

Dated: October 17, 2017.

**Joan M. Nagielski,**

*Human Resources Specialist, Office of Employment and Compensation, Department of Commerce Human Resources Operations Center, Office of Human Resources Management, Office of the Secretary, Department of Commerce.*

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## DEPARTMENT OF COMMERCE

### Economic Development Administration

### National Telecommunications and Information Administration

### Bureau of Industry and Security

### Membership of the Performance Review Board for EDA, NTIA and BIS

**AGENCY:** EDA, NTIA and BIS, Department of Commerce.

**ACTION:** Notice of Membership on the EDA, NTIA and BIS's Performance Review Board.

**SUMMARY:** The EDA, NTIA and BIS, Department of Commerce (DOC), announce the appointment of those individuals who have been selected to serve as members of the Performance Review Board. The Performance Review Board is responsible for (1) reviewing performance appraisals and ratings of Senior Executive Service (SES) members and Senior Level (SL) members and (2) making recommendations to the appointing authority on other performance management issues, such as pay adjustments, bonuses and Presidential Rank Awards for SES and SL members. The appointment of these members to the Performance Review Board will be for a period of twenty-four (24) months.

**DATES:** The period of appointment for those individuals selected for EDA, NTIA and BIS's Performance Review Board begins on October 20, 2017.

**FOR FURTHER INFORMATION CONTACT:** Joan Nagielski, U.S. Department of Commerce, Office of Human Resources Management, Department of Commerce Human Resources Operations Center, Office of Employment and Compensation, 14th and Constitution Avenue NW., Room 50013, Washington, DC 20230, at (202)482-6342.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 4314(c)(4), the EDA, NTIA and BIS, Department of Commerce (DOC), announce the appointment of those individuals who have been selected to serve as members of EDA, NTIA and BIS's Performance

Review Board. The Performance Review Board is responsible for (1) reviewing performance appraisals and ratings of Senior Executive Service (SES) and Senior Level (SL) members and (2) making recommendations to the appointing authority on other Performance management issues, such as pay adjustments, bonuses and Presidential Rank Awards for SES and SL members. The Appointment of these members to the Performance Review Board will be for a period of twenty-four (24) months.

*Dates:* The name, position title, and type of appointment of each member of the Performance Review Board are set forth below:

1. *Department of Commerce, Bureau of Industry and Security (BIS)*, Carol Rose, Chief Financial Officer and Director of Administration, Career SES
2. *Department of Commerce, National Telecommunications and Information Administration (NTIA)*, Paige Atkins, Associate Administrator for Spectrum Management, Career SES
3. *Department of Commerce, Economic Development Agency (EDA)*, Gregory Brown, Chief Financial Officer and Chief Administrative Officer, Career SES
4. *Department of Commerce, National Telecommunications and Information Administration (NTIA)*, Frank Freeman, Chief Administrative Officer, First Responder Network Authority, Career SES
5. *Department of Commerce, Minority Business Development Agency (MBDA)*, Christopher Garcia, Deputy Director, Noncareer SES

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

### In the Matter of: Adrian Manuel Hernandez, 3037 S. 69th Drive, Phoenix, AZ 85043; Order Denying Export Privileges

On October 13, 2015, in the U.S. District Court for the District of Arizona, Adrian Manuel Hernandez

(“Hernandez”) was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C. 2778 (2012)) (“AECA”). Specifically, Hernandez was convicted of knowingly and willfully exporting, aiding and abetting the export of, and causing to be exported from the United States to Mexico one or more firearms designated as defense articles on the United States Munition List, without the required U.S. Department of State licenses. Hernandez was sentenced to five years of probation 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/her conviction.

BIS has received notice of Hernandez's conviction for violating Section 38 of the AECA, and has provided notice and an opportunity for Hernandez to make a written submission to BIS, as provided in Section 766.25 of the Regulations. BIS

<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://uscode.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 15, 2017 (82 FR 39005 (Aug. 16, 2017)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2012)).