

from the CCS, an area close to Space Launch Complex (SLC)-6. While the CCS was identified in the 30<sup>th</sup> Space Wing's July 11, 1997, application for a small take authorization and in the U.S. Air Force's Programmatic Operations Environmental Assessment for small takes of marine mammals, because the CCS was under construction at the time, no rocket types were identified for launching at that time of the application to NMFS. As a result, an incidental take assessment could not be made for this location by either NMFS or the 30<sup>th</sup> Space Wing during the rulemaking. However, impacts to pinnipeds from launches at nearby SLC-6 by Lockheed Martin's family of Athena rockets was analyzed on July 21, 1998 (63 FR 39055) and previously (see 60 FR 24840, May 10, 1995).

Finally, because the Minotaur rocket's first stage solid-fuel booster is half the size of the first-stage booster of the Athena 1 launched from SLC-6, it can be expected to impact the nearby harbor seal haulouts to a lesser, but unknown, level than the Athena. NMFS estimated that the Athena rocket would, under typical conditions, result in a sound pressure level (SPL) of 127 dB (107 dBA) re 20 µPa at the harbor seal haulouts at Rocky Point, which are about 1.5 mi (2.4 km) to the south and southwest of SLC-6. This level is sufficient to cause harbor seals to leave the beach at Point Arguello, Rocky Point, and Boathouse Flats. However, because the CCS is only 1 mile (1.6 km) from the closest haulout at Rocky Point whereas SLC-6 is approximately 2.5 mi (4.0 km) away from the nearest haulout, NMFS expects that SPLs from the launch of the Minotaur will be similar to levels expected from the Athena rocket at the Rocky Point haulout.

Because the addition of the Minotaur rocket to the launch list at Vandenberg will not result in an increase in the number of launches authorized to take pinnipeds under the LOA, NMFS does not expect additional cumulative impacts to occur and therefore, NMFS has preliminarily determined that the takes will remain small and not have more than a negligible impact on seals and sea lions at Vandenberg.

#### Monitoring and Reporting

Under an amended LOA, if issued, the 30<sup>th</sup> Space Wing would be required to

monitor the impacts of the Minotaur launches at CCS. Because this is a new launch vehicle, the 30<sup>th</sup> Space Wing would be required under the LOA to measure the noise profiles from the rocket at the time of its first launch and to monitor impacts on marine mammals at nearby active, pinniped haulouts.

#### Information Solicited

NMFS requests interested persons to submit comments, and information, concerning this request (see ADDRESSES). Issuance of a modified LOA will be based on a finding that the total takings will have no more than a negligible impact on the seal and sea lion populations off the Vandenberg coast and on the Northern Channel Islands.

Dated: August 12, 1999.

**Art Jeffers,**

*Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*

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#### DEPARTMENT OF DEFENSE

##### Office of the Secretary

##### Submission for OMB Review; Comment Request

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Title, Associated Form, and OMB Number:* Facilities Available for the Construction or Repair of Ships; SF Form 17; OMB Number 0703-0006.

*Type of Request:* Reinstatement.

*Number of Respondents:* 151.

*Responses Per Respondent:* 1.

*Annual Response:* 151.

*Average Burden Per Response:* 4.5 hours.

*Annual Burden Hours:* 680.

*Needs and Uses:* This collection of information provides the Naval Sea Systems Command (NAVSEASYS COM) and the maritime Administration with a list of facilities available for construction or repair of ships, and information utilized in a data base for assessing the production capacity of the

individual shipyards. Respondents are businesses involved in shipbuilding and/or repair.

*Affected Public:* Business or Other For-Profit.

*Frequency:* Annually.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Mr. Edward C.

Springer. Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

*DOD Clearance Officer:* Mr. Robert Cushing. Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302.

Dated: August 12, 1999.

**Patricia L. Toppings,**

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

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#### DEPARTMENT OF DEFENSE

##### Office of the Secretary

[Transmittal No. 99-26]

##### 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 P.L. 104-164 dated 21 July 1996.

**FOR FURTHER INFORMATION CONTACT:** Ms. J. Hurd, DSCA/COMPT/RM, (703) 604-6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 99-26 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: August 12, 1999.

**L.M. Bynum,**

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

BILLING CODE 5001-10-M



DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

5 AUG 1999  
In reply refer to:  
I-99/008957

Honorable J. Dennis Hastert  
Speaker of the House of  
Representatives  
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 99-26, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Spain for defense articles and services estimated to cost \$25 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

A handwritten signature in black ink, reading "MS Davison", is positioned above the typed name.

