

administrative or judicial hearing; (ii) judicial review or other challenge or contest of the validity of the Agreement and Order as issued and entered; (iii) a determination by the Commission as to whether TGH failed to comply with the CPSA and its underlying regulations; (iv) a statement by the Commission of findings of fact and conclusions of law; and (v) any claims under the Equal Access to Justice Act.

21. The Commission may publicize the terms of the Agreement and Order.

22. The Agreement and Order shall apply to and be binding upon TGH and each of its successors and assigns.

23. The Commission issues the Order under the provisions of the FHSA, and a violation of the Order may subject those referenced in paragraph 22 above to appropriate legal action.

24. The Agreement may be used in interpreting the Order. Agreements, understandings, representations, or interpretations apart from those contained in the Agreement and Order may not be used to vary or to contradict their terms.

25. The Agreement shall not be waived, amended, modified, or otherwise altered without written agreement thereto executed by the party against whom such amendment, modification, alteration, or waiver is sought to be enforced.

26. If, after the effective date hereof, any provision of the Agreement and the Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Agreement and the Order, such provision shall be fully severable. The balance of the Agreement and the Order shall remain in full force and effect, unless the Commission and TGH agree that severing the provision materially affects the purpose of the Agreement and the Order.

TGH International Trading, Inc.

Dated: 7/22/09

By: \_\_\_\_\_  
Teresa Chan,  
President, TGH International Trading, Inc.,  
318 East 4th Street, Los Angeles, CA 90013.

Dated: 7/22/09

By: \_\_\_\_\_

Kam Louie, Esq.,  
301 N. Lake Avenue, Suite 800, Pasadena,  
CA 91101, Counsel for TGH International  
Trading, Inc.

U.S. Consumer Product Safety Commission  
Cheryl A. Falvey,  
General Counsel.  
Ronald G. Yelenik,  
Assistant General Counsel, Office of the  
General Counsel.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Belinda V. Bell,  
Trial Attorney, Division of Compliance,  
Office of the General Counsel.

#### Order

Upon consideration of the Settlement Agreement entered into between TGH International Trading, Inc. ("TGH") and the U.S. Consumer Product Safety Commission ("Commission") staff, and the Commission having jurisdiction over the subject matter and over TGH, and it appearing that the Settlement Agreement and Order are in the public interest, it is

Ordered that the Settlement Agreement be, and hereby is, accepted; and it is

Further Ordered that TGH shall pay a civil penalty in the amount of thirty-one thousand, five hundred dollars (\$31,500.00) in three installment payments. The first installment of twenty-one thousand five hundred dollars (\$21,500.00) shall be paid within ten (10) calendar days of service of the Commission's final Order accepting the Settlement Agreement. The second installment of five-thousand dollars (\$5,000.00) shall be paid within six (6) months of service of the Commission's final Order accepting the Settlement Agreement. The third and final installment of five-thousand dollars (\$5,000.00) shall be paid within twelve (12) months of the service of the Commission's final Order accepting the Settlement Agreement. Each payment shall be made by check payable to the order of the United States Treasury.

Upon the failure of TGH to make any of the aforementioned payments when due, the total amount of the civil penalty shall become immediately due and payable, and

interest on the unpaid amount shall accrue and be paid by TGH at the Federal legal rate of interest set forth at 28 U.S.C. 1961(a) and (b).

Provisionally accepted and provisional Order issued on the 14th day of August 2009.

By Order of the Commission.

**Todd A. Stevenson,**

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. E9-21385 Filed 9-3-09; 8:45 am]

BILLING CODE 6355-01-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal Nos. 09-20]

#### 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 09-20 with attached transmittal, policy justification, sensitivity of technology.

Dated: August 26, 2009.

**Patricia L. Toppings,**

OSD Federal Register Liaison Officer,  
Department of Defense.

BILLING CODE 5001-06-M



**DEFENSE SECURITY COOPERATION AGENCY  
201 12TH STREET SOUTH, STE 203  
ARLINGTON, VA 22202-5408**

AUG 5 2009

**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.**

**09-20, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Saudi Arabia for defense articles and services estimated to cost \$530 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,**

  
**Beth M. McCormick  
Acting Director**

**Enclosures:**

- 1. Transmittal**
- 2. Policy Justification**
- 3. Sensitivity of Technology**
- 4. Regional Balance (Classified Document Provided Under Separate Cover)**

**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. 09-20**  
**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:** Saudi Arabia
- (ii) **Total Estimated Value:**
- |                          |                      |
|--------------------------|----------------------|
| Major Defense Equipment* | \$ 19 million        |
| Other                    | <u>\$511 million</u> |
| TOTAL                    | \$530 million        |
- (iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** services to upgrade the Tactical Airborne Surveillance System (TASS) aircraft, installation of 10 AN/ARC-230 High Frequency Secure Voice/Data Systems, 25 AN/ARC-231 or 25 AN/ARC-210 Very High Frequency/Ultra High Frequency (VHF/UHF) Secure Voice/Data Systems, 4 Multifunctional Information Distribution System-Low Volume Terminals (MIDS-LVT), 4 LN-100GT Inertial Reference Units, 25 SY-100 or functional equivalent Crypto Systems, 7 SG-250 or functional equivalent Crypto Systems, 6 SG-50 or functional equivalent Crypto Systems, 10 CYZ-10 Fill Devices, modification of existing ground stations, TASS equipment trainer, mission scenario generator (simulator), and maintenance test equipment; spare and repair parts, support and test equipment, personnel training and training equipment, publications and technical documentation including flight/operator/maintenance manuals, modification/construction of facilities, U.S. Government and contractor engineering and support services and other related elements of logistics support.
- (iv) **Military Department:** Air Force (QAP)
- (v) **Prior Related Cases, if any:**  
FMS case YBW - \$45M - 19Oct90
- (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:** AUG 5 2009

