

the export privileges of any person who has been convicted of certain offenses, including, but not limited to, Section 38 of AECA, 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) (Prior Convictions). 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 Emond's conviction for violating 18 U.S.C. 554 (a) and, as provided in Section 766.25 of the Export Administration Regulations ("EAR" or the "Regulations"), has provided notice and opportunity for Emond to make a written submission to BIS. 15 CFR 766.25.<sup>2</sup> BIS has not received a submission from Emond.

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 Emond's export privileges under the Regulations for a period of five-years from the date of Emond's conviction. The Office of Exporter Services has also decided to revoke any BIS-issued licenses in which Emond 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 February 19, 2025, Luc Emond, with a last known address of 9300 Justine Street, Montreal, Quebec, H1J2P2, Canada, 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 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 (50 U.S.C. 4819(e)) and Sections 766.23 and 766.25 of the Regulations, any other person, firm, corporation, or business organization related to the Denied Person 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, the Denied Person 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 Denied Person and shall be published in the **Federal Register**.

*Sixth*, this Order is effective immediately and shall remain in effect until February 19, 2025.

**John Sonderman,**

*Director, Office of Export Enforcement.*

[FR Doc. 2023-03104 Filed 2-13-23; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-151]

#### Tin Mill Products From the People's Republic of China: Initiation of Countervailing Duty Investigation

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

**DATES:** Applicable February 7, 2023.

**FOR FURTHER INFORMATION CONTACT:** Melissa Porpotage, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1413.

#### SUPPLEMENTARY INFORMATION:

##### The Petition

On January 18, 2023, the U.S. Department of Commerce (Commerce) received a countervailing duty (CVD) petition concerning imports of tin mill products from the People's Republic of China (China) filed in proper form on behalf of Cleveland-Cliffs Inc. and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW) (collectively, the petitioners), a domestic producer of tin mill products and a certified union, which represents the workers engaged in the production of tin mill products in the United States.<sup>1</sup> The CVD petition was accompanied by antidumping duty (AD) petitions concerning imports of tin mill products from Canada, China, Germany, the Netherlands, the Republic

<sup>1</sup> See Petitioners' Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Tin Mill Products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey and the United Kingdom," dated January 18, 2023 (Petition).

Authorization Act for Fiscal Year 2019 and, as amended, is codified at 50 U.S.C. 4801-4852.

<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).

of Korea, Taiwan, the Republic of Turkey and the United Kingdom.<sup>2</sup>

On January 23 and 31, and February 6, 2023, Commerce requested supplemental information pertaining to certain aspects of the Petition.<sup>3</sup> On January 27 and February 1, 2023, the petitioners filed timely responses to these requests for additional information.<sup>4</sup>

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that the Government of China (GOC) is providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to producers of tin mill products in China and that such imports are materially injuring, or threatening material injury to, the domestic industry producing in the United States. Consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the Petition is supported by information reasonably available to the petitioners.

Commerce finds that the petitioners filed the Petition on behalf of the domestic industry because the petitioners are interested parties as defined in sections 771(9)(C) and (D) of the Act. Commerce also finds that the petitioners demonstrated sufficient industry support with respect to the initiation of the requested CVD investigation.<sup>5</sup>

### Period of Investigation

Because the Petition was filed on January 18, 2023, the period of investigation (POI) is January 1, 2022, through December 31, 2022.<sup>6</sup>

<sup>2</sup> *Id.*

<sup>3</sup> See Commerce's Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Tin Mill Products from Canada, the People's Republic of China, Germany, the Netherlands, the Republic of Korea, Taiwan, the Republic of Turkey, and the United Kingdom: Supplemental Questions," dated January 23, 2023; see also Commerce's Letter, "Petition for the Imposition of Countervailing Duties on Imports of Tin Mill Products from the People's Republic of China: Supplemental Questions," dated January 23, 2023 (General Issues Supplemental Questionnaire); Memorandum, "Phone Call with Counsel to the Petitioner," dated January 31, 2023; and Memorandum, "Phone Call with Counsel to the Petitioners," dated February 7, 2023 (Scope Memorandum).

<sup>4</sup> See Petitioners' Letters, "Petitioners' Response to Supplemental Volume I Questionnaire," dated January 27, 2023 (First General Issues Supplement); "Petitioners' Response to Supplemental Volume X Questionnaire," dated January 27, 2023; and "Petitioners' Response to Second Supplemental Questionnaire," dated February 1, 2023 (Second General Issues Supplement).

