

(viii) *Date Report Delivered to Congress*: December 7, 2016.

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

#### **POLICY JUSTIFICATION**

*Government of Morocco—Radio Frequency (RF) TOW 2A, Radio Frequency (RF) Missile (BGM-71-4B-RF and Support)*

The Government of Morocco has requested a possible sale of one thousand two-hundred (1,200) TOW 2A, Radio Frequency (RF) Missiles (BGM-71-4B-RF) and fourteen (14) TOW 2A, Radio Frequency (RF) Missiles (Fly-to-Buy Lot Acceptance Missiles). Also included with this request is U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistics and program support. The estimated MDE sale is \$101 million. The total estimated value is \$108 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a Major Non-NATO Ally that continues to be an important force for the political stability and economic progress in North Africa. This proposed sale directly supports Morocco and serves the interests of the Moroccan people and the United States.

The proposed sale of TOW 2A Missiles and technical support will advance Morocco's efforts to develop an integrated ground defense capability. Morocco will have no difficulty absorbing this equipment into its armed forces.

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

The principal contractors involved in this program are: Raytheon Missile Systems, Tucson, Arizona. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the U.S. Government or contractor representatives to travel to Morocco.

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

Transmittal No. 16-52

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended Annex

Item No. vii

(vii) *Sensitivity of Technology*:

1. The Radio Frequency (RF) TOW 2A Missile (BGM-71E-4B-RF) is designed to defeat armored vehicles, reinforced

urban structures, field fortifications and other such targets. TOW missiles are fired from a variety of TOW launchers in the U.S. Army, USMC, and FMS customer forces. The TOW 2A RF missile can be launched from the same launcher platforms as the existing wire-guided TOW 2A missile without modification to the launcher. The TOW 2A missile (both wire & RF) contains two trackers for the launcher to track and guide the missile in flight. Guidance commands from the launcher are provided to the missile by a RF link contained within the missile case. The hardware, software, and technical publications provided with the sale thereof are UNCLASSIFIED. However, the system itself contains sensitive technology that instructs the system on how to operate in the presence of countermeasures.

2. The highest level of classified information that must be disclosed in training to use the end item is UNCLASSIFIED. The highest level of classified information that must be disclosed in maintenance of the end item is UNCLASSIFIED. The highest level of classified information that could be disclosed by sale of the end item is SECRET. The highest level of classified information that could be revealed by testing the end item is SECRET. The highest level of classified information that could be revealed by reverse engineering of the end item 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. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Morocco.

[FR Doc. 2016-30229 Filed 12-15-16; 8:45 am]

**BILLING CODE 5001-06-P**

#### **DEPARTMENT OF DEFENSE**

##### **Department of the Army, Corps of Engineers**

##### **Implementation of Executive Orders on Floodplain Management and Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input**

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice.

**SUMMARY:** The U.S. Army Corps of Engineers (USACE) has developed draft internal agency implementation guidance for the Executive Order on Floodplain Management to incorporate the new requirements of the Executive Order on Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input. USACE is seeking feedback from partners, other government and non-government stakeholders, Tribes, and members of the general public on the proposed draft guidance that has been developed.

**DATES:** Comments must be submitted on or before January 30, 2017.

#### **ADDRESSES:**

*Email:* USACE-EO11988@usace.army.mil and include "Implementation Comments", in the subject line of the message.

*Mail:* HQ, U.S. Army Corps of Engineers, ATTN: EO13690/CECW-HS/3G68, 441 G Street NW., Washington, DC 20314-1000.

*Hand Delivery/Courier:* Due to security requirements, we cannot receive comments by hand delivery or courier.

**FOR FURTHER INFORMATION CONTACT:** Dr. Stephanie Bray, Headquarters, Office of Homeland Security, Washington, DC at 202-761-4827.

**SUPPLEMENTARY INFORMATION:** Executive Order 11988, Floodplain Management, was issued in 1977 and directed agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. EO 11988 applied to Federal agencies carrying out its responsibilities for:

- Acquiring, managing, and disposing of federal lands and facilities;
- Providing federally-undertaken, financed, or assisted construction and improvements;
- Conducting federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulation, and licensing activities.

It required agencies performing federal actions in the base floodplain (floodplain associated with the 1 percent annual chance (also known as 1 percent annual exceedance probability) flood) to do the following:

1. Determine if a proposed action is in the base floodplain (that area which has a one percent or greater chance of flooding in any given year).
2. Conduct early public review, including public notice.

3. Identify and evaluate practicable alternatives to locating in the base floodplain, including alternative sites outside of the floodplain.

4. Identify impacts of the proposed action.

5. If impacts cannot be avoided, develop measures to minimize the impacts and restore and preserve the floodplain, as appropriate.

