

BILLING CODE 5001-06-M

[FR Doc. E9-20019 Filed 8-20-09; 8:45 am]

BILLING CODE 5001-06-C

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**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

[Transmittal Nos. 09-52]

**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 09-52 with attached transmittal, policy justification, and sensitivity of technology.

Dated: August 12, 2009.

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



## DEFENSE SECURITY COOPERATION AGENCY

201 12TH STREET SOUTH, STE 203  
ARLINGTON, VA 22202-5408

AUG 06 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. 09-52, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the Republic of Korea for defense articles and services estimated to cost \$41 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, reading "Beth M. McCormick", is positioned below the word "Sincerely,".

**Beth M. McCormick  
Deputy Director**

**Enclosures:**

- 1. Transmittal**
- 2. Policy Justification**
- 3. Sensitivity of Technology**



**Transmittal No. 09-52**

**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:** Republic of Korea
- (ii) **Total Estimated Value:**
- |                          |                      |
|--------------------------|----------------------|
| Major Defense Equipment* | \$ 38 million        |
| Other                    | \$ <u>3 million</u>  |
| <b>TOTAL</b>             | <b>\$ 41 million</b> |
- (iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** 55 All-Up-Round AIM-9X SIDEWINDER Missiles, 12 AIM-9X SIDEWINDER Captive Air Training Missiles (CATMs), 2 AIM-9X CATM Missile Guidance Units, missile containers, missile modifications, test and support equipment, spare and repair parts, personnel training and training equipment, publications and technical data, U.S. Government and contractor technical assistance and other related logistics support.
- (iv) **Military Department:** Navy (AJW)
- (v) **Prior Related Cases, if any:**  
FMS case AIL-\$35M-01Jul02  
FMS case AJR-\$42M-08Nov07
- (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:** AUG 06 2009

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

## **POLICY JUSTIFICATION**

### **Republic of Korea – AIM-9X SIDEWINDER Missiles**

**The Republic of Korea (ROK) has requested a possible sale of 55 All-Up-Round AIM-9X SIDEWINDER Missiles, 12 AIM-9X SIDEWINDER Captive Air Training Missiles (CATMs), 2 AIM-9X CATM Missile Guidance Units, missile containers, missile modifications, test and support equipment, spare and repair parts, personnel training and training equipment, publications and technical data, U.S. Government and contractor technical assistance and other related logistics support. The estimated cost is \$41 million.**

**The Republic of Korea is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring peace and stability in that region. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability, which will contribute to an acceptable military balance in the area. This proposed sale is consistent with those objectives.**

**The Republic of Korea needs these missiles to enhance the ROK Air Force's current air-to-air intercept capability to equal capabilities within their region of operations. Korea will have no difficulty absorbing these additional missiles into its armed forces**

**The principal contractor will be Raytheon Missile Systems Company in Tucson, Arizona. There are no known offset agreements proposed in connection with this potential sale.**

**Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Korea.**

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

**Transmittal No. 09-52****Notice of Proposed Issuance of Letter of Offer  
Pursuant to Section 36(b)(1)  
of the Arms Export Control Act****Annex  
Item No. vii****(vii) Sensitivity of Technology:**

- 1. The AIM-9X represents a substantial increase in missile acquisition and kinematics performance over previous AIM-9 variants. The missile includes a high off-bore-sight seeker, enhanced countermeasure rejection capability, low drag/high angle of attack airframe and the ability to integrate the Joint Helmet Mounted Cueing System. The software algorithms are the most sensitive portions of the AIM-9X missile. The software continues to be modified during the testing phase in order to improve its counter-countermeasures capabilities. No software source code or algorithms will be released. Sensitive and/or classified (up to Secret) elements of the AIM-9X missiles include equipment/hardware, and software, and classified portions of operational performance. Maintenance training documentation is unclassified up to and including missile sectionalization training.**
- 2. The external view of the AIM-9X SIDEWINDER missile is Unclassified. The seeker/guidance control section, and target detector contain sensitive state-of-the-art technology and are classified Confidential. Performance and operating logics of the counter-countermeasures circuits, manuals, and technical documents are classified Secret. The hardware, software, and data identified are classified to protect vulnerabilities, design and performance parameters and similar critical information.**
- 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 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**

**Office of the Secretary**

[Transmittal Nos. 09-42]

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The following is a copy of a letter to the Speaker of the House of

Representatives, Transmittals 09-42 with attached transmittal, policy justification, and sensitivity of technology.

Dated: August 12, 2009.

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