliance for the defense of Western Europe.

4.1.2 The development of production capabilities for the MLRS, its components, and subsequent product improvements in the countries of the European Participants and in the US.

4.1.3 The development of an economical common logistics support system for MLRS deployed in Western Europe.

4.2 SCOPE

The program comprises several projects in differing stages of development. Each approved project will be accomplished through Concept Definition, Validation, and design Maturation. The projects and their phasing are enumerated below.

4.2.1 Phase 1 Projects

Development of MLRS ground support equipment to include a self-propelled carrier, a launcher loader, on-board fire control equipment, azimuth and stabilization reference equipment, communications equipment interface for compatibility with each Participant's communication system, special logistics support equipment, and ammunition items to include rocket pods, rocket with M-42 dual purpose submunition warhead (DPW), and fuzing.

4.2.2 Phase 2 Project

Development of the AT 2 Scatterable Anti-tank Mine Warhead (SMW) and the necessary equipment and procedures to integrate the warhead into the baseline system for effective delivery, to include any special logistics support equipment required.

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4.2.3 Phase 3 Projects

Development of future advanced munitions or product improvements to the MLRS system. Phase 3 may include the development of a terminal guidance, point-hit, anti-armor warhead (TGW), and the necessary equipment and procedures to integrate this warhead with the rocket system for effective delivery, to include any special logistics support equipment required.

4.3 PROGRAM OUTLINE

4.3.1 Scheduling

It is understood that each MLRS development project will proceed through Concept Definition, Validation, and design Maturation prior to release of a TDP for full scale production.

4.3.2 Concept Definition Objectives

The objectives of Concept Definition are to define the project, optimize the design, and minimize life cycle cost. Included are design trade-off studies, cost and operational effectiveness analyses, scheduling, and costing of the program.

4.3.3 Validation Objectives

The objectives of a Validation program are:

4.3.3.1 To develop the allocated baseline design for an approved concept in accordance with a statement of Tactical and Operational Requirements for System Design, and a System Design Criteria.

4.3.3.2 To demonstrate an allocated baseline design through test and evaluation and to select a design for maturation and limited production.

4.3.3.3 To generate the technical information necessary for the preparation of integrated logistics support plans for the system to include any cooperative arrangements which may be beneficial to the Participants.

4.3.3.4 To initiate the development of an MLRS Technology Transfer Plan (TTP) between and among the Participants which would, if implemented, enable the Participants to exercise the rights of use in technical information in accordance with Article VII.

4.3.3.5 To maximize the selection of common equipment, material, and procedures for support of the MLRS in order to increase the opportunities for economical production and coordinated support of the system among the Participants in furtherance of their mutual defense.

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4.3.3.6 To develop procurement plans for each of the Participants.

4.3.4 Maturation Objectives

Following Validation, a selected design will enter into Maturation, during which the design will be updated as necessary, production qualification testing will be conducted, and the Technical Data Package (TDP) updated to incorporate changes resulting from testing. The technical information developed during Maturation will be sufficiently complete for full scale production and application to the maintenance and logistic support of fielded systems. The following objectives will also be accomplished:

4.3.4.1 MLRS Technical Data Packages will be modified as necessary for acceptance by each non-developing Participant at whose instance and request such information is prepared.

4.3.4.2 Logistics and Training Support Plans will be completed to insure, for each Participant acquiring MLRS, effective and economical operational support.

4.3.5 Limited Production Objectives

4.3.5.1 The contractor selected to proceed into Maturation of a selected design will concurrently establish an initial production facility, produce and deliver a limited quantity of production hardware and software items, and conduct testing to verify that the production design is a fully qualified and mature configuration.

4.3.5.2 Subsequent to the completion of production qualification testing, the Technical Data Package will be considered by the Participants for entry into full scale production to meet procurement objectives established by appropriate supplemental agreement.

4.3.6 Testing

4.3.6.1 The test program will, insofar as practicable, be conducted on a joint basis. Participants will make every effort to eliminate national peculiar test requirements which would cause duplication of effort.

4.3.6.2 National user evaluations which cannot be incorporated into the joint test program will be conducted at Participant's own expense. For this purpose, each Participant will make available to another, upon the latter's request, limited quantities of MLRS equipment and ammunition as shall be required. Such items will be furnished on a lease basis at no cost except accessorial charges, equipment refurbishment, and expendables consumed, subject to fair wear and tear.

4.3.6.3 National peculiar development trials pertaining to Phases 1 and 2 projects required by IT will be funded by IT and performed on a non-interference basis with the existing Phase 1 and 2 project schedules.

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