

directional protection. The UVMWS detects the rocket plume of missiles and sends appropriate data signals to the LSPR for processing. The LSPR analyzes the data from each UVMWS Sensor and automatically deploys the appropriate countermeasure via the GLTA. The CIUR displays the incoming threat.

b. The AN/AAR-54 UVMWS Sensor warns of threat missile approach by detecting radiation associated with the rocket motor. The AN/AAR-54 is a small, lightweight, passive, electro-optic, threat warning device used to detect surface-to-air missiles fired at helicopters and low-flying fixed-wing aircraft and automatically provide countermeasures, as well as audio and visual warning messages to the aircrew. The basic system consists of multiple UVMWS Sensor units, three (3) GLTAs, a LSPR, and a CIUR. The set of UVMWS units (each A-330 MRTT has six (6)) are mounted on the aircraft exterior to provide omni-directional protection. Hardware is UNCLASSIFIED. Software is SECRET. Technical data and documentation to be provided are UNCLASSIFIED.

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

3. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy justification. Moreover, the benefits to be derived from this sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

4. All defense articles and services listed in this transmittal are authorized for release and export to the Government of the Republic of Korea.

[FR Doc. 2016-29392 Filed 12-7-16; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 16-53]

### 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 July 21, 1996.

**FOR FURTHER INFORMATION CONTACT:** Pam Young, DSCA/SE&E-RAN, (703) 697-9107.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 16-53 with attached Policy Justification and Sensitivity of Technology.

Dated: December 2, 2016.

**Aaron Siegel,**

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



DEFENSE SECURITY COOPERATION AGENCY  
301 12TH STREET SOUTH, STE 203  
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan  
Speaker of the House  
U.S. House of Representatives  
Washington, DC 20515

NOV 16 2016

Dear Mr. 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. 16-53, concerning the Department of the Air Force's proposed Letter of Offer(s) and Acceptance to the United Kingdom for defense articles and services estimated to cost \$1.00 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

  
J. W. Rixey  
Vice Admiral, USN  
Director

Enclosures:

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



**Transmittal No. 16-53**

*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:* United Kingdom.

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$780 million
Other .....	\$220 million
<b>TOTAL .....</b>	<b>\$1.00 billion</b>

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

*Major Defense Equipment (MDE):*

Twenty-six (26) Certifiable Predator B Remotely Piloted Aircraft (16 with option for additional 10)

Twelve (12) Advanced Ground Control Stations (GCSs) (8 with option for additional 4)

Four (4) New Launch and Recovery Element GCSs

Four (4) Upgrades to existing Blk 15 Launch and Recovery Element GCSs (2 with option for additional 2)

Twenty-five (25) Multi-spectral Targeting Systems (12 + 2 spares, with option for additional 10 + 1 spare)

Twenty-five (25) AN/APY-8 Lynx IIe Block 20A Synthetic Aperture Radar and Ground Moving Target Indicators

(SAR/GMTI) (12 + 2 spares, with option for additional 10 + 1 spare)

Eighty-six (86) Embedded Global Positioning System/Inertial Guidance Units (EGIs) (3 per aircraft) (48 + 5 spares, with option for additional 30 + 3 spares)

*Non-MDE include:*

Non-MDE items include: communications equipment, Identification Friend or Foe (IFF) equipment, weapons installation kits, and TPE331-10YGD engines. In addition, the package provides a unique and common spares package, support equipment, U.S. Air Force technical orders, country specific technical

orders, Contractor Logistics Support for two (optional three) years, contractor provided aircraft components, spares, and accessories, training, and other related elements of logistical and program support.

(iv) *Military Department: Air Force (X6-D-SAC).*

(v) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.*

(vi) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex Attached.*

(vii) *Date Report Delivered to Congress: November 16, 2016.*

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

## POLICY JUSTIFICATION

### *United Kingdom—Certifiable Predator B Remotely Piloted Aircraft*

The United Kingdom (UK) requested a possible sale of up to twenty-six (26) Certifiable Predator B Remotely Piloted Aircraft (16 with option for additional 10); twelve (12) Advanced Ground Control Stations (GCSs) (8 with option for additional 4); four (4) New Launch and Recovery Element GCSs; four (4) Upgrades to existing Blk 15 Launch and Recovery Element GCSs (2 with option for additional 2); twenty-five (25) Multi-spectral Targeting Systems (12 + 2 spares, with option for additional 10 + 1 spare); twenty-five (25) AN/APY-8 Lynx Ile Block 20A Synthetic Aperture Radar and Ground Moving Target Indicators (SAR/GMTI) (12+ 2 spares, with option for additional 10 + 1 spare); Eighty-six (86) Embedded Global Positioning System/Inertial Guidance Units (EGIs) (3 per aircraft) (48 + 5 spares, with option for additional 30 + 3 spares). This sale also includes communications equipment, Identification Friend or Foe (IFF) equipment; weapons installation kits; TPE331-10YGD engines; unique and common spares package; support equipment; U.S. Air Force technical orders; country specific technical orders; Contractor Logistics Support for two (optional three) years; contractor provided aircraft components, spares, and accessories; personnel training; and other related elements of logistical and program support. The total estimated program cost is \$1.0 billion.

