

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

[Docket ID: DoD–2024–OS–0065]

**U.S. Court of Appeals for the Armed Forces Proposed Rules Changes**

**AGENCY:** Office of the Secretary, Department of Defense (DoD).

**ACTION:** Notice of responses to comments received on the proposed Rules of Practice and Procedure, United States Court of Appeals for the Armed Forces.

**SUMMARY:** This notice contains the responses to comments received on the proposed Rules of Practice and Procedure, United States Court of Appeals for the Armed Forces. Although these rules of practice and procedure fall within the Administrative Procedure Act’s exemptions for notice and comment, the Department, as a matter of policy, has decided to make these changes available for public review and comment before they are implemented.

**DATES:** Applicable September 16, 2024.

**FOR FURTHER INFORMATION CONTACT:** Malcolm H. Squires, Jr., Clerk of the Court, telephone (202) 761–1448.

**SUPPLEMENTARY INFORMATION:**

**Discussion of Comments and Changes**

On June 7, 2024, the United States Court of Appeals for the Armed Forces published a notice titled U.S. Court of Appeals for the Armed Forces Proposed Rules Changes in the **Federal Register** (89 FR 48601). Comments were accepted for 30 days until July 8, 2024. A total of five comments were received. Please see the summarized comments and the Court’s responses below.

**I. Public Comments**

The publication of this notice finalizes the interim final rules published on June 6. The Court, after circulating the proposed comments amongst its Rules Committee and the five active judges, has decided to adopt some comments in part and reject others.

Several comments concerned the reduction in time for amicus to file briefs. The Court has decided to accept these proposals and expand the time to

file amicus briefs in support of parties to fourteen days. Similarly, after reviewing the comments, the Court has decided to expand the time to submit a waiver letter under Rule 21 to fourteen days.

Another comment was directed at the Court’s student practice rule and suggested that the rules account for law students who do not attend an ABA accredited law school. After circulating the comment for review amongst the Rules Committee and the five active judges, the Court has decided not to make any changes to the proposed Rule 13A, as the rules provide that the Court may grant exceptions to any of the rules as is necessary.

**II. Revisions to the Original Notice**

The new Rule 21 will read:

\* \* \* \* \*

(c) \* \* \*

(2) Answer/Reply in Other Appeals.

An appellee’s answer to the supplement to the petition for grant of review in all other appeal cases may be filed no later than twenty-one days after the filing of such supplement (see Rule 21(e)). As a discretionary alternative if a formal answer is waived, an appellee may file with the Clerk a short letter, within fourteen days after the filing of the appellant’s supplement to the petition, setting forth one of the following alternative positions:

(i) that the United States submits a general opposition to the assigned error(s) of law and relies on its brief filed with the Court of Criminal Appeals; or (ii) that the United States does not oppose the granting of the petition (for some specific reason, such as an error involving an unsettled area of the law). An appellant may file a reply no later than seven days after the filing of the appellee’s answer or answer letter.

\* \* \* \* \*

*Comment:* The time to submit a waiver letter was expanded to fourteen days after the filing of the appellant’s supplement to the petition.

The new Rule 26 will read:

\* \* \* \* \*

(d) An amicus curiae brief in support of a party must be filed no later than fourteen days after that party has filed its brief, supplement to the petition for grant of

review, petition for extraordinary relief, writ-appeal petition, or answer. If no party is supported, the amicus curiae brief must be filed no later than seven days after the filing of the brief of the appellant/petitioner. In the case of a petition for new trial, the amicus curiae must file its brief no later than fourteen days after the petitioner has filed its brief with the Court. Motions for leave to file an amicus curiae brief under Rule 26(b)(4), together with the proposed brief, must be filed within the time allowed for filing the brief.

\* \* \* \* \*

*Comment:* The time to file amicus curiae brief in support of a party was expanded to fourteen days after the original party has filed its brief.

Dated: August 9, 2024.

