

Issued: August 10, 2017.

**Karen H. Nies-Vogel,**

*Director, Office of Exporter Services.*

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

**In the Matter of: Jose Luis Benavides-Cira, Inmate Number: 85055-379, Great Plains Correctional Institution, P.O. Box 400, Hinton, OK 73047**

#### Order Denying Export Privileges

On November 30, 2015, in the U.S. District Court for the Southern District of Texas, Jose Luis Benavides-Cira was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C. 2778 (2012)) (“AECA”). Specifically, Jose Luis Benavides-Cira was convicted of intentionally and knowingly conspiring and agreeing with other persons to knowingly and willfully export, and cause to be exported, from the United States to Mexico defense articles designated on the United States Munitions List, namely, 5.56 caliber rifles, without the required U.S. Department of State licenses. Jose Luis Benavides-Cira was sentenced to 46 months in prison and a \$100 assessment.

Section 766.25 of the Export Administration Regulations (“EAR” or “Regulations”)<sup>1</sup> provides, in pertinent part, that “[t]he Director of the Office of Exporter Services, in consultation with the Director of the Office of Export Enforcement, may deny the export privileges of any person who has been convicted of a violation of the EAA [Export Administration Act], the EAR, or any order, license, or authorization issued thereunder; any regulation, license or order issued under the International Emergency Economic Powers Act (50 U.S.C. 1701-1706); 18 U.S.C. 793, 794 or 798; section 4(b) of the Internal Security Act of 1950 (50 U.S.C. 783(b)); or section 38 of the Arms Export Control Act (22 U.S.C. 2778).” 15 CFR 766.25(a); *see also* Section 11(h) of

the EAA, 50 U.S.C. 4610(h). The denial of export privileges under this provision may be for a period of up to 10 years from the date of the conviction. 15 CFR 766.25(d); *see also* 50 U.S.C. 4610(h). In addition, Section 750.8 of the Regulations states that the Bureau of Industry and Security’s Office of Exporter Services may revoke any Bureau of Industry and Security (“BIS”) licenses previously issued pursuant to the Export Administration Act (“EAA” or “the Act”) or the Regulations in which the person had an interest at the time of his conviction.

BIS has received notice of Jose Luis Benavides-Cira’s conviction for violating Section 38 of the AECA, and has provided notice and an opportunity for Jose Luis Benavides-Cira to make a written submission to BIS, as provided in Section 766.25 of the Regulations. BIS has not received a submission from Jose Luis Benavides-Cira.

Based upon my review and consultations with BIS’s Office of Export Enforcement, including its Director, and the facts available to BIS, I have decided to deny Jose Luis Benavides-Cira’s export privileges under the Regulations for a period of five years from the date of Jose Luis Benavides-Cira’s conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Jose Luis Benavides-Cira had an interest at the time of his conviction.

Accordingly, *it is hereby ordered:*

*First*, from the date of this Order until November 30, 2020, Jose Luis Benavides-Cira, with a last known address of Inmate Number: 85055-379, Great Plains Correctional Institution, P.O. Box 400, Hinton, OK 73047, and when acting for or on his behalf, his successors, assigns, employees, agents or representatives (“the Denied Person”), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as “item”) exported or to be exported from the United States that is subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or engaging

in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or from any other activity subject to the Regulations.

*Second*, no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

*Third*, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Jose Luis Benavides-Cira by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order in order to prevent evasion of this Order.

*Fourth*, in accordance with Part 756 of the Regulations, Jose Luis Benavides-Cira may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply

<sup>1</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730-774 (2017). The Regulations issued pursuant to the Export Administration Act (50 U.S.C. 4601-4623 (Supp. III 2015) (available at <http://uscdoe.house.gov>)) (“EAA” or “the Act”). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 4, 2016 (81 FR 52,587 (Aug. 8, 2016)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2012)).

with the provisions of Part 756 of the Regulations.