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

## **POLICY JUSTIFICATION**

### **Saudi Arabia –Upgrade of Tactical Airborne Surveillance System (TASS)**

The Government of Saudi Arabia has requested services to upgrade the Tactical Airborne Surveillance System (TASS) aircraft, installation of 10 AN/ARC-230 High Frequency Secure Voice/Data Systems, 25 AN/ARC-231 or 25 AN/ARC-210 Very High Frequency/Ultra High Frequency (VHF/UHF) Secure Voice/Data Systems, 4 Multifunctional Information Distribution System-Low Volume Terminals (MIDS-LVT), 4 LN-100GT Inertial Reference Units, 25 SY-100 or functional equivalent Crypto Systems, 7 SG-250 or functional equivalent Crypto Systems, 6 SG-50 or functional equivalent, 10 CYZ-10 Fill Devices, modification of existing ground stations, TASS equipment trainer, mission scenario generator (simulator), and maintenance test equipment; spare and repair parts, support and test equipment, personnel training and training equipment, publications and technical documentation including flight/operator/maintenance manuals, modification/construction of facilities, U.S. Government and contractor engineering and support services and other related elements of logistics support. The estimated cost is \$530 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 the Middle East.

The proposed upgrade will enable the Royal Saudi Air Force (RSAF) to sustain their current capability, maintain interoperability with USAF and other coalition forces, and provide flexibility options for future growth. The upgrade will enhance the RSAF's ability to use a common architecture for efficiently communicating the gathered electronic data, within the RSAF and with other regional coalition forces.

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

The principal contractor will be L-3 Communications Integrated Systems Company in Greenville, TX. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will involve up to six U.S. government and four contractor personnel to participate in program reviews at the contractor's facility every six months. There will be approximately six contractors in Saudi Arabia providing technical assistance on a full-time basis until the system is integrated into the operational units.

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

**Transmittal No. 09-20****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 Tactical Airborne Surveillance System (TASS) modernization program updates the 1993 Royal Saudi Air Force TASS aircraft mission system and its support elements with current technology equipment and software to resolve supportability problems. The modernized mission system performs the same basic function as the 1993 system, but with the added benefits of greater speed, sensitivity, capacity, accuracy, and level of automation resulting from the use of current technology equipment. None of the technology being provided is considered latest state-of-the-art. Sensitive elements include the secure communications systems, search and location systems, signal processing systems, and databases. Classified elements include U.S. Government-provided secure communications equipment and key material, mission system software, and databases. Detailed system design information and software source code is sensitive, but will not be released to Saudi Arabia. If released, U.S. Government-provided databases will be provided on a one-time government-to-government basis. These elements are classified up to and including Secret to protect vulnerabilities, design parameters, system related data, and similar critical information.**

**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. E9-21357 Filed 9-3-09; 8:45 am]  
BILLING CODE 5001-06-C

**DEPARTMENT OF DEFENSE****Department of the Army; Corps of Engineers****Intent To Prepare a Draft Supplemental Environmental Impact Statement for the Louisiana Coastal Area (LCA)—Louisiana, Modification of Davis Pond Diversion Project**

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

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Army Corps of Engineers (USACE) intends to prepare a

supplemental environmental impact statement (EIS) for the Louisiana Coastal Area (LCA)—Louisiana, Modification of Davis Pond Diversion Project. This modification project will be designed to increase wetland restoration outputs. This supplemental EIS will be tiered off of the programmatic final EIS for the Louisiana Coastal Area (LCA)—Louisiana, Ecosystem Restoration Study, November 2004, and the final EIS for the LCA—Louisiana, Freshwater Diversion to Barataria and Breton Sound Basins Study, September 1984. The record of decision (ROD) for the programmatic final EIS was signed on November 18, 2005 and the ROD for the freshwater diversion final EIS was signed on July 16, 1987.

**DATES:** A scoping meeting is planned for October 6, 2009, see **SUPPLEMENTARY INFORMATION** section for scoping meeting location.

**FOR FURTHER INFORMATION CONTACT:**

Questions concerning the draft supplemental EIS should be addressed to Michael T. Brown, CEMVN-PM-RP, P.O. Box 60267, New Orleans, LA 70160-0267; telephone: (504) 862-1570; fax: (504) 862-2088; or by email: [michael.t.brown@usace.army.mil](mailto:michael.t.brown@usace.army.mil).

**SUPPLEMENTARY INFORMATION:**

1. *Authority.* This supplemental EIS will be tiered off of the programmatic final EIS for the LCA—Louisiana, Ecosystem Restoration Study, November 2004 and the final EIS for the LCA—Louisiana, Freshwater Diversion to