The UK is a close ally and an important partner on critical foreign policy and defense issues. The proposed sale will enhance U.S. foreign policy and national security objectives by enhancing the UK's capabilities to provide national defense and contribute to NATO and coalition operations.

This sale will improve the UK's ability to meet current and future threats

by providing improved Intelligence, Surveillance and Reconnaissance (ISR) coverage that enhances homeland security, promotes increased battlefield situational awareness, augments combat search and rescue, and provides ground troop support. The Certifiable Predator B will also be used to support the UK's armed forces and coalition forces engaged in current and future peacekeeping, peace-enforcing, counter-insurgent, and counterterrorism operations. The UK already operates armed remotely piloted aircraft, the MQ-9 Reaper, and will have no difficulty transitioning to the Certifiable Predator B.

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

The principal contractors will be General Atomics Aeronautical Systems, Inc. in San Diego, California. 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 the UK.

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

Transmittal No. 16-53

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 Certifiable Predator B (CPB) Remotely Piloted Aircraft (RPA) is a weapons-capable aircraft designed for medium to high altitude-long endurance Intelligence, Surveillance and Reconnaissance (ISR), Target Acquisition, and Strike missions. Protector (formerly known as Scavenger) represents the CPB as modified to a UK-specific configuration which includes the design, development and integration of a UK-specific weapons installation kit for employment of UK-produced weapons (Paveway IV and Brimstone II). Building upon the legacy of Predator B's proven success, CPB/Protector provides up to 40 hours endurance, speeds up to 220 knots true air speed (KTAS) and a maximum altitude of 45,000 feet. The system is designed to be controlled by two operators within an Advanced Ground Control Station (AGCS). The AGCS is designed to emulate a reconnaissance aircraft cockpit, giving users extensive means to operate both the aircraft and sensors. CPB/Protector is able to operate using a direct Line-of-Sight (LOS) datalink or can be operated

Beyond Line-of-Sight (BLOS) using satellite communications (SATCOM). The design enables unmanned aerial vehicle (UAV) control to be handed off between multiple AGCSs thus allowing remote-split operations and centralized mission control with other assets. The CPB/Protector system can be deployed from a single site that supports launch, recovery, mission control, and maintenance. The system also supports remote-split operations where launch, recovery, and maintenance occur at a Forward Operating Base and mission control is conducted from another geographically separated location, or Main Operating Base (MOB).

2. The United Kingdom CPB/Protector system includes the following components.

a. A secure Advanced CGCS with workstations that allow operators to control and monitor the aircraft, as well as record and exploit downlinked payload data.

b. The unclassified General Atomics AN/APY-8 Block 20 Lynx Ile Synthetic Aperture Radar and Ground Moving Target Indicator (SAR/GMTI) system provides an all-weather surveillance, tracking and targeting capability. The AN/APY-8 Block 20 operates in the Ku band, using an offset-fed dish antenna mounted on a three-axis stabilized gimbal. It has a large field of regard, produces a strip map and can image up to a 10km wide swath. Swaths from multiple passes can be combined for wide-area surveillance.

c. The Raytheon Multi-spectral Targeting System with Laser Target Designator (LTD) and multi-use Electro-Optical (EO)/Infra-Red (IR) sensor provides long-range surveillance, high-altitude target acquisition, tracking, and range-finding with capabilities up to and including high definition color TV, high definition short-wave IR, medium-wave IR, and long wave IR sensors.

d. The weapons installation kit enables the integration of UK-produced munitions (Paveway IV and Brimstone II) onto the Protector platform. The integration of these munitions requires specialized non-recurring engineering work which will be performed by the platform OEM in the United States.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware or software in this proposed sale, any information gleaned from exploitation of hardware, publications and software could be used to develop countermeasures (electronic, infrared, or other types) as well as offensive and defensive counter-tactics and allow an adversary to exploit those vulnerabilities during combat.

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

5. All defense articles and services listed in this transmittal have been authorized for release and export to the United Kingdom.

[FR Doc. 2016-29393 Filed 12-7-16; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DOD-2016-OS-0110]

### Manual for Courts-Martial; Publication of Supplementary Materials

**AGENCY:** Joint Service Committee on Military Justice (JSC), Department of Defense.

**ACTION:** Publication of Discussion (Supplementary Materials) accompanying the Manual for Courts-Martial, United States (2012 ed.) (MCM).