MICHAEL S. DAVISON, JR.  
LIEUTENANT GENERAL, USA  
DIRECTOR

Attachments

Same ltr to: House Committee on International Relations  
Senate Committee on Appropriations  
Senate Committee on Foreign Relations  
House Committee on National Security  
Senate Committee on Armed Services  
House Committee on Appropriations

## Transmittal No. 99-26

**Notice of Proposed Issuance of Letter of Offer  
Pursuant to Section 36(b)(1)  
of the Arms Export Control Act**

- (i) (C) **Prospective Purchaser:** Spain
- (ii) (C) **Total Estimated Value:**
- |                          |                      |
|--------------------------|----------------------|
| Major Defense Equipment* | \$ 22 million        |
| Other                    | \$ <u>3 million</u>  |
| <b>TOTAL</b>             | <b>\$ 25 million</b> |
- (iii) (C) **Description of Articles or Services Offered:** Twelve JAVELIN anti-tank missile systems (consisting of 12 JAVELIN command launch units, 226 JAVELIN missile rounds, and three lot acceptance missiles), support equipment, spare and repair parts, publications and technical data, personnel training and equipment, U.S. Government and contractor engineering and logistics personnel services, a Quality Assurance Team, and other related elements of logistics support.
- (iv) (C) **Military Department:** Army (VKU)
- (v) (C) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none
- (vi) (C) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** See Annex attached
- (vii) (C) **Date Report Delivered to Congress:** 5 AUG 1999

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

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**POLICY JUSTIFICATION****Spain - JAVELIN Anti-tank Missile Systems**

The Government of Spain (GOS) has requested a possible sale of 12 JAVELIN anti-tank missile systems (consisting of 12 JAVELIN command launch units, 226 JAVELIN missile rounds, and three lot acceptance missiles), support equipment, spare and repair parts, publications and technical data, personnel training and equipment, U.S. Government and contractor engineering and logistics personnel services, a Quality Assurance Team, and other related elements of logistics support. The estimated cost is \$25 million.

This proposed sale will contribute to the foreign policy and national security of the United States by improving the military capabilities of Spain and enhancing weapon system standardization and interoperability of this important NATO ally.

The GOS will use these JAVELIN anti-tank missile systems to enhance their anti-tank ground forces and to increase interoperability with U.S. forces. Spain will have no difficulty absorbing these systems into its armed forces.

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

The prime contractor will be JAVELIN Joint Venture (Raytheon and Lockheed Martin), Orlando, Florida. One or more proposed offset agreements may be related to this proposed sale.

Implementation of this proposed sale will require the assignment of a U.S. Government Quality Assurance Team to Spain for two weeks to assist in the delivery and deployment of the missiles. Two contractor representatives will be required for training courses during a two week period and two will be required in-country for two years to perform maintenance services.

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

**Transmittal No. 99-26****Notice of Proposed Issuance of Letter of Offer  
Pursuant to Section 36(b)(1)  
of the Arms Export Control Act****Annex  
Item No. vi****(vi) Sensitivity of Technology:**

1. The JAVELIN anti-tank missile system provides a man-portable, medium anti-tank capability to infantry, scouts, and combat engineers. JAVELIN is comprised of two major tactical components; a reusable Command Launch Unit (CLU) and a missile sealed in a disposable launch tube assembly. The CLU incorporates an integrated day/night sight and provides target engagement capability in adverse weather and countermeasure environments. The CLU may also be used in the stand-alone mode for battlefield surveillance and target detection. JAVELIN's key technical feature is the use of fire-and-forget technology which allows the gunner to fire and immediately take cover. Additional special features are the top attack and/or direct fire modes (for targets under cover), integrated day/night sight, advanced tandem warhead, imaging infrared seeker, target lock-on before launch, and soft launch from enclosures or covered fighting positions. The JAVELIN weapon system is intended to replace the DRAGON. At this time, there are no hardware differences in the missile rounds for the U.S. Army and export customers. The difference between U.S. Forces and export customers is in the missile software that is loaded into the Command Launch Unit and is downloaded to the missile prior to launch. If the software was compromised it could result in the sensitive technology being lost and reveal the performance capabilities of the JAVELIN Missile System. Reverse engineering of the software would require a substantial effort.

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

3. A determination has been made that Spain 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.