*Fifth*, a copy of this Order shall be delivered to Jose Luis Benavides-Cira, and shall be published in the **Federal Register**.

*Sixth*, this Order is effective immediately and shall remain in effect until November 30, 2020.

Issued: August 10, 2017.

**Karen H. Nies-Vogel**,

*Director, Office of Exporter Services.*

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**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-010]

#### **Certain Crystalline Silicon Photovoltaic Products From the People's Republic of China: Rescission of Antidumping Duty Administrative Review**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (the Department) is rescinding its administrative review of the antidumping duty order on certain crystalline silicon photovoltaic products from the People's Republic of China (PRC) covering the period February 1, 2016, through January 31, 2017.

**DATES:** Applicable August 17, 2017.

**FOR FURTHER INFORMATION CONTACT:** Aleksandras Nakutis, AD/CVD Operations, Office IV, Enforcement & Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3147.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On February 8, 2017, the Department published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on certain crystalline silicon photovoltaic products from the PRC.<sup>1</sup> The Department received a timely request from Shenzhen Topray Solar Co., Ltd. (Topray Solar) and SolarWorld Americas, Inc. (the petitioner), in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), to conduct an

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspend Investigation; Opportunity To Request Administrative Review*, 82 FR 9709 (February 8, 2017).

administrative review of this antidumping duty order.<sup>2</sup> On March 24, 2017, Topray Solar timely withdrew its request for an administrative review.<sup>3</sup>

On April 10, 2017, the Department published in the **Federal Register** a notice of initiation<sup>4</sup> of an administrative review with respect to 27 companies. Because Topray Solar timely withdrew its request for an administrative review before the Department published its initiation notice, the Department did not initiate an administrative review with respect to Topray Solar. On May 11, 2017, the petitioner timely withdrew its request for an administrative review of all 27 companies for which it had requested a review.<sup>5</sup>

#### **Rescission of Administrative Review**

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. Topray Solar and the petitioner withdrew their requests for review by the 90-day deadline, and no other parties requested an administrative review of this order. Therefore, we are rescinding the administrative review of the antidumping duty order on certain crystalline silicon photovoltaic products from the PRC covering the period February 1, 2016 to January 31, 2017.

#### **Assessment**

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at an amount equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days

<sup>2</sup> See Letter from Topray Solar, regarding "Crystalline Silicon Photovoltaic Products from the People's Republic of China Request for Administrative Review," dated February 27, 2017; see also Letter from the petitioner, regarding "Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Request for Administrative Review," dated February 28, 2017.

<sup>3</sup> See Letter from Topray Solar, regarding "Crystalline Silicon Photovoltaic Products from the People's Republic of China Withdrawal of Request for Administrative Review," dated March 24, 2017.

<sup>4</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 FR 17188 (April 10, 2017).

<sup>5</sup> See Letter from the petitioner, regarding "Certain Crystalline Silicon Photovoltaic Products from the People's Republic of China: Withdrawal of Administrative Review Request," dated May 11, 2017.

after the date of publication of this notice in the **Federal Register**.

#### **Notification to Importers**

This notice serves as the only reminder to importers of their responsibility, under 19 CFR 351.402(f)(2), to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement may result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### **Notification Regarding Administrative Protective Orders**

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is published in accordance with section 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: August 9, 2017.

**James Maeder**,

*Senior Director performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF EDUCATION

#### **Annual Notice of Variable Interest Rates of Federal Student Loans Made Under the Federal Family Education Loan Program Prior to July 1, 2010**

**AGENCY:** Federal Student Aid, Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** The Chief Operating Officer for Federal Student Aid announces the variable interest rates for the period July 1, 2017, through June 30, 2018, for certain loans made under the Federal Family Education Loan (FFEL) Program. The Chief Operating Officer takes this action to give notice of FFEL Program loan variable interest rates to the public.

**DATES:** This notice is applicable August 17, 2017.

**FOR FURTHER INFORMATION CONTACT:** Rene Tionguico, U.S. Department of