

practicable due to incorporation of the mitigation measures mentioned previously. Known rookeries, mating grounds, areas of concentrated feeding, or other areas of special significance for marine mammals that occur within or near the planned area of operations during the season of operations are unlikely to be affected.

As a result, NMFS proposes to issue an IHA to the USGS for the possible harassment of small numbers of several species of marine mammals incidental to collecting marine seismic reflection data in southern California waters, provided the above-mentioned mitigation, monitoring, and reporting requirements are incorporated.

#### Information Solicited

NMFS requests interested persons to submit comments, information, and

suggestions concerning this request (*see ADDRESSES*).

Dated: March 26, 2002.

**Wanda Cain,**

*Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 02-7813 Filed 3-29-02; 8:45 am]

**BILLING CODE 3510-22-S**

---

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 02-17]

#### 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 July 21, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. J. Hurd, DSCA/COMPT/RM, (703) 604-6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 02-17 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: March 25, 2002.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**BILLING CODE 5001-08-M**



## DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

18 MAR 2002  
In reply refer to:  
I-02/001996

The Honorable J. Dennis Hastert  
Speaker of the House of  
Representatives  
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act (AECA), as amended, we are forwarding herewith Transmittal No. 02-17 and under separate cover the classified offset certificate thereto. This Transmittal concerns the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to the Republic of Korea for defense articles and service estimated to cost \$1.2 billion. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Reporting of Offset Agreements in accordance with Section 36(b)(1)(C) of the Arms Export Control Act (AECA), as amended, requires a description of any offset agreement with respect to this proposed sale. Section 36(g) of the AECA, as amended, provides that reported information related to offset agreements be treated as confidential information in accordance with section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)). Information about offsets for this proposed sale is described in the enclosed confidential attachment.

Sincerely,

A handwritten signature in black ink, appearing to read "Tome H. Walters, Jr.", written in a cursive style.

TOME H. WALTERS, JR.  
LIEUTENANT GENERAL, USAF  
DIRECTOR

Attachment  
As stated

Separate Cover:  
Offset certificate

Same ltr to: House Committee on International Relations  
Senate Committee on Appropriations  
Senate Committee on Foreign Relations  
House Committee on Armed Services  
Senate Committee on Armed Services  
House Committee on Appropriations

**Transmittal No. 02-17****Notice of Proposed Issuance of Letter of Offer  
Pursuant to Section 36(b)(1)  
of the Arms Export Control Act**

- (i) **Prospective Purchaser:** Republic of Korea
- (ii) **Total Estimated Value:**
- |                          |                        |
|--------------------------|------------------------|
| Major Defense Equipment* | \$0.533 billion        |
| Other                    | <u>\$0.667 billion</u> |
| TOTAL                    | \$1.200 billion        |
- (iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** three AEGIS Shipboard Combat Systems, three AN/UPX-29(V) Aircraft Identification Monitoring System MK XII Identification Friend or Foe systems, three shipboard gridlock systems, three Common Data Link Management System/Joint Tactical Distribution Systems, three MK 34 gun weapon systems, three Navigation Sensor System Interfaces, testing and combat system engineering technical assistance, computer program maintenance, U.S. Government and contractor engineering and technical assistance, testing, publications and documentation, training, spare and repair parts, and other related elements of logistics support.
- (iv) **Military Department:** Navy (LPN)
- (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:** 18 MAR 2002

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

## POLICY JUSTIFICATION

### Republic of Korea – AEGIS Combat Systems

The Republic of Korea (ROK) has requested a possible sale of three AEGIS Shipboard Combat Systems, three AN/UPX-29(V) Aircraft Identification Monitoring System MK XII Identification Friend or Foe systems, three shipboard gridlock systems, three Common Data Link Management System/Joint Tactical Distribution Systems, three MK 34 gun weapon systems, three Navigation Sensor System Interfaces, testing and combat system engineering technical assistance, computer program maintenance, U.S. Government and contractor engineering and technical assistance, testing, publications and documentation, training, spare and repair parts, and other related elements of logistics support. The estimated cost is \$1.2 billion.

This proposed sale will contribute to the foreign policy and national security of the United States by significantly improving the defense capabilities and security of a key defense treaty ally which has been and continues to be an important force for political stability and economic progress in Northeast Asia.

Installation of the AEGIS Combat System on ships of the ROK naval force will provide enhanced capabilities to defend against possible aggression by the Democratic People's Republic of Korea (DPRK), as well as protect sea lines of communications. AEGIS is the keystone in Korea's efforts to upgrade its shipboard anti-air warfare capability. Korea is fully capable of integrating this system into their operational forces and will receive data sufficient for basic maintenance of the equipment.

The proposed sale of this equipment and support will have a positive impact on the military balance in the region by improving the inter-operability of U.S. and ROK naval forces and increasing the ROK's ability to defend against any aggressive naval, air or missile attack undertaken by the DPRK.

The principal contractors will be Lockheed Martin Naval Electronic Systems and Support of Morristown, New Jersey; Raytheon Company of Andover, Massachusetts; General Dynamics Armament Systems of Burlington, Vermont; and Lockheed Martin Naval Electronics Systems and Support of Eagan, Minnesota. One or more proposed offset agreements may be related to proposed sale.

Implementation of this sale will not require the assignment to Korea of any U.S. Government representatives. It will require the assignment of approximately 50 contractor representatives for approximately five years to support integration and testing of the AEGIS Combat Systems.

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

## Transmittal No. 02-17

Notice of Proposed Issuance of Letter of Offer  
Pursuant to Section 36(b)(1)  
of the Arms Export Control ActAnnex  
Item No. vii(vii) Sensitivity of Technology:

1. AEGIS Weapon System (AWS) hardware is unclassified, with the exception of the RF oscillator used in the Fire Control transmitter, which is classified Confidential. AEGIS documentation in general is unclassified. However, seven operation and maintenance manuals are classified Confidential, and there is also a classified Secret supplement to the AEGIS Combat System Maintenance Manual. The manuals and technical documents are limited to those necessary for operational use and organizational maintenance.

2. While the hardware associated with the SPY-1D radar is unclassified, the computer programs are classified Secret. It is the combination of the SPY-1D hardware and the computer program for the SPY-1D radar that constitutes the technology sensitive aspects of the AWS. SPY-1D radar hardware design and computer program documentation will not be released. Additionally, life cycle maintenance of the AWS computer programs will be performed by the U.S. Navy.

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

4. A determination has been made that Korea can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 02-7733 Filed 3-29-02; 8:45 am]

BILLING CODE 5001-08-C

## DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 02-19]

## 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 July 21, 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. J. Hurd, DSCA/COMPT/RM, (703) 604-6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 02-19 with attached transmittal and policy justification.

Dated: March 25, 2002.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

BILLING CODE 5001-08-M