

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, reexport, or transfer (in-country) 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*, pursuant to section 1760(e) of ECRA and sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Santiago 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, Santiago 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.

*Fifth*, a copy of this Order shall be delivered to Santiago and shall be published in the **Federal Register**.

*Sixth*, this Order is effective immediately and shall remain in effect until October 25, 2029.

**John Sonderman,**

*Director, Office of Export Enforcement.*

[FR Doc. 2023-19679 Filed 9-11-23; 8:45 am]

**BILLING CODE 3510-DT-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### **In the Matter of: Nicholas Ayala, Inmate Number: 97331-509, FCI Edgefield, P.O. Box 725, Edgefield, SC 29824, Order Denying Export Privileges**

On November 16, 2022, in the U.S. District Court for the Southern District of Florida, Nicholas Ayala (“Ayala”) was convicted of violating 18 U.S.C. 371 and 18 U.S.C. 554. Specifically, Ayala was convicted of conspiring to smuggle various handguns and firearms from the United States to Ecuador. As a result of his conviction, the Court sentenced him to 36 months in prison, three years of supervised release, and a \$400 special assessment.

Pursuant to section 1760(e) of the Export Control Reform Act (“ECRA”),<sup>1</sup> the export privileges of any person who has been convicted of certain offenses, including, but not limited to, 18 U.S.C. 371 and 18 U.S.C. 554, may be denied for a period of up to ten (10) years from the date of his/her conviction. 50 U.S.C. 4819(e). In addition, any Bureau of Industry and Security (“BIS”) licenses or other authorizations issued under ECRA, in which the person had an interest at the time of the conviction, may be revoked. *Id.*

BIS received notice of Ayala’s conviction for violating 18 U.S.C. 371 and 18 U.S.C. 554. As provided in

<sup>1</sup>ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, and as amended is codified at 50 U.S.C. 4801-4852.

section 766.25 of the Export Administration Regulations (“EAR” or the “Regulations”), BIS provided notice and opportunity for Ayala to make a written submission to BIS. 15 CFR 766.25.<sup>2</sup> BIS has not received a written submission from Ayala.

Based upon my review of the record and consultations with BIS’s Office of Exporter Services, including its Director, and the facts available to BIS, I have decided to deny Ayala’s export privileges under the Regulations for a period of 10 years from the date of Ayala’s conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Ayala had an interest at the time of his conviction.<sup>3</sup>

Accordingly, it is hereby *ordered*:

*First*, from the date of this Order until November 16, 2032, Nicholas Ayala, with a last known address of Inmate Number: 97331-509, FCI Edgefield, P.O. Box 725, Edgefield, SC 29824, 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, reexport, or transfer (in-country) to or on behalf of the Denied

<sup>2</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730-774 (2022).

<sup>3</sup> The Director, Office of Export Enforcement, is the authorizing official for issuance of denial orders pursuant to amendments to the Regulations (85 FR 73411, November 18, 2020).

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*, pursuant to section 1760(e) of ECRA and sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to Ayala 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, Ayala 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.

*Fifth*, a copy of this Order shall be delivered to Ayala and shall be published in the **Federal Register**.

*Sixth*, this Order is effective immediately and shall remain in effect until November 16, 2032.

**John Sonderman**,  
 Director, Office of Export Enforcement.  
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**BILLING CODE 3510–DT–P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A–557–820]

**Silicon Metal From Malaysia: Preliminary Results of Antidumping Duty Administrative Review; 2021–2022**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily determines that sales of silicon metal from Malaysia were not sold in the United States at less than normal value (NV) during the period of review (POR), February 1, 2021, through July 31, 2022. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable September 12, 2023.

**FOR FURTHER INFORMATION CONTACT:** Rachel Jennings, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1110.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 19, 2021, Commerce published in the **Federal Register** an antidumping duty order on silicon metal from Malaysia.<sup>1</sup> On August 2, 2022, we published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order*.<sup>2</sup> On October 11, 2022, based on a timely request for an administrative review, Commerce initiated an administrative review with respect to PMB Silicon Sdn. Bhd (PMB Silicon).<sup>3</sup>

On April 21, 2023, Commerce extended the time limit for completing the preliminary results of this review

<sup>1</sup> See *Silicon Metal from Malaysia: Antidumping Duty Order*, 86 FR 46677 (August 19, 2021) (*Order*).

<sup>2</sup> See *Antidumping and Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List*, 87 FR 47187 (August 2, 2022).

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 87 FR 61278 (October 11, 2022).

until August 31, 2023.<sup>4</sup> For a complete description of the events between the initiation of this review and these preliminary results, see the Preliminary Decision Memorandum.<sup>5</sup>

**Scope of the Order**

The merchandise covered by the scope of this *Order* is silicon metal from Malaysia.<sup>6</sup>

**Methodology**

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying these preliminary results, see the Preliminary Decision Memorandum. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

**Preliminary Results of the Review**

We preliminarily determine that the following estimated weighted-average dumping margin exists during the period February 1, 2021, through July 31, 2022:

Exporter/producer	Weighted-average dumping margin (percent)
PMB Silicon Sdn. Bhd .....	0.00

**Verification**

As provided in section 782(i)(3) of the Act, Commerce intends to verify the information relied upon here in advance of the final results of this review.

<sup>4</sup> See Memorandum, “Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2021–2022,” dated April 21, 2023.

<sup>5</sup> See Memorandum, “Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Silicon Metal from Malaysia; 2021–2022,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

<sup>6</sup> For a complete description of the scope of the *Order*, see Preliminary Decision Memorandum.