

quantitative analysis therein, and the data on which they rely.

d. The proposed regulatory text and commentary, including the Bureau's use of commentary, appendices, and model or sample forms to provide interpretations and illustrations of regulatory text and, relatedly, the level of detail and the quantity of examples contained in proposed commentary.

5. The Bureau's issuance of the NPRM, including the Bureau's general practice of releasing the NPRM on its website in advance of publication in the **Federal Register**, and supporting materials the Bureau may release simultaneously with an NPRM, such as a press release or consumer-facing blog post, as well as other high-level or summary material regarding the content of the NPRM.

6. Comment periods for NPRMs, including the length of the comment period and extensions of comment periods in certain circumstances, whether and in what circumstances the Bureau should provide "reply periods" for commenters to review and formally respond to other commenters' comment letters, and whether and to what extent the Bureau should consider comments received after the close of the comment period.

7. Mechanisms for encouraging additional feedback on all or part of a NPRM, including the use of online tools to solicit public feedback such as, for example, the Bureau's engagement from 2012 to 2014 with Cornell University's eRulemaking Initiative to garner public feedback via Cornell's website.<sup>19</sup>

8. The Bureau's processing and posting of comments received to its electronic docket on <http://www.regulations.gov>, including the

ways of accepting comments, the timeframe to post comments, treatment of duplicative or largely duplicative comments, posting similar or related comments in batches rather than as separate entries, treatment of anonymous comments, treatment of comments where there may be questions about the commenter's identity, and ways to tabulate comments received.

9. Outreach and engagement by the Bureau during and after the comment period, including meetings with stakeholders, and disclosure of such communications under the Bureau's *ex parte* policy.<sup>20</sup>

10. Consideration of new data, studies, and reports issued by other agencies or third parties after the NPRM is released.

#### *Final Rules*

11. The content of the notice issuing the final rule, including each of the elements listed above in topic 4 (for NPRMs) as well as the Bureau's explanation of its rationale for the final rule, the discussion in the section-by-section analysis about the final rule's regulatory text and commentary, the summary of and response to comments received on the NPRM (including those specifically regarding the impact analyses), and the explanation of changes from the NPRM.

12. The Bureau's release of the final rule on its website in advance of publication in the **Federal Register** and supporting materials the Bureau may release simultaneously with a final rule, which may include a press release, consumer-facing blog post, remarks by

the Bureau's Director presented at a public event or press call, other high-level or summary material regarding the content of the final rule, and select regulatory implementation materials.

**Authority:** 12 U.S.C. 5511(c).

Dated: March 6, 2018.

**Mick Mulvaney,**

*Acting Director, Bureau of Consumer Financial Protection.*

[FR Doc. 2018-04824 Filed 3-8-18; 8:45 am]

**BILLING CODE 4810-AM-P**

## DEPARTMENT OF DEFENSE

[Transmittal No. 18-02]

### Arms Sales Notification

**AGENCY:** Defense Security Cooperation Agency, Department of Defense.

**ACTION:** Arms sales notice.

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

**FOR FURTHER INFORMATION CONTACT:**

Pamela Young, (703) 697-9107, [pamela.a.young14.civ@mail.mil](mailto:pamela.a.young14.civ@mail.mil) or Kathy Valadez, (703) 697-9217, [kathy.a.valadez.civ@mail.mil](mailto:kathy.a.valadez.civ@mail.mil); DSCA/DSA-RAN.

**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, Transmittal 18-02 with attached Policy Justification and Sensitivity of Technology.

Dated: March 6, 2018.

**Aaron Siegel,**

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

**BILLING CODE 5001-06-P**

<sup>19</sup> Reports based on comments received using this process were included in the relevant rulemaking dockets. See Cornell U., "Cornell eRulemaking Initiative," <http://regulationroom.org> (last visited Feb. 26, 2018).

<sup>20</sup> See Policy on Ex Parte Presentations in Rulemakings, 76 FR 18687 (Apr. 21, 2017) (revising policy in place since August 16, 2011). Written *ex parte* communications and summaries of oral *ex parte* communications are posted to the rulemaking docket on <http://www.regulations.gov> together with public comments received through the avenues specified in the NPRM.



DEFENSE SECURITY COOPERATION AGENCY  
201 12<sup>TH</sup> STREET SOUTH, STE 203  
ARLINGTON, VA 22202-5408

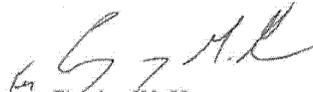
MAR 01 2018

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

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. 18-02, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Ukraine for defense articles and services estimated to cost \$47 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,

  
Charles W. Hooper  
Lieutenant General, USA  
Director

Enclosures:

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



BILLING CODE 5001-06-C

Transmittal No. 18-02

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 Ukraine

(ii) *Total Estimated Value:*

Major Defense Equipment \* .. \$29.5 million  
Other ..... \$17.5 million

Total ..... \$47.0 million

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

*Major Defense Equipment (MDE):*  
Two hundred ten (210) Javelin Missiles  
Thirty-seven (37) Javelin Command Launch Units (CLU) (includes two (2) CLUs to be used as spares)  
*Non-MDE:* Also included are Basic Skill Trainers (BST); United States

Government (USG) and contractor technical assistance, transportation, training and other related elements of logistics and program support.

