

[FR Doc. E8-23349 Filed 10-3-08; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 08-71]

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 08-71 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: September 25, 2008.

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

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**DEFENSE SECURITY COOPERATION AGENCY
2800 DEFENSE PENTAGON
WASHINGTON, DC 20301-2800**

SEP 08 2008

**In reply refer to:
USP007912-08**

**The Honorable Nancy Pelosi
Speaker of the 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. 08-71, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to India for defense articles and services estimated to cost \$170 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,

**Jeffrey A. Wisniewski
Vice Admiral, USN
Director**

A handwritten signature in black ink, appearing to read "Jeffrey A. Wisniewski", written over the typed name and title.

Enclosures:

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

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. 08-71**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:** India
- (ii) **Total Estimated Value:**
- | | |
|--------------------------|----------------------|
| Major Defense Equipment* | \$ 65 million |
| Other | <u>\$105 million</u> |
| TOTAL | \$170 million |
- (iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** 20 AGM-84L HARPOON Block II missiles; 4 ATM-84L HARPOON Block II Exercise missiles; containers; training devices; spare and repair parts; supply/technical support; support equipment; personnel training and training equipment; technical data and publications; U.S. Government and contractor engineering and logistics support services; and other related elements of logistics support.
- (iv) **Military Department:** Navy (AAL)
- (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 2008

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

POLICY JUSTIFICATION**India - HARPOON Block II Missiles**

The Government of India has requested a possible sale of 20 AGM-84L HARPOON Block II missiles; 4 ATM-84L HARPOON Block II Exercise missiles; containers; training devices; spare and repair parts; supply/technical support; support equipment; personnel training and training equipment; technical data and publications; U.S. Government and contractor engineering and logistics support services; and other related elements of logistics support. The estimated cost is \$170 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of an important partner and to strengthen the U.S.-India strategic relationship, which continues to be an important force for political stability, peace, and economic progress in South Asia.

India intends to use the HARPOON missile to modernize its Air Force Anti-Surface Warfare mission capabilities and improve its naval operational flexibility. The missiles will assist the Indian Navy to develop and enhance standardization and operational ability with the United States. India will have no difficulty absorbing these missiles into its armed forces.

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

The prime contractor will be The Boeing Company of St. Louis, Missouri. 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 India permanently. There may be U.S. Government or contractor personnel in country on a temporary basis in conjunction with program technical and management oversight and support requirements.

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

Transmittal No. 08-71**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 AGM-84L HARPOON Block II missile is an air-launched Anti-Surface Warfare weapon will provide the Indian naval forces with capabilities to engage targets in both the “blue water” regions and the littorals of the world. The AGM-84L Block II HARPOON missile, including publications, documentation, operations, supply, maintenance, and training, is Confidential.

2. The AGM-84L incorporates components, software, and technical design information that are considered sensitive. The following HARPOON components being conveyed by the proposed sale that are classified Confidential include:

- a. Radar seeker**
- b. Global Positioning System/Inertial Navigation System (GPS/INS)**
- c. Operational Flight Program (OFP) software**
- d. Missile operational characteristics and performance data**
- e. Guidance Control Unit**

These elements are essential to the ability of the HARPOON missile to selectively engage hostile targets under a wide range of operational, tactical, and environmental conditions.

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.

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DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 08-72]

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 08-72 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: September 25, 2008.

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

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