**SUMMARY:** The JSC hereby publishes Supplementary Materials accompanying the MCM as amended by Executive Orders 13643, 13669, 13696, 13730, and 13740. These changes have not been coordinated within the Department of Defense under DoD Directive 5500.1, "Preparation, Processing and Coordinating Legislation, Executive Orders, Proclamations, Views Letters and Testimony," June 15, 2007, and do not constitute the official position of the Department of Defense, the Military Departments, or any other Government agency. These Supplementary Materials have been approved by the JSC and the General Counsel of the Department of Defense, and shall be applied in conjunction with the rule with which they are associated. The Discussion is effective insofar as the Rules it supplements are effective, but may not be applied earlier than the date of publication in the **Federal Register**.

**DATES:** This Discussion is effective as of December 8, 2016.

**FOR FURTHER INFORMATION CONTACT:** Major Harlye S.M. Carlton, USMC, (703) 963-9299 or [harlye.carlton@usmc.mil](mailto:harlye.carlton@usmc.mil). The JSC Web site is located at: <http://jsc.defense.gov>.

**SUPPLEMENTARY INFORMATION:** The Discussion to Part IV of the Manual for Courts-Martial, United States, is amended as follows:

(a) The Discussion immediately after paragraph 60.c.(6)(a) is amended to read as follows:

"Clauses 1 and 2 are theories of liability that must be expressly alleged in a specification so that the accused will be given notice as to which clause or clauses to defend against. The words "to the prejudice of good order and discipline in the armed forces" encompass both paragraph c.(2)(a), prejudice to good order and discipline, and paragraph c.(2)(b), breach of custom of the Service. A generic sample specification is provided below:

*In that \_\_\_\_\_ (personal jurisdiction data), did (at/on board location), on or about \_\_\_\_\_ 20\_\_\_\_, (commit elements of Article 134 clause 1 or 2 offense), and that said conduct (was to the prejudice of good order and discipline in the armed forces) (and) (was of a nature to bring discredit upon the armed forces).*

If clauses 1 and 2 are alleged together in the terminal element, the word "and" should be used to separate them. Any clause not proven beyond a reasonable doubt should be excepted from the specification at findings. See R.C.M. 918(a)(1). See also Appendix 23 of this Manual, Art. 79. Although using the conjunctive "and" to connect the two theories of liability is recommended, a specification connecting the two theories with the disjunctive "or" is sufficient to provide the accused reasonable notice of the charge against him. See Appendix 23 of this Manual, Art. 134.

Lesser included offenses are defined and explained under Article 79; however, in 2010, the Court of Appeals for the Armed Forces examined Article 79 and clarified the legal test for lesser included offenses. See *United States v. Jones*, 68 M.J. 465 (C.A.A.F. 2010). Under *Jones*, an offense under Article 79 is "necessarily included" in the offense charged only if the elements of the lesser offense are a subset of the elements of the greater offense alleged. 68 M.J. at 472; see also discussion following paragraph 3b(1)(c) in this part and the related analysis in Appendix 23 of this Manual. Practitioners should carefully consider lesser included offenses using the elements test in conformity with *Jones*. See paragraph 3b(4) in Appendix 23 of this Manual. If it is uncertain whether an Article 134 offense is included within a charged offense, the government may plead in the alternative or, with the consent of the accused, the government may amend the charge sheet. *Jones*, 68 M.J. at 472-73 (referring to R.C.M. 603(d) for amending a charge sheet)."

Dated: December 2, 2016.

**Aaron Siegel,**

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

[FR Doc. 2016-29384 Filed 12-7-16; 8:45 am]

BILLING CODE 5001-06-P

## ELECTION ASSISTANCE COMMISSION

### Sunshine Act Notice of Public Meeting Agenda

**DATE AND TIME:** Thursday, December 15, 2016 (10:30 a.m.–1:00 p.m.—EDT).

**PLACE:** 1335 East West Highway (First Floor Conference Room) Silver Spring, MD 20910.

**AGENDA:** Commissioners will meet to provide an initial de-brief on the 2016 election and to celebrate the 10th anniversary of the EAC's Testing and Certification Program. Commissioners will discuss the 2016 election with a panel of state and local election administrators, and a panel representing the perspectives of military and overseas voters, voters with disabilities and other election administration interest groups. Commissioners will hear from a panel to discuss the past ten years of EAC Testing and Certification of voting systems. Voting system manufacturers will discuss the evolution of the program from their perspective; a state certification official will provide insight into how EAC certification assists the states in their unique certification roles, and EAC program staff will provide their thoughts on ten years in the certification business.

**STATUS:** This meeting will be open to the public.

**PERSON TO CONTACT FOR INFORMATION:** Bryan Whitener, Telephone: (301) 563-3961.

**Bryan Whitener,**

*Director of Communications and Clearinghouse, U.S. Election Assistance Commission.*

[FR Doc. 2016-29592 Filed 12-6-16; 4:15 pm]

BILLING CODE 6820-KF-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER17-423-000]

### Rubicon NYP Corp; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Rubicon