<sup>5</sup> See "Determination of Industry Support for the Petition" section, *infra*.

<sup>6</sup> See 19 CFR 351.204(b)(2).

### Scope of the Investigation

The merchandise covered by this investigation is tin mill products from China. For a full description of the scope of this investigation, see the Appendix to this notice.

### Comments on the Scope of the Investigation

On January 23 and 31, and February 6, 2023, Commerce requested information from the petitioners regarding the proposed scope to ensure that the scope language in the Petitions is an accurate reflection of the products for which the domestic industry is seeking relief.<sup>7</sup> On January 27, and February 1 and 6, 2023, the petitioners revised the scope language.<sup>8</sup> The description of merchandise covered by this investigation, as described in the appendix to this notice, reflects these clarifications.

As discussed in the *Preamble* to Commerce's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.*, scope).<sup>9</sup> Commerce will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determination. If scope comments include factual information, all such factual information should be limited to public information.<sup>10</sup> To facilitate preparation of its questionnaires, Commerce requests that all interested parties submit such comments by 5:00 p.m. Eastern Time (ET) on February 27, 2023, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on March 9, 2023, which is ten calendar days from the initial comment deadline.

Commerce requests that any factual information that the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. All scope comments must also be filed simultaneously on the

<sup>7</sup> See General Issues Supplemental Questionnaire at 3–4; see also Scope Memorandum.

<sup>8</sup> See First General Issues Supplement at 2–3 and Exhibit Supp I–S3; see also Second General Issues Supplement at 2 and Exhibit I–2S2; and Scope Memorandum.

<sup>9</sup> See *Antidumping Duties; Countervailing Duties*, 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

<sup>10</sup> See 19 CFR 351.102(b)(21) (defining "factual information").

record of the concurrent AD investigations.

### Filing Requirements

All submissions to Commerce must be filed electronically via Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS), unless an exception applies.<sup>11</sup> An electronically filed document must be received successfully in its entirety by the time and date it is due.

### Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, Commerce notified the GOC of the receipt of the Petition and provided it an opportunity for consultations with respect to the Petition.<sup>12</sup> However, the GOC did not request consultations.

### Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the "industry."

Section 771(4)(A) of the Act defines the "industry" as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute

<sup>11</sup> See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011); see also *Enforcement and Compliance: Change of Electronic Filing System Name*, 79 FR 69046 (November 20, 2014), for details of Commerce's electronic filing requirements, effective August 5, 2011. Information on using ACCESS can be found at <https://access.trade.gov/help.aspx> and a handbook can be found at [https://access.trade.gov/help/Handbook\\_on\\_Electronic\\_Filing\\_Procedures.pdf](https://access.trade.gov/help/Handbook_on_Electronic_Filing_Procedures.pdf).

<sup>12</sup> See Commerce's Letter, "Countervailing Duty Petition on Tin Mill Products from the People's Republic of China," dated January 19, 2023.

directs Commerce to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (ITC), which is responsible for determining whether “the domestic industry” has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,<sup>13</sup> they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce’s determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.<sup>14</sup>

Section 771(10) of the Act defines the domestic like product as “a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.” Thus, the reference point from which the domestic like product analysis begins is “the article subject to an investigation” (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, the petitioners do not offer a definition of the domestic like product distinct from the scope of the investigation.<sup>15</sup> Based on our analysis of the information submitted on the record, we have determined that tin mill products, as defined in the scope, constitute a single domestic like product, and we have analyzed industry support in terms of that domestic like product.<sup>16</sup>

<sup>13</sup> See section 771(10) of the Act.

<sup>14</sup> See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff’d* 865 F.2d 240 (Fed. Cir. 1989)).

<sup>15</sup> See Petition at Volume I (pages 20 and 22–25); see also First General Issues Supplement at 1 and Exhibit I–S1 (containing *Tin- and Chromium-Coated Steel Sheet from Japan*, Inv. Nos. 731–TA–860 (Preliminary), USITC Pub. 3264 (December 1999), at 5; and *Tin- and Chromium-Coated Steel Sheet from Japan*, Inv. No. 731–TA–860 (Third Review), USITC Pub. 4795 (June 2018) (*Tin Mill Products Third Review*), at 6); and Second General Issues Supplement at 1 and Exhibit I–S1 (containing *Tin- and Chromium-Coated Steel Sheet from Japan*, Inv. No. 731–TA–860 (Final), USITC Pub. 3337 (August 2000), at 5).

