

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1894]

Grant of Authority for Subzone Status, Hemlock Semiconductor Corporation, (Polysilicon), Hemlock, Michigan

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for “* * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,” and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board’s regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the City of Flint, grantee of Foreign-Trade Zone 140, has made application to the Board for authority to establish a special-purpose subzone with certain manufacturing authority at the polysilicon manufacturing facility of Hemlock Semiconductor Corporation, located in Hemlock, Michigan (FTZ Docket 61–2011, filed 10–5–2011);

Whereas, notice inviting public comment has been given in the **Federal Register** (76 FR 63282, 10–12–2011; 76 FR 76934, 12–9–2011; 76 FR 81475, 12–28–2011; 77 FR 21082, 4–9–2012; 77 FR 30500, 5–23–2012) and the application has been processed pursuant to the FTZ Act and the Board’s regulations; and

Whereas, the Board adopts the findings and recommendations of the examiner’s report, and finds that the requirements of the FTZ Act and the Board’s regulations would be satisfied, and that the proposal would be in the public interest if subject to the restriction and condition below;

Now, therefore, the Board hereby grants authority for subzone status for activity related to the manufacturing of polysilicon at the facility of Hemlock Semiconductor Corporation, located in Hemlock, Michigan (Subzone 140C), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board’s regulations, including Section 400.13, and further subject to a restriction prohibiting

admission of foreign status silicon metal subject to an antidumping or countervailing duty order and to a condition that the company shall submit supplemental reporting data, as specified by the Executive Secretary, for the purpose of monitoring by the FTZ staff.

Signed at Washington, DC, this 2nd day of April 2013.

Paul Piquado,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest: _____

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2013–08230 Filed 4–9–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Andro Telemi, a/k/a Andre Telimi, a/k/a Andre Telemi; 8868 Bluffdale Drive, La Tuna Canyon, CA 91352; Order Denying Export Privileges

On November 30, 2012, in the U.S. District Court, Northern District of Illinois, Andro Telemi, a/k/a Andre Telimi, a/k/a Telemi (“Telemi”) was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C. 2778 (2006 & Supp. IV 2010)) (“AECA”). Specifically, Telemi was convicted of knowingly and willfully attempting to export from the United States to Iran, defense articles designated on the United States Munitions List, namely, 10 connector adapters, without first having obtained the required license or other approval for such export. Telemi was sentenced to five years of probation with the first six months served under home confinement, 500 hours of community service, a fine of \$10,000 and a \$100 assessment. Telemi is also listed on the U.S. Department of State Debarred List.

Section 766.25 of the Export Administration Regulations (“EAR” or “Regulations”)¹ provides, in pertinent

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2012). The Regulations issued pursuant to the Export Administration Act (50 U.S.C. app. §§ 2401–2420 (2000)) (“EAA”). Since August 21, 2001, the EAA 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 15, 2012 (77 FR 49699 (August 16, 2012)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010)).

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 Export Administration Act (“EAA”), 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. app. 2410(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. app. 2410(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 in which the person had an interest in at the time of his conviction.

I have received notice of Telemi’s conviction for violating the AECA, and have provided notice and an opportunity for Telemi to make a written submission to BIS, as provided in Section 766.25 of the Regulations. I have not received a submission from Telemi. 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 Telemi’s export privileges under the Regulations for a period of 10 years from the date of Telemi’s conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Telemi had an interest at the time of his conviction.

Accordingly, it is hereby *ordered*:

I. Until November 30, 2022, Andro Telemi, a/k/a Andre Telimi, a/k/a Andre Telemi (“Telemi”) with a last known address at: 8868 Bluffdale Drive, La Tuna Canyon, CA 91352, and when acting for or on behalf of Telemi, his representatives, assigns, agents or employees (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 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 in any other activity subject to the Regulations.

II. 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.

III. 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 Telemi by affiliation, ownership, control or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order if

necessary to prevent evasion of the Order.

IV. This Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

V. This Order is effective immediately and shall remain in effect until November 30, 2022.

VI. In accordance with Part 756 of the Regulations, Telemi 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 with the provisions of Part 756 of the Regulations.

VII. A copy of this Order shall be delivered to the Telemi. This Order shall be published in the **Federal Register**.

Issued this 2nd day of April 2013.

Bernard Kritzer,

Director, Office of Exporter Services.

[FR Doc. 2013-08274 Filed 4-9-13; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Liem Duc Huynh, a/k/a Duc Huynh, 2905 South Elm, Broken Arrow, OK 74012; Order Denying Export Privileges

On April 17, 2012, in the U.S. District Court, Central District of California, Liem Duc Huynh (“Huynh”) was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C. 2778 (2006 & Supp. IV 2010)) (“AECA”). Specifically, Huynh was convicted of aiding and abetting and willfully exporting Generation 3 Night Vision Goggles, defense articles listed on the United States Munitions List, from the United States to Vietnam, without first obtaining from the U.S. Department of State a license or written authorization for such export. Huynh was sentenced to one day of prison, (credit for time served), followed by three years of supervised release and a \$1,500 fine. Huynh is also listed on the U.S. Department of State Debarred List.

Section 766.25 of the Export Administration Regulations (“EAR” or “Regulations”)¹ provides, in pertinent

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730–774 (2012). The Regulations issued pursuant to the Export Administration Act (50 U.S.C. app. §§ 2401–2420 (2000)) (“EAA”). Since August 21, 2001, the EAA has been in lapse and the President, through

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 Export Administration Act (“EAA”), 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. app. § 2410(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. app. § 2410(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 in which the person had an interest in at the time of his conviction.

I have received notice of Huynh’s conviction for violating the AECA, and have provided notice and an opportunity for Huynh to make a written submission to BIS, as provided in Section 766.25 of the Regulations. I have not received a submission from Huynh. 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 Huynh’s export privileges under the Regulations for a period of 10 years from the date of Huynh’s conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Huynh had an interest at the time of his conviction.

Accordingly, *it is hereby Ordered*

I. Until April 17, 2022, Liem Duc Huynh (“Huynh”), with a last known address at: 2905 South Elm, Broken Arrow, OK 74012, and when acting for or on behalf of Huynh, his representatives, assigns, agents or employees (the “Denied Person”), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology

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 15, 2012 (77 Fed. Reg. 49699 (August 16, 2012)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010)).