

the following NOAA NEPA Web site: <http://www.nepa.noaa.gov/>, including our NOAA Administrative Order 216-6 for NEPA, http://www.nepa.noaa.gov/NAO216_6_TOC.pdf, and the Council on Environmental Quality implementation regulations, http://ceq.eh.doe.gov/nepa/regs/ceq/toc_ceq.htm.

Consequently, as part of an applicant's package, and under their description of their program activities, applicants are required to provide detailed information on the activities to be conducted, locations, sites, species and habitat to be affected, possible construction activities, and any environmental concerns that may exist (e.g., the use and disposal of hazardous or toxic chemicals, introduction of non-indigenous species, impacts to endangered and threatened species, aquaculture projects, and impacts to coral reef systems). In addition to providing specific information that will serve as the basis for any required impact analyses, applicants may also be requested to assist NOAA in drafting of an environmental assessment, if NOAA determines an assessment is required. Applicants will also be required to cooperate with NOAA in identifying feasible measures to reduce or avoid any identified adverse environmental impacts of their proposal. The failure to do so shall be grounds for not selecting an application. In some cases if additional information is required after an application is selected, funds can be withheld by the Grants Officer under a special award condition requiring the recipient to submit additional environmental compliance information sufficient to enable NOAA to make an assessment on any impacts that a project may have on the environment.

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements: The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of February 11, 2008 (73 FR 7696), are applicable to this solicitation.

Paperwork Reduction Act: This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424, 424A, 424B, and SF-LLL and CD-346 has been approved by the Office of Management and Budget (OMB) under the respective control numbers 0348-0043, 0348-0044, 0348-0040, 0348-0046, and 0605-0001. Notwithstanding any other provision of law, no person is required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

Executive Order 12866: This notice has been determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism): It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/Regulatory Flexibility Act: Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for rules concerning public property, loans, grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any

other law, the analytical requirements for the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Mary E. Kicza,

Assistant Administrator for Satellite and Information Services.

[FR Doc. E8-23516 Filed 10-3-08; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 08-85]

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 08-85 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: September 25, 2008.

Patricia L. Toppings,

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

BILLING CODE 5001-06-M



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

SEP 08 2008
In reply refer to:
USP009261-08

**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. 08-85, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Finland for defense articles and services estimated to cost \$406 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, appearing to read "Jeffrey A. Wieringa".

Jeffrey A. Wieringa
Vice Admiral, USN
Director

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. 08-85**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:** Finland
- (ii) **Total Estimated Value:**
- | | |
|--------------------------|-----------------------|
| Major Defense Equipment* | \$ 81 million |
| Other | \$ <u>325 million</u> |
| TOTAL | \$ 406 million |
- (iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** This is the possible third phase of the F-18 Mid-Life Upgrade (MLU) Program, consisting of F-18C/D Fleet Retrofit Kits of the following systems: 79 Multifunctional Information Display Systems/Low Volume Terminals (MIDS/LVT), 70 AN/ARC-210 (RT-1851A(c)) Radios, including Single Channel Ground and Airborne Radio System (SINCGARS), 75 AN/AYQ-9(V) Stores Management System Upgrades, 72 MIDS Electronic Interference Blanking Units, 72 Color Cockpit Displays, 70 Joint Helmet Mounted Cueing Systems (JHMCS) Laser Helmet Shields, 1 AGM-154C Joint Standoff Weapon (JSOW) Captive Air Training Missile, 15 AGM-154C JSOW missiles, and 1 Lot JHMCS Spares. The proposed program support includes recorders, receivers, devices, Joint Mission Planning system upgrades, software test and integration center upgrades, engineering change proposals, component improvement program, spare and repair parts, support and test equipment, publications and technical data, personnel training and equipment, U.S. Government and contractor technical and logistics personnel services, and other related elements of logistics support.
- (iv) **Military Department:** Navy (LBH)
- (v) **Prior Related Cases, if any:**
- | |
|--|
| FMS case LBB - \$ 63 million - 4Aug01 |
| FMS case LBC - \$127 million - 1Jan04 |
| FMS case LBD - \$252 million - 25Jul07 |

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

- (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 0 8 2008**

POLICY JUSTIFICATION

Finland – F-18 Mid-Life Upgrade Program

The Government of Finland has requested a possible sale for the third phase of the F-18 Mid-Life Upgrade (MLU) Program, consisting of F-18C/D Fleet Retrofit Kits of the following systems: 79 Multifunctional Information Display Systems/Low Volume Terminals (MIDS/LVT), 70 AN/ARC-210 (RT-1851A(c)) Radios, including Single Channel Ground and Airborne Radio System (SINCGARS), 75 AN/AYQ-9(V) Stores Management System Upgrades, 72 MIDS Electronic Interference Blanking Units, 72 Color Cockpit Displays, 70 Joint Helmet Mounted Cueing Systems (JHMCS) Laser Helmet Shields, 1 AGM-154C Joint Standoff Weapon (JSOW) Captive Air Training Missile, 15 AGM-154C JSOW missiles, and 1 Lot JHMCS Spares. The proposed program support includes recorders, receivers, devices, Joint Mission Planning system upgrades, software test and integration center upgrades, engineering change proposals, component improvement program, spare and repair parts, support and test equipment, publications and technical data, personnel training and equipment, U.S. Government and contractor technical and logistics personnel services, and other related elements of logistics support. The estimated cost is \$406 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 friendly country which has been, and continues to be, an important force for political stability and economic progress in Europe.

