

[FR Doc. E9-22948 Filed 9-24-09; 8:45 am]

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**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

[Transmittal Nos. 09-44]

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

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

**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 09-44 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: September 15, 2009.

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

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## DEFENSE SECURITY COOPERATION AGENCY

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

SEP 8 2009

The Honorable Nancy Pelosi  
Speaker  
U.S. House of Representatives  
Washington, DC 20515-6501

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. 09-44, concerning the Department of the Army's proposed Letters(s) of Offer and Acceptance to Turkey for defense articles and services estimated to cost \$7.8 billion. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act of 1961, as amended, that this action is consistent with the principles set forth in subsection 620C(b) of that Act as codified in section 2373 of title 22, United States Code.

Sincerely,

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

**Beth M. McCormick**  
**Deputy Director**

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Section 620C(d)

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. 09-44****Notice of Proposed Issuance of Letter of Offer  
Pursuant to Section 36(b)(1)  
of the Arms Export Control Act**

- (i) **Prospective Purchaser:** Turkey
- (ii) **Total Estimated Value:**
- |                          |                      |
|--------------------------|----------------------|
| Major Defense Equipment* | \$4.6 billion        |
| Other                    | <u>\$3.2 billion</u> |
| TOTAL                    | \$7.8 billion        |
- (iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** 13 PATRIOT Fire Units, 72 PATRIOT Advanced Capability (PAC-3) missiles, 4 PAC-3 Lot Validation Missiles, 197 MIM-104E PATRIOT Guidance Enhanced Missiles-T (GEM-T), 4 MIM-104E GEM-T Lot Validation Missiles, PATRIOT Digital Missiles, 5 Anti-Tactical Missiles, 8 AN/USQ-140(V)(2)(c) (RT-1785) or AN/USQ-140(V)(11)(c) Multifunctional Information Distribution Systems/Low Volume Terminals (MIDS/LVT-2), 13 AN/MPQ-65 Radar Sets, 4 Tactical Command Systems, 13 Battery Command Posts, 6 Communication Relay Groups, 13 Engagement Control Stations, 48 M902 Launching Stations, 52 Antenna Mast Groups, 13 Electronic Power Plant III (EPP), 100 THALES 9310C Very High Frequency (VHF) Voice Radios, 150 THALES 9310C VHF Data Radios, containers, battery and battalion maintenance equipment, prime movers, generators, electrical power units, personnel training and training equipment, trailers, communication equipment, tool and test sets, spare and repair parts, publications and technical documentation, U.S. Government and contractor technical, engineering, and logistics support services, and other related elements of logistics support.
- (iv) **Military Department:** Army (VCP)
- (v) **Prior Related Cases, if any:** none
- (vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** None.
- (vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** See Annex Attached.
- (viii) **Date Report Delivered to Congress:** SEP 08 2009

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

**POLICY JUSTIFICATION****TURKEY - PATRIOT Advanced Capability-3 Guided Missiles**

The Government of Turkey has requested a possible sale of 13 PATRIOT Fire Units, 72 PATRIOT Advanced Capability (PAC-3) missiles, 4 PAC-3 Lot Validation Missiles, 197 MIM-104E PATRIOT Guidance Enhanced Missiles-T (GEM-T), 4 MIM-104E GEM-T Lot Validation Missiles, 5 PATRIOT Digital Missiles, 5 Anti-Tactical Missiles, 8 AN/USQ-140(V)(2)(c) (RT-1785) or AN/USQ-140(V)(11)(c) Multifunctional Information Distribution Systems/Low Volume Terminals (MIDS/LVT-2), 13 AN/MPQ-65 Radar Sets, 4 Tactical Command Systems, 13 Battery Command Posts, 6 Communication Relay Groups, 13 Engagement Control Stations, 48 M902 Launching Stations, 52 Antenna Mast Groups, 13 Electronic Power Plant III (EPP), 100 THALES 9310C Very High Frequency (VHF) Voice Radios, 150 THALES 9310C VHF Data Radios, containers, battery and battalion maintenance equipment, prime movers, generators, electrical power units, personnel training and training equipment, trailers, communication equipment, tool and test sets, spare and repair parts, publications and technical documentation, U.S. Government and contractor technical, engineering, and logistics support services, and other related elements of logistics support. The estimated cost is \$7.8 billion.

Turkey is a partner of the United States in ensuring peace and stability in the region. It is vital to the U.S. national interest to assist our North Atlantic Treaty Organization (NATO) Ally in developing and maintaining a strong and ready self-defense capability that will contribute to an acceptable military balance in the area. This proposed sale is consistent with those objectives.

Turkey will use the PAC-3 missiles to improve its missile defense capability, strengthen its homeland defense, and deter regional threats. Turkey has not previously purchased PAC-3 missiles, but will be able to absorb and effectively utilize these missiles.

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

The principal contractors will be Raytheon Corporation in Andover, MA, and Lockheed-Martin in Dallas, TX. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of 26 contractor representatives in Turkey for training for a period of 24 months and major item repair for approximately 12 months. Several U.S. Government representatives will participate in program management and technical reviews in Turkey for 2-week intervals twice annually.