(iv) *Military Department:* Army (UP-B-UBT)

(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:* March 1, 2018

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

#### **POLICY JUSTIFICATION**

##### *Ukraine—Javelin Missiles and Command Launch Units*

The Government of Ukraine has requested to buy two hundred ten (210) Javelin Missiles and thirty-seven (37) Javelin Command Launch Units (CLUs) (includes two (2) Javelin CLUs to be used as spares). Also included are Basic Skill Trainers (BST); United States Government and contractor technical assistance, transportation, training and other related elements of logistics and program support. The total estimated cost is not to exceed \$47 million.

This proposed sale will contribute to the foreign policy and national security of the United States by improving the security of Ukraine. The Javelin system will help Ukraine build its long-term defense capacity to defend its sovereignty and territorial integrity in order to meet its national defense requirements. Ukraine will have no difficulty absorbing this system into its armed forces.

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

The prime contractors will be Raytheon/Lockheed Martin Javelin Joint Venture of Orlando, Florida and Tucson, Arizona. However, these missiles are being provided from U.S. Army stocks and the CLUs will be obtained from on-hand Special Defense Acquisition Fund (SDAF)-purchased stocks. There are no known offset agreements proposed in conjunction with this potential sale.

Implementation of this proposed sale will require U.S. Government and/or contractor representatives to travel to Ukraine temporarily in order to conduct training.

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

Transmittal No. 18–02

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 Javelin Weapon System is a medium-range, man portable, shoulder-launched, fire and forget, anti-tank system for infantry, scouts, and combat engineers. The system weighs 49.5 pounds and has a maximum range in excess of 2,500 meters. They system is highly lethal against tanks and other systems with conventional and reactive armors. The system possesses a secondary capability against bunkers.

2. Javelin's key technical feature is the use of fire-and-forget technology which allows the gunner to fire and immediately relocate or take cover. Additional special features are the top attack and/or direct fire modes, an advanced tandem warhead and imaging infrared seeker, target lock-on before launch, and soft launch from enclosures or covered fighting positions. The Javelin missile also has a minimum smoke motor thus decreasing its detection on the battlefield.

3. The Javelin Weapon System is comprised of two major tactical components, which are a reusable Command Launch Unit (CLU) and a round contained in a disposable launch tube assembly. The CLU incorporates an integrated day-night sight that provides a target engagement capability in adverse weather and countermeasure environments. The CLU may also be used in a stand-alone mode for battlefield surveillance and target detection. The CLU's thermal sight is a second generation Forward Looking Infrared (FLIR) sensor. To facilitate initial loading and subsequent updating of software, all on-board missile software is uploaded via the CLU after mating and prior to launch.

4. The missile is autonomously guided to the target using an imaging infrared seeker and adaptive correlation tracking algorithms. This allows the gunner to take cover or reload and engage another target after firing a missile. The missile has an advanced tandem warhead and can be used in either the top attack or direct fire modes (for target undercover). An onboard flight computer guides the missile to the selected target.

5. The Javelin Missile System hardware and the documentation are UNCLASSIFIED. The missile software which resides in the CLU is considered SENSITIVE. The sensitivity is primarily in the software programs which instruct the system how to operate in the presence of countermeasures. The overall hardware is also considered sensitive in that the infrared

wavelengths could be useful in attempted countermeasure development.

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

7. A determination has been made that Ukraine can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to further the U.S. foreign policy and national security objectives outlined in the Policy Justification.

8. All defense articles and services listed on this transmittal are authorized for release and export to the Government of Ukraine.

[FR Doc. 2018–04822 Filed 3–8–18; 8:45 am]

**BILLING CODE 5001–06–P**

## **DEPARTMENT OF DEFENSE**

[Transmittal No. 17–78]

### **Arms Sales Notification**

**AGENCY:** Defense Security Cooperation Agency, Department of Defense.

**ACTION:** Arms sales notice.

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

**FOR FURTHER INFORMATION CONTACT:** Pamela Young, (703) 697–9107, [pamela.a.young14.civ@mail.mil](mailto:pamela.a.young14.civ@mail.mil) or Kathy Valadez, (703) 697–9217, [kathy.a.valadez.civ@mail.mil](mailto:kathy.a.valadez.civ@mail.mil); DSCA/DSARAN.

**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, Transmittal 17–78 with attached Policy Justification and Sensitivity of Technology.

Dated: March 6, 2018.

**Aaron Siegel,**

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

**BILLING CODE 5001–06–P**