**Patricia L. Toppings,**

*OSD Federal Liaison Officer, Department of Defense.*

[FR Doc. 2024–18280 Filed 8–14–24; 8:45 am]

**BILLING CODE 6001–FR–P**

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

[Transmittal No. 21–35]

**Arms Sales Notification**

**AGENCY:** Defense Security Cooperation Agency, Department of Defense (DoD).

**ACTION:** Arms sales notice.

**SUMMARY:** The DoD is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT:** Neil Hedlund at *neil.g.hedlund.civ@mail.mil* or (703) 697–9214.

**SUPPLEMENTARY INFORMATION:** This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 21–35, Policy Justification, and Sensitivity of Technology.

Dated: August 12, 2024.

**Patricia L. Toppings,**

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

**BILLING CODE 6001–FR–P**



DEFENSE SECURITY COOPERATION AGENCY  
2800 Defense Pentagon  
Washington, DC 20301-2800

NOV 09 2022

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
H-209, The Capitol  
Washington, DC 20515

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. 21-35, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Oman for defense articles and services estimated to cost \$385 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

James A. Hursch  
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001-FR-C

Transmittal No. 21-35

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:* Government of Oman

(ii) *Total Estimated Value:*

Major Defense Equipment *	\$185 million
Other .....	\$200 million

TOTAL ..... \$385 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*  
*Major Defense Equipment (MDE):*  
Forty-eight (48) AGM-154C Joint Stand Off Weapons (JSOW)

*Non-MDE:*

Also included are Dummy Air Training Missiles; Captive Flight Vehicles (CFVs) and/or Captive Air Training Missiles (CATMs); Environmental Determination Test Vehicles (EDTVs); Free Flight Vehicles (FFVs); containers; mission planning;

integration support and testing; munitions storage security and training; weapon operational flight program software development; transportation; tools and test equipment; support equipment; spare and repair parts; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department: Navy (MU–P–AAF)*

(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 Attached Annex*

(viii) *Date Report Delivered to Congress: November 9, 2022*

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

#### POLICY JUSTIFICATION

##### *Oman—Joint Stand Off Weapons (JSOW)*

The Government of Oman has requested to buy forty-eight (48) AGM–154C Joint Stand Off Weapons (JSOW). Also included are Dummy Air Training Missiles; Captive Flight Vehicles (CFVs) or Captive Air Training Missiles (CATMs); Environmental Determination Test Vehicles (EDTVs); Free Flight Vehicles (FFVs); containers; mission planning; integration support and testing; munitions storage security and training; weapon operational flight program software development; transportation; tools and test equipment; support equipment; spare and repair parts; publications and technical documentation; personnel training and training equipment; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is \$385 million.

This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a friendly country that continues to be an important force for political stability and economic progress in the Middle East.

The proposed sale would increase the Royal Air Force of Oman's ability to secure Oman's borders, airspace, and territorial waters. This expanded capacity will be a force multiplier and help negate regional security threats.

Recent attacks on ships in the Gulf of Oman have increased Oman's need for weapons that enable it to defend its territorial waters and ensure freedom of navigation. Oman will have no difficulty absorbing these articles into its armed forces.

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

The principal contractor will be Raytheon Missiles and Defense Company, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require annual trips to Oman involving U.S. Government and contractor representatives for technical reviews, support, and oversight for approximately seven years.

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

Transmittal No. 21–35

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–154 JSOW is used by Navy, Marine Corps, and Air Force, and allows aircraft to attack well-defended targets in day, night, and adverse weather conditions. The AGM–154C carries a BROACH warhead. The BROACH warhead incorporates an advanced multistage warhead. The JSOW uses the Global Positioning System (GPS) Precise Positioning System (PPS), which provides for a more accurate capability than the commercial version of GPS.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

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.

4. A determination has been made that Oman 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.

5. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Oman.

[FR Doc. 2024–18292 Filed 8–14–24; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 22–69]

#### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense (DoD).

**ACTION:** Arms sales notice.

**SUMMARY:** The DoD is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT:** Neil Hedlund at [neil.g.hedlund.civ@mail.mil](mailto:neil.g.hedlund.civ@mail.mil) or (703) 697–9214.

**SUPPLEMENTARY INFORMATION:** This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 22–69, Policy Justification, and Sensitivity of Technology.

Dated: August 12, 2024.

**Patricia L. Toppings,**

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

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