

[FR Doc. E9-20005 Filed 8-20-09; 8:45 am]  
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**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

[Transmittal Nos. 09-45]

**36(b)(1) Arms Sales Notification**

**AGENCY:** Department of Defense, Defense Security Cooperation Agency.

**ACTION:** Notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated 21 July 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. B. English, DSCA/DBO/CFM, (703) 601-3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 09-45 with attached transmittal and policy justification.

Dated: August 12, 2009.

**Patricia L. Toppings,**  
*OSD Federal Register Liaison Officer,*  
*Department of Defense.*

**BILLING CODE 5001-06-M**

**DEFENSE SECURITY COOPERATION AGENCY**

201 12<sup>TH</sup> STREET SOUTH, STE 203  
ARLINGTON, VA 22202-5408

AUG 06 2009

**The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, DC 20515**

**Dear Madam Speaker:**

**Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 09-45, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to The Netherlands for defense articles and services estimated to cost \$181 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.**

**Sincerely,**

A handwritten signature in black ink that reads "Beth M. McCormick".

**Enclosures:**

- 1. Transmittal**
- 2. Policy Justification**

**Beth M. McCormick  
Deputy Director**

**Same ltr to:**

**House  
Committee on Foreign Affairs  
Committee on Armed Services  
Committee on Appropriations**

**Senate  
Committee on Foreign Relations  
Committee on Armed Services  
Committee on Appropriations**

**Transmittal No. 09-45**

**Notice of Proposed Issuance of Letter of Offer  
Pursuant to Section 36(b)(1)  
Of the Arms Export Control Act, as amended**

- (i) **Prospective Purchaser:** The Netherlands
- (ii) **Total Estimated Value:**
- |                          |                       |
|--------------------------|-----------------------|
| Major Defense Equipment* | \$ 123 million        |
| Other                    | <u>\$ 58 million</u>  |
| <b>TOTAL</b>             | <b>\$ 181 million</b> |
- (iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** modification kits to upgrade 29 AH-64D APACHE Block I Helicopters to Block II configuration, support equipment, spare and repair parts, tools and test equipment, personnel training and training equipment, publications and technical documentation, engineering change proposals, contractor technical and logistics personnel services, and other related elements of logistics support.
- (iv) **Military Department:** Army (WES)
- (v) **Prior Related Cases:**  
FMS Case VXC - \$688 million - 24 May 95  
FMS Case WBW - \$108 million - 19 Dec 03
- (vi) **Sales Commissions, Fee, etc. Paid, Offered, or Agreed to be Paid:** none
- (vii) **Sensitivity of Technology Contained in the Defense Article or defense Services to be Sold:** See Attached Annex.
- (viii) **Date Report Delivered to Congress:** AUG 06 2009

\* as defined in Section 47(6) of the Arms Export Control Act.

**POLICY JUSTIFICATION****The Netherlands – Upgrade AH-64D APACHE Block I Helicopters to Block II**

**The Government of The Netherlands has requested a possible sale of modification kits to upgrade its 29 AH-64D APACHE Block I Helicopters to Block II configuration, support equipment, spare and repair parts, tools and test equipment, personnel training and training equipment, publications and technical documentation, engineering change proposals, contractor technical and logistics personnel services, and other related elements of logistics support. The estimated cost is \$181 million.**

**This proposed sale contributes to the foreign policy and national security objectives of the U.S. by improving the military capabilities of The Netherlands and enhancing standardization and interoperability with U.S. forces. The Netherlands is a NATO ally and an active U.S. partner in Overseas Contingency Operations in both Iraq and Afghanistan.**

**The Netherlands needs these upgrades to enhance its AH-64 fleet capabilities. Having the same aircraft configuration as the U.S. would greatly contribute to its military capability, making it a more capable and sustainable coalition force to support Overseas Contingency Operations. The Netherlands has the ability to use and maintain these helicopters as evidenced by their operating previous AH-64 configurations. The Netherlands, which already has the AH-64 APACHE in its inventory, will have no difficulty absorbing and utilizing these enhanced helicopters into its armed forces.**

**The proposed sale of this equipment and support will not alter the basic military balance in the region.**

**The prime contractor will be Boeing Corporation of Mesa, Arizona. There are offset agreements proposed in connection with this sale.**

**Implementation of this proposed sale will require four contractor representatives in The Netherlands to conducting training for a period of two weeks.**

**There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.**

[FR Doc. E9-20006 Filed 8-20-09; 8:45 am]

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**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

[Transmittal Nos. 09-49]

**36(b)(1) Arms Sales Notification**

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**ACTION:** Notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated 21 July 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. B. English, DSCA/DBO/CFM, (703) 601-3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 09-49 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: August 12, 2009.

**Patricia L. Toppings,**  
*OSD Federal Register Liaison Officer,*  
*Department of Defense.*