<sup>16</sup> For a discussion of the domestic like product analysis as applied to this case and information regarding industry support, see CVD Investigation Initiation Checklist, “Tin Mill Products from the People’s Republic of China,” dated concurrently with this notice (China CVD Initiation Checklist), at Attachment II (Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Tin Mill Products from Canada, the People’s Republic of China, Germany, the

In determining whether the petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the “Scope of the Investigation,” in the appendix to this notice. To establish industry support, the petitioners provided Cleveland-Cliffs’ production of tin mill products in 2022 and estimated the 2022 production of the remaining U.S. producers of tin mill products.<sup>17</sup> The petitioners stated that the USW represents workers accounting for all domestic production of tin mill products, and as such, the supporters of the Petition account for all U.S. production of tin mill products.<sup>18</sup> We relied on data provided by the petitioners for purposes of measuring industry support.<sup>19</sup>

On January 31, 2023, we received comments on industry support from United States Steel Corporation (U.S. Steel), a U.S. producer of tin mill products.<sup>20</sup> On February 2, 2023, the petitioners responded to the comments from U.S. Steel.<sup>21</sup>

Our review of the data provided in the Petition, the First General Issues Supplement, the Second General Issues Supplement, the Petitioners Letter, and other information readily available to Commerce indicates that the petitioners have established industry support for the Petition.<sup>22</sup> First, the Petition established support from domestic

Netherlands, the Republic of Korea, Taiwan, the Republic of Turkey and the United Kingdom).

<sup>17</sup> See Petition at Volume I (pages 5–6 and Exhibit I–5); see also First General Issues Supplement at 3–5 and Exhibit I–S4; Second General Issues Supplement at 2 and Exhibit I–2S3; and Petitioners’ Letter, “Tin Mill products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey, and the United Kingdom,” dated February 1, 2023 (Petitioners Letter).

<sup>18</sup> See Petition at Volume I (pages 2–6 and Exhibits I–5 and I–10 through I–12); see also First General Issues Supplement at 4–5.

<sup>19</sup> See Petition at Volume I (pages 2–6 and Exhibits I–5 and I–10 through I–12); see also First General Issues Supplement at 1, 3–5 and Exhibits I–S1 (containing *Tin Mill Products Third Review*) and I–S4; Second General Issues Supplement at 2 and Exhibit I–2S3; and Petitioners Letter. For further discussion, see Attachment II of China CVD Initiation Checklist.

<sup>20</sup> See U.S. Steel’s Letter, “Tin Mill Products from Canada, the People’s Republic of China, Germany, the Netherlands, the Republic of Korea, Taiwan, the Republic of Turkey, and the United Kingdom: Comments on Industry Support,” dated January 31, 2023 (U.S. Steel Letter).

<sup>21</sup> See Petitioners Letter.

<sup>22</sup> See Petition at Volume I (pages 4–6 and Exhibits I–5 and I–10 through I–12); see also First General Issues Supplement at 3–5 and Exhibits I–S1 (containing *Tin Mill Products Third Review*) and I–S4; Second General Issues Supplement at 2 and Exhibit I–2S3; U.S. Steel Letter; and Petitioners Letter. For further discussion, see Attachment II of the China CVD Initiation Checklist.

producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.*, polling).<sup>23</sup> Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.<sup>24</sup> Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.<sup>25</sup> Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.<sup>26</sup>

### Injury Test

Because China is a “Subsidies Agreement Country” within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from China materially injure, or threaten material injury to, a U.S. industry.

### Allegations and Evidence of Material Injury and Causation

The petitioners allege that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.<sup>27</sup>

The petitioners contend that the industry’s injured condition is illustrated by the significant volume of subject imports; declining market share; underselling and price depression and/or suppression; lost sales and revenues; and adverse impact on the domestic industry’s employment variables and

<sup>23</sup> See Attachment II of China CVD Initiation Checklist; see also section 702(c)(4)(D) of the Act.

<sup>24</sup> See Attachment II of the China CVD Initiation Checklist.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> See Petition at Volume I (pages 28–29 and Exhibit I–26).

profitability.<sup>28</sup> We assessed the allegations and supporting evidence regarding material injury, threat of material injury, causation, as well as negligibility, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.<sup>29</sup>

### Initiation of CVD Investigation

Based upon the examination of the Petition and supplemental responses, we find that they meet the requirements of section 702 of the Act. Therefore, we are initiating a CVD investigation to determine whether imports of tin mill products from China benefit from countervailable subsidies conferred by the GOC. Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on all of the 20 alleged programs; however, we recommend only initiating on Valued Added-Tax (VAT) Rebates on Domestically Produced Equipment and Import Tariff and VAT Exemptions on Imported Equipment in Encouraged Industries with respect to the pre-2009 period. For a full discussion of the basis for our decision to initiate on each program, see the China CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

### Respondent Selection

The petitioners named 19 companies in China as producers and/or exporters of tin mill products.<sup>30</sup> Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in this investigation. In the event that Commerce determines that the number of companies is large and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select mandatory respondents based

on U.S. Customs and Border Protection (CBP) data for U.S. imports of tin mill products from China during the POI under the appropriate Harmonized Tariff Schedule of the United States subheadings listed in the "Scope of the Investigation" in the Appendix.

### Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the GOC via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the CVD Petition to each exporter named in the CVD Petition, as provided under 19 CFR 351.203(c)(2).

### ITC Notification

Commerce will notify the ITC of its initiation, as required by section 702(d) of the Act.

### Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of tin mill products from China are materially injuring, or threatening material injury to, a U.S. industry.<sup>31</sup> A negative ITC determination will result in the investigation being terminated.<sup>32</sup> Otherwise, this CVD investigation will proceed according to statutory and regulatory time limits.

### Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of Commerce's regulations requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted<sup>33</sup> and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.<sup>34</sup> Time limits for the submission of factual information are

addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

### Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by Commerce. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301, or as otherwise specified by Commerce.<sup>35</sup> For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in a letter or memorandum of the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, standalone submission; under limited circumstances we will grant untimely filed requests for the extension of time limits. Parties should review Commerce's regulations concerning the extension of time limits and the *Time Limits Final Rule* prior to submitting factual information in this investigation.<sup>36</sup>

### Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.<sup>37</sup> Parties must use the certification formats provided in 19 CFR 351.303(g).<sup>38</sup> Commerce intends to reject factual submissions if the submitting party does not comply with

<sup>35</sup> See 19 CFR 351.302.

<sup>36</sup> See 19 CFR 351.301; see also *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013) (*Time Limits Final Rule*), available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>.

<sup>37</sup> See section 782(b) of the Act.

<sup>38</sup> See *Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also frequently asked questions regarding the *Final Rule*, available at [https://enforcement.trade.gov/lei/notices/factual\\_info\\_final\\_rule\\_FAQ\\_07172013.pdf](https://enforcement.trade.gov/lei/notices/factual_info_final_rule_FAQ_07172013.pdf).

<sup>28</sup> See Petition at Volume I (pages 25–48 and Exhibits I–3, I–5, I–9, I–19, and I–25 through I–28); see also First General Issues Supplement at 1, 7–9, and Exhibits I–S1 (containing *Tin Mill Products Third Review*), I–S5, and I–S8.

<sup>29</sup> See China CVD Initiation Checklist at Attachment III (Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Tin Mill Products from Canada, the People's Republic of China, Germany, the Netherlands, the Republic of Korea, Taiwan, the Republic of Turkey, and United Kingdom).

<sup>30</sup> See Petition at Volume I (Exhibit I–21).

<sup>31</sup> See section 703(a)(1) of the Act.

<sup>32</sup> *Id.*

<sup>33</sup> See 19 CFR 351.301(b).

<sup>34</sup> See 19 CFR 351.301(b)(2).

the applicable certification requirements.

### Notification to Interested Parties

Interested parties must submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305. Parties wishing to participate in this investigation should ensure that they meet the requirements of 19 CFR 351.103(d) (e.g., by filing the required letters of appearance). Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>39</sup>

This notice is issued and published pursuant to sections 702 and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: February 7, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### Scope of the Investigation

The products within the scope of this investigation are tin mill flat-rolled products that are coated or plated with tin, chromium, or chromium oxides. Flat-rolled steel products coated with tin are known as tinplate. Flat-rolled steel products coated with chromium or chromium oxides are known as tin-free steel or electrolytic chromium-coated steel. The scope includes all the noted tin mill products regardless of thickness, width, form (in coils or cut sheets), coating type (electrolytic or otherwise), edge (trimmed, untrimmed or further processed, such as scroll cut), coating thickness, surface finish, temper, coating metal (tin, chromium, chromium oxide), reduction (single- or double-reduced), and whether or not coated with a plastic material.

