

25). Specifically, it increases the number of positions authorized to be filled under direct-hire authority, now including Pay Band III and above, and enables FirstNet to hire, after public notice is given, any qualified applicants in the ZP career path series as defined in the Basis for CAPS Expansion section without regard to 5 U.S.C. 3309–3318, 5 CFR part 211, or 5 CFR part 337, subpart A on a limited basis.

II. Basis for CAPS Expansion

A. Purpose

CAPS is designed to provide managers at the lowest organizational level the authority, control, and flexibility to recruit, retain, develop, recognize, and motivate its workforce, while ensuring adequate accountability and oversight.

FirstNet is required to manage the deployment and maintenance of the National Public Safety Broadband Network (NPSBN) for public safety responders within statutory requirements established in the Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112–96). Every phase of the program requires FirstNet to quickly hire qualified individuals, for specialized roles, to meet the requirements imposed by the Act. FirstNet recruitment efforts, utilizing direct-hire authority, have proven successful for ZP positions in the following occupational series: 0089—Emergency Management; 0854—Computer Engineering; and 0855—Electronics Engineering. FirstNet was previously authorized to utilize direct-hire authority to fill up to 56 positions in the 0089 series and up to 21 positions in the 0850; 0854; 0855 and the 1550 series, with the total number of positions allowed to be filled under direct-hire authority to not exceed 77 positions in the ZP career path at any one time. By increasing the number of authorized ZP positions to be filled under direct-hire authority and expanding the Pay Band to include positions at the Pay Band III level and above, FirstNet will continue to recruit and compete more effectively for qualified personnel possessing technical expertise in 4G LTE wireless network and other emerging wireless network technologies and/or the development of mobile software and network architecture as well as individuals possessing technical expertise in the formulation, development, and engagement of public safety officials in planning and implementing the nationwide public safety broadband network and the programmatic requirements of the network acquisition through their

public safety experience in preventing, protecting, responding, coordinating and/or mitigating emergency events. These areas of expertise are critical in order to test, evaluate, deploy, and operate a nation-wide public safety broadband network. The number of positions in the 0089, Emergency Management series, authorized to be filled under direct-hire authority will increase from 56 positions to 89 at Pay Bands III and above. The number of positions in the following series will increase from 21 positions to 39 at Pay Bands III and above: 0850, Electrical Engineering; 0854, Computer Engineering; 0855, Electronics Engineering; and 1550, Computer Science. The use of direct-hire authority to fill these positions will not exceed 128 positions in the specified ZP career paths at any one time. FirstNet will track the number of hires made under direct-hire authority, ensuring numbers specified for the occupational series are not exceeded.

Section 3304(a)(3) of Title 5 of the United States Code, provides agencies with the authority to appoint candidates directly to jobs for which the Office of Personnel Management (OPM) determines that there is a severe shortage of candidates or a critical hiring need. In 1997, with the approval of the DoC's Demonstration Project (62 FR 67434, December 24, 1997), OPM concurred that some occupations in the ZP career path at the Pay Band III and above constitute a shortage category, and some occupations for which there is a special rate under the General Schedule pay system constitute a shortage category. Past recruitment efforts have demonstrated a critical shortage of candidates possessing specialized technical, programmatic and contract expertise in 4G Long Term Evaluation (LTE) technologies and mobile systems, as well as expertise in public safety organizational operations and infrastructure capabilities.

DoC's CAPS allows for modifications of procedures if no new waiver from law or regulation is added. Given that this expansion and modification is in accordance with existing law and regulation and CAPS is a permanent alternative personnel system, the DoC is authorized to make the changes described in this notice.

III. Changes to the Project Plan

The CAPS at DoC, originally published in the **Federal Register** on December 24, 1997 (62 FR 67434) and subsequently expanded as discussed above, Section III (80 FR 25, January 2, 2015), is modified as follows:

1. Section III Personnel System Changes, (B) Staffing: Replace the paragraph in subsection titled: "Direct-Hire Authority: Critical Shortage Occupations" to state:

DoC FirstNet uses direct-hire procedures for categories of occupations that require skills that are in short supply. The following occupations constitute a shortage category at the Pay Band III and above, in the ZP Career Path: Electronics Engineers, Electrical Engineers, Computer Engineers, Computer Scientists, and Emergency Management Specialists (Public Safety). Any positions in these categories may be filled by FirstNet through direct-hire procedures in accordance with 5 U.S.C. 3304(a)(3). DoC FirstNet advertises the availability of job opportunities in direct-hire occupations by posting on the OPM USAJOBS Web site. DoC FirstNet will follow internal direct-hire procedures for accepting applications.

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Jose Orence Cocchiola, Register Number: 02247–104, McRae Correctional Institution, P.O. Drawer 55030, McRae Helena, GA 31055; Order Denying Export Privileges

On August 19, 2014, in the U.S. District Court for the Southern District of Florida, Jose Orence Cocchiola ("Cocchiola"), was convicted of violating Section 38 of the Arms Export Control Act (22 U.S.C. 2778 (2012)) ("AECA"). Specifically, Cocchiola knowingly and willfully attempted to export defense articles, that is, 9mm pistols, from the United States to Venezuela, without having first obtained a license or written approval from the United States Department of State. Cocchiola was sentenced 36 months of imprisonment, one year of supervised release, and a \$200 assessment.

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 (2015). The Regulations issued pursuant to the Export Administration Act (50 U.S.C. 4601–4623 (Supp. III 2015) (available at <http://uscode.house.gov>)). 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 7, 2015 (80 FR 48,233 (Aug. 11, 2015)), 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. 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 in which the person had an interest in at the time of his conviction.

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

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 Cocchiola’s export privileges under the Regulations for a period of five (5) years from the date of Cocchiola’s conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Cocchiola had an interest at the time of his conviction.

Accordingly, it is hereby *ordered*:

First, from the date of this Order until August 19, 2019, Jose Orence Cocchiola, with a last known address of Register Number: 02247–104, McRae Correctional Institution, P.O. Drawer 55030, McRae Helena, GA 31055, 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 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.

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 Cocchiola 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, Cocchiola 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 the Cocchiola. This Order shall be published in the **Federal Register**.

Sixth, this Order is effective immediately and shall remain in effect until August 19, 2019.

Issued this 15 day of June 2016.

Karen H. Nies-Vogel,

Director, Office of Exporter Services.

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Ribway Airlines Company Limited, 54 Kairaba Avenue, Kanifing Municipality, WCR, The Gambia; John Edward Meadows, 50 St. Leonards Road, Bexhill on Sea, East Sussex, TN40 1JB, United Kingdom, Jeffrey John James Ashfield, 50 St. Leonards Road, Bexhill on Sea, East Sussex, TN40 1JB, United Kingdom; AC AVIATIE UK Limited, f/k/a Bin Vali Aviation Limited, 50 St. Leonard’s Road, Bexhill on Sea, East Sussex, TN40 1JB, United Kingdom, Respondents; Modification of March 1, 2016 Amended Temporary Denial Order

Pursuant to Section 766.24 of the Export Administration Regulations (the “Regulations” or “EAR”),¹ I hereby grant the request of the Office of Export Enforcement (“OEE”) to modify the Temporary Denial Order issued on January 19, 2016, as amended on March 1, 2016. OEE has requested that the

¹ The EAR are currently codified at 15 CFR parts 730–774 (2016). The EAR issued under the Export Administration Act of 1979, as amended 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 7, 2015 (80 FR 48,223 (Aug. 11, 2015)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.* (2006 & Supp. IV 2010)).