The Finnish Air Force (FAF) intends to purchase the MLU Program equipment to enhance survivability and communications connectivity and to extend the useful life of its F-18 fighter aircraft. It has extensive experience operating the F-18 aircraft and should have no difficulties incorporating the upgraded capabilities into its forces. The FAF needs this upgrade to keep pace with high tech advances in sensors, weaponry, and communications.

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

The principal 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 require the assignment of U.S. Government or contractor representatives to travel to Finland for approximately four months to provide technical support for equipment preparation, installation and testing, and checkout.

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

Transmittal No. 08-85**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 third phase of the F-18 Mid-Life Upgrade (MLU) Program consisting of F-18C/D Fleet Retrofit Kits will include the following classified or sensitive components and weapons:

a. The AN/ARC-210 Radio (RT-1851), including Single Channel Ground and Airborne Radio Systems (SINCGARS), FM Immunity, 8.33 KHz channel spacing, Variable Message Format (VMF), HAVEQUICK and Embedded Secure Voice capabilities. The AN/ARC-210 transceiver can be operated as a normal non-Electronic Counter Countermeasures (ECCM) type VHF/UHF radio system. Addition of various types of ECCM module subassemblies enables the AN/ARC-210 Communications System to operate in SATCOM and jam-resistant modes.

b. The Multifunctional Information Distribution System (MIDS) Low Volume Terminal (LVT) is a secure data and voice communication network using the Link-16 architecture. The system provides enhanced situational awareness, positive identification of participants within the network, secure fighter-to-fighter connectivity, secure voice capability, and ARN-118 TACAN functionality. It provides three major functions: Air Control, Wide Area Surveillance, and Fighter-to-Fighter. The MIDS LVT can be used to transfer data in Air-to-Air, Air-to-Surface, and Air-to-Ground scenarios. MIDS LVT is classified Confidential. The MIDS Enhanced Interference Blanking Units (EIBU) provides validation and verification of equipment and concept. EIBU enhances input/output signal capacity of the MIDS LVT and addresses parts obsolescence.

c. The Global Positioning System (GPS) upgrade to include MAGR 2000 with Selective Availability Anti-Spoofing Module (SAASM) and Complementary Navigation Message (CNM) for use with GPS guided munitions. Employment of GPS smart weapons requires the use of the CNM and Precise Position Service (PPS). The requirement is to upgrade to the PPS GPS system to provide CNM to GPS Guided Weapons. GPS and Navigation Systems (GNS) act as the Center to coordinate military efforts. GNS offers the most advanced military GPS user equipment available, including avionics, high anti-jam systems, integrated GPS/INS navigators, and high performance Selective Availability Anti-Spoof Module (SAASM) receivers. The MAGR 2000 design is a GPS Receiver Applications Module (GRAM) based upon

system architecture that is modular in design and incorporates modern electronics. The MAGR 2000 is a form, fit, and function backward compatible replacement of the MAGR, and provides enhancements to include improved acquisition and GPS solution performance, all-in-view GPS satellite tracking, and GPS integrity. The use of the SAASM security architecture significantly enhances the combatant commander's ability to use GPS precise positioning, velocity and time, in all environments. Complementary Navigation Message contains navigation message data demodulated from the GPS satellite signals that has been stripped of parity and packed together. All countries authorized PPS equipment can buy GPS receivers that output the CNM. The configuration requested is compatible for use in F-18 aircraft.

d. The Joint Mission Planning System (JMPS) will provide mission planning capability for support of military aviation operations. It will also provide support for unit-level mission planning for all phases of military flight operations and have the capability to provide necessary mission data for the aircrew. JMPS will support the downloading of data to electronic data transfer devices for transfer to aircraft and weapon systems. A JMPS for a specific aircraft type will consist of basic planning tools called the Joint Mission Planning Environment (JMPE) mated with a Unique Planning Component (UPC) provided by the aircraft program. In addition, UPCs will be required for specific weapons, communication devices, and moving map displays in order for proper Mission Planning.

e. The Solid State Recorder (SSR) capabilities incorporated into the F-18C/D aircraft both replace the existing Cockpit Video Recording System (CVRS) and add capability to capture and store Electro-optical/Infrared (EO/IR) Imagery. Use of SSR technology will overcome numerous obsolescence issues with the existing CVRS, provides greater memory capacity, and allows for future network centric operations such as real-time/near real-time imagery in/out of cockpit.

f. The AGM-154C Joint Standoff Weapon (JSOW) is a low observable, 1000 lb. class, INS/GPS-guided, family of air-to-ground glide weapons. JSOW consists of a common airframe and avionics that provides for a modular payload assembly to attack stationary and moving massed light-armored and armored vehicle columns, surface-to-air targets and personnel. JSOW provides combat forces with all weather, day/night, multiple kills per pass, launch and leave, and standoff capability. JSOW C carries a unitary warhead. The JSOW All Up Round is Unclassified, major components and subsystems are classified up to Secret; and technical data and other documentation are to Secret.

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 which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. E8-23331 Filed 10-3-08; 8:45 am]

BILLING CODE 5001-06-C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 08-87]

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 08-87 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: September 25, 2008.

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

BILLING CODE 5001-06-M