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

**Transmittal No. 09-44****Notice of Proposed Issuance of Letter of Offer  
Pursuant to Section 36(b)(1)  
of the Arms Export Control Act, as amended****Annex  
Item No. vii****(vii) Sensitivity of Technology:**

**1. The PATRIOT Air Defense System contains classified Secret components and critical/sensitive technology. The PATRIOT Advanced Capability-3 (PAC-3) Missile Four-Pack is classified Confidential. With the incorporation of the PAC-3 missile, the PATRIOT System will continue to hold a significant technology lead over other surface-to-air missile systems in the world. The PATRIOT Air Defense System contains components and critical/sensitive technology that is classified Confidential. The PATRIOT Advanced Capability-3 (PAC-3) Configuration 3 Missile System is classified Secret. With the incorporation of the PAC-3 Missile, the PATRIOT System will continue to hold a significant technology lead over other surface-to-air missile systems in the world.**

**2. The PAC-3 Missile sensitive/critical technology is in the area of design and production know-how and primarily inherent in the design, development and/or manufacturing data related to certain components. Information on system performance capabilities and effectiveness, select software documentation, and test data are classified up to Secret.**

**3. The PATRIOT (Phased Array Tracking Intercept of Target) Missile system is a long range, lower tier, all altitude, all weather air defense system fielded to counter advanced aircraft, Tactical Ballistic Missiles (TBMs), and Cruise Missiles. The PATRIOT system has multiple engagement capability to counter saturation air attacks in an advance electronic countermeasures environment. The PATRIOT Advanced Capability-3 (PAC-3) Configuration 3 upgrade program incorporates significant upgrades to the phased array radar and Engagement Control Station and adds the new PAC-3 Missile.**

**4. A PATRIOT fire unit consists of a phased array Radar Set (RS), Engagement Control Station (ECS), an Electric Power Plant (EPP), an Antenna Mast Group (AMG), a Communications Relay Group (CRG), and Launching Stations (LS). The Phased Array Radar provides all tactical functions of airspace surveillance, target detection, identification, classification, tracking, missile guidance and engagement support. The ESC provides the human interface for command and control of**

operations. The ECS contains weapons control computer, human-machine interface and data and communication terminals. The EPP provides prime power for the ECS and RS. It consists of two 150Kw 400 Hz diesel-driven generators interconnected through power distribution units. The Antenna Mast Group (AMG) is a mobile antenna system associated with UHF communication equipment. The AMG has the capacity to extend the mast with pneumatic extension to heights of 94 feet. The Communications Relay Group (CRG) provides a radio relay (UHF) for the PATRIOT Battalions and interfaces directly with co-located AMGs. The Launching Station (LS) is a remotely controlled, self-contained unit that can transport, point, and launch the PATRIOT Missiles.

5. The Guidance Enhanced Missile (GEM) is an enhancement to the PAC-2 Missile that provides improved system effectiveness and lethality against both high speed Tactical Ballistic Missiles (TBMs) and also reduced radar cross section (RCS) and low-flying air breathing targets (ABTs). The GEM hardware change consists of modifying the seeker assembly and radio frequency (RF) receiver by incorporating a low noise C-Band amplifier in the receiver's front-end to improve signal sensitivity, which provides an improved signal to noise ratio. This results in increased acquisition range and longer terminal guidance periods against very fast and/or reduced RCS targets. The GEM improvement reduces boresight error, miss distance, and reaction time. The GEM-T Missile incorporates a new fuze design to further improve reaction time.

6. The Multifunctional Information Distribution Low Volume Terminals (MIDS/LVT-2) hardware, publications, performance specifications, operational capability, parameters, vulnerabilities to countermeasures, and software documentation are classified Confidential. The classified information to be provided consists of that which is necessary for the operation, maintenance, and repair of the data link terminal, installed systems, and related software.

7. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Notice of Public Hearing of the Draft Environmental Impact Statement (EIS) on Basewide Utility Infrastructure at Marine Corps Base Camp Pendleton, CA

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to Section (102)(2)(c) of the National

Environmental Policy Act of 1969 (NEPA) (42 United States Code [U.S.C.] 4231); the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA (Title 40 Code of Federal Regulations (CFR) Parts 1500-1508); Department of the Navy Procedures for Implementing NEPA (32 CFR Part 775); and Marine Corps NEPA directives (Marine Corps Order P5090.2A), the Marine Corps has prepared and filed with the U.S. Environmental Protection Agency a Draft Environmental Impact Statement (EIS) that evaluates the potential environmental consequences that may result from implementing the

Basewide Utility Infrastructure project at Camp Pendleton.

The project would expand, update, repair, and improve, sewer, water, electrical, communication, roadway, and natural gas infrastructure in support of current and future expanded training operations on Camp Pendleton in support of the installation's mission, which is to "operate an amphibious training base that promotes the combat readiness of operating forces by providing facilities, services, and support responsive to the needs of Marines, Sailors, and their families." A Notice of Intent to prepare this EIS was published in the **Federal Register** on November 12, 2008 (73 FR 66879).