6. Reevaluate alternatives.

7. Present the findings and a public explanation.

8. Implement the action.

Following issuance of EO 11988 and the corresponding interagency Implementing Guidelines, USACE developed Engineering Regulation (ER) 1165–2–26 for interpreting and implementing the requirements of EO 11988. The regulation applies to all field operating activities having Civil Works responsibilities, with the exception of the Regulatory Program which implements EO 11988 through its regulations. Section 14 of ER 1165–2–26 explains how EO 11988 applies to specific Civil Works programs.

On January 30, 2015, the White House issued Executive Order 13690—Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Public Input. EO 13690 and the Federal Flood Risk Management Standard (FFRMS), implemented through guidelines established by the Water Resources Council (“Implementing Guidelines”), updated EO 11988 to include the following:

- Requires the use of an expanded floodplain for some actions that are federal investments.
- Requires that the elevation and horizontal extent of the expanded floodplain be determined using one of three approaches: The climate-informed science approach, the freeboard value approach, and the 500-year flood elevation approach.
- Requires agencies to use natural and nature based approaches, where possible.
- Establishes higher standards for critical actions.

USACE established a Product Development Team (PDT) to investigate what impacts EO 13690 and the FFRMS would have on its policies and programs and, in particular, to develop revised implementation guidance for EO 11988, as amended. A draft Engineer Circular (EC) that will ultimately rescind ER 1165–2–26 has been developed to provide overarching guidance for the implementation of EO 11988, as amended. The EC will expire two years from issuance, which will provide USACE time to evaluate the guidance

provided, consider initial implementation experience to identify any necessary clarifications or changes, and incorporate any changes introduced by the reassessment of the FFRMS required by EO 13690. After two years, the EC will either be revised and reissued or converted to an ER, which does not expire and is more permanent agency guidance.

The draft EC is intended to provide overarching guidance to all USACE Civil Works mission areas. As such, it does not provide extensive detail about how the requirements will be implemented within specific program areas or activities; instead it establishes intended implementation principles that will be clarified in greater detail in individual program specific guidance documents, to be developed or revised at a later date. Generally, the new requirements will be incorporated into specific guidance documents as they are updated through the agency’s regular process and schedule, unless a new guidance document needs to be prepared to address some aspect of implementation of the requirements. USACE now invites review and comment from our partners and stakeholders on the proposed implementation guidance contained within the draft EC.

#### Instructions for Providing Comments Online

USACE is requesting assistance in the form of data, comments, literature references, or field experiences, to help clarify the policy requirements for implementing EO 11988 and EO 13690 for agency activities. The draft EC is available for review on the USACE EO 13690 Implementation Web site (<http://www.iwr.usace.army.mil/Missions/FloodRiskManagement/FloodRiskManagementProgram/AbouttheProgram/PolicyandGuidance/FederalFloodRiskManagementStandard.aspx>). An Executive Summary of the draft EC is also available on the Web site to provide a high-level overview of the document and summary of the more substantial changes since the original 1984 ER. Additionally, a list of topics and issues for which feedback would be especially helpful is posted for reviewer’s consideration. While USACE welcomes any and all feedback on the draft EC, feedback responding to the list of identified topics and issues will be particularly helpful to USACE in clarifying areas requiring new policy or practice. The most useful comments are from specific experiences and case examples. Commenters should use their knowledge of working with USACE on various types of federal actions as well

as their understanding of EO 11988 and EO 13690. When comments are being made on specific sections of the document, USACE requests that commenters identify the relevant page and line numbers to which the comment applies.

All comments, literature citations, experiential references, data, other relevant reports, and input in response to the guiding topics and issues are being accepted through email, or through the postal service. All comments submitted by the date identified above will be compiled and sent to the PDT for their consideration.

#### Future Actions

Feedback and comments provided in response to this notice will be considered and the draft EC will be updated as appropriate. When the final EC is published, a notice will be placed in the **Federal Register** and on the USACE EO 13690 Implementation Web site, and the document itself will be made available through the USACE publications Web site (<http://www.publications.usace.army.mil/>).

Dated: December 12, 2016.

**Karen Durham-Aguilera,**  
*Director of Contingency, Operations and Homeland Security.*

[FR Doc. 2016–30240 Filed 12–15–16; 8:45 am]

BILLING CODE 3720–58–P

## DEPARTMENT OF DEFENSE

### Department of the Army, U.S. Army Corps of Engineers

#### Notice of Availability of the Draft Missouri River Recovery Management Plan and Environmental Impact Statement

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice.

**SUMMARY:** The Kansas City and Omaha Districts of the U.S. Army Corps of Engineers (USACE), in cooperation with the U.S. Fish and Wildlife Service (USFWS), have developed the Missouri River Recovery Management Plan and Environmental Impact Statement (MRRMP–EIS). This document is a programmatic assessment of (1) major federal actions necessary to avoid a finding of jeopardy to the pallid sturgeon (*Scaphirhynchus albus*), interior least tern (*Sterna antillarum athalassos*), and the Northern Great Plains piping plover (*Charadrius melodus*) caused by operation of the Missouri River Mainstem and Kansas River Reservoir System and operation