

existence and recovery of any endangered or threatened species or result in the destruction or adverse modification of critical habitat.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: June 6, 2007.

**James P. Burgess,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. E7-11192 Filed 6-12-07; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Transmittal No. 07-15]

#### 36(b)(1) Arms Sales Notification

**AGENCY:** Department of Defense, Defense Secretary 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. J. Hurd, DSCA/DBO/CFM, (703) 604-6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 07-15 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: June 7, 2007.

**C.R. Choate,**

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

**BILLING CODE 5001-06-M**



## DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2500

JUN 05 2007

In reply refer to:  
I-07/002905

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. 07-15, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Finland for defense articles and services estimated to cost \$56 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 cursive script that reads "Richard J. Miliere".

Richard J. Miliere  
Deputy Director

Enclosures:

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

## Transmittal No. 07-15

**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* | \$51 million        |
| Other                    | <u>\$ 5 million</u> |
| TOTAL                    | \$56 million        |
- (iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** 100 All-Up-Round AIM-9X SIDEWINDER Missiles, Organizational and Intermediate-Level Maintenance AIM-9X spares; Section-Level shipping missile containers, missile modifications, test sets and support equipment, spare and repair parts, publications and technical data, maintenance, personnel training and training equipment, U.S. Government and contractor representatives, contractor engineering and technical support services, and other related elements of logistics support.
- (iv) **Military Department:** Navy (AAJ)
- (v) **Prior Related Cases, if any:** FMS Case AAI - \$43 million - 13Jun06
- (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:**

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

## POLICY JUSTIFICATION

### Finland – AIM-9X Sidewinder Missiles

The Government of Finland has requested a possible sale of up to 100 All-Up-Round AIM-9X SIDEWINDER Missiles, Organizational and Intermediate-Level Maintenance AIM-9X spares; Section-Level shipping missile containers, missile modifications, test sets and support equipment, spare and repair parts, publications and technical data, maintenance, personnel training and training equipment, U.S. Government and contractor representatives, contractor engineering and technical support services, and other related elements of logistics support. The estimated cost is \$56 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 that has been and continues to be an important force for political stability and economic progress in Europe.

Finland intends to integrate the AIM-9X SIDEWINDER missile onto its existing fleet of F/A-18 aircraft. Incorporation of the missiles onto Finnish F/A-18 aircraft will significantly enhance the Air Force's current air-to-air intercept capability. Finland, which already has SIDEWINDER missiles in its inventory, will have no difficulty absorbing these items.

The prime contractor will be Raytheon Systems Corporation, Tucson, Arizona. Offset agreements associated with this proposed sale are expected, but at this time the specific offset agreements are undetermined and will be defined in negotiations between the purchaser and contractor.

Implementation of this sale will not require the assignment of any additional U. S. Government personnel in-country. However, temporary travel to Finland will be required for in-country training.

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

## Transmittal No. 07-15

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Annex  
Item No. vii

(vii) Sensitivity of Technology:

1. The AIM-9X represents a substantial increase in missile acquisition and kinematics performance over previous AIM-9 variants. The missile includes a high off bore-sight seeker, enhanced countermeasure rejection capability, low drag/high angle of attack airframe and the ability to integrate the Joint Helmet Mounted Cueing System. The software algorithms are the most sensitive portions of the AIM-9X missile. The software continues to be modified during the testing phase in order to improve its counter-countermeasures capabilities. No software source code or algorithms will be released. Sensitive and/or classified (up to Secret) elements of the AIM-9X missiles include equipment/hardware, software, and some aspects related to operational performance. Maintenance training documentation is unclassified up to and including missile sectionalization training.

2. The external view of the AIM-9X Sidewinder Missile is Unclassified and is not sensitive. The seeker/guidance and control section and the target detector are Confidential and contain sensitive state-of-the-art technology. Specifically, the infrared seeker sensitivity is a significant improvement over the previous AIM-9 variants. Manuals and technical documents for the AIM-9X that support the ability to integrate with aircraft sensors are classified up to Secret. Performance and operating logic of the counter-countermeasures circuits are Secret. The hardware, software, and data identified are classified to protect vulnerabilities, design and performance parameters and similar critical information.

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