All products that meet the written physical description are within the scope of this investigation unless specifically excluded. The following products are outside and/or specifically excluded from the scope of this investigation:

- Single reduced electrolytically chromium coated steel with a thickness 0.238 mm (85 pound base box) ( $\pm 10\%$ ) or 0.251 mm (90 pound base box) ( $\pm 10\%$ ) or 0.255 mm ( $\pm 10\%$ ) with 770 mm (minimum width) ( $\pm 1.588$  mm) by 900 mm (maximum length if sheared) sheet size or 30.6875 inches (minimum width) ( $\pm 1/16$  inch) and 35.4 inches (maximum length if sheared) sheet size; with type MR or higher (per ASTM) A623 steel chemistry; batch annealed at T2  $1/2$  anneal temper, with a yield strength of 31 to 42 kpsi (214 to 290 Mpa); with a tensile strength of 43 to 58 kpsi (296 to 400 Mpa); with a chrome coating restricted to 32 to 150 mg/m<sup>2</sup>; with a chrome oxide coating restricted to 6 to 25 mg/m<sup>2</sup> with a modified 7B ground roll

finish or blasted roll finish; with roughness average (Ra) 0.10 to 0.35 micrometers, measured with a stylus instrument with a stylus radius of 2 to 5 microns, a trace length of 5.6 mm, and a cut-off of 0.8 mm, and the measurement traces shall be made perpendicular to the rolling direction; with an oil level of 0.17 to 0.37 grams/base box as type BSO, or 2.5 to 5.5 mg/m<sup>2</sup> as type DOS, or 3.5 to 6.5 mg/m<sup>2</sup> as type ATBC; with electrical conductivity of static probe voltage drop of 0.46 volts drop maximum, and with electrical conductivity degradation to 0.70 volts drop maximum after stoving (heating to 400 degrees F for 100 minutes followed by a cool to room temperature).

- Single reduced electrolytically chromium- or tin-coated steel in the gauges of 0.0040 inch nominal, 0.0045 inch nominal, 0.0050 inch nominal, 0.0061 inch nominal (55 pound base box weight), 0.0066 inch nominal (60 pound base box weight), and 0.0072 inch nominal (65 pound base box weight), regardless of width, temper, finish, coating or other properties.

- Single reduced electrolytically chromium coated steel in the gauge of 0.024 inch, with widths of 27.0 inches or 31.5 inches, and with T-1 temper properties.

- Single reduced electrolytically chromium coated steel, with a chemical composition of 0.005% max carbon, 0.030% max silicon, 0.25% max manganese, 0.025% max phosphorous, 0.025% max sulfur 0.070% max aluminum, and the balance iron, with a metallic chromium layer of 70–130 mg/m<sup>2</sup>, with a chromium oxide layer of 5–30 mg/m<sup>2</sup>, with a tensile strength of 260–440 N/mm<sup>2</sup>, with an elongation of 28–48%, with a hardness (HR-30T) of 40–58, with a surface roughness of 0.5–1.5 microns Ra, with magnetic properties of Bm (kg) 10.0 minimum, Br (kg) 8.0 minimum, Hc (Oe) 2.5–3.8, and MU 1400 minimum, as measured with a Riken Denshi DC magnetic characteristic measuring machine, Model BHU-60.

- Bright finish tin-coated sheet with a thickness equal to or exceeding 0.0299 inch, coated to thickness of  $3/4$  pound (0.000045 inch) and 1 pound (0.00006 inch).

- Electrolytically chromium coated steel having ultra flat shape defined as oil can maximum depth of  $5/64$  inch (2.0 mm) and edge wave maximum of  $5/64$  inch (2.0 mm) and no wave to penetrate more than 2.0 inches (51.0 mm) from the strip edge and coilset or curling requirements of average maximum of  $5/64$  inch (2.0 mm) (based on six readings, three across each cut edge of a 24 inches (61 cm) long sample with no single reading exceeding  $1/32$  inch (3.2 mm) and no more than two readings at  $1/32$  inch (3.2 mm)) and (for 85 pound base box item only: crossbuckle maximums of 0.001 inch (0.0025 mm) average having no reading above 0.005 inch (0.127 mm)), with a camber maximum of  $1/4$  inch (6.3 mm) per 20 feet (6.1 meters), capable of being bent 120 degrees on a 0.002 inch radius without cracking, with a chromium coating weight of metallic chromium at 100 mg/m<sup>2</sup> and chromium oxide of 10 mg/m<sup>2</sup>, with a chemistry of 0.13% maximum carbon, 0.60% maximum manganese, 0.15% maximum silicon, 0.20% maximum copper, 0.04% maximum

phosphorous, 0.05% maximum sulfur, and 0.20% maximum aluminum, with a surface finish of Stone Finish 7C, with a DOS-A oil at an aim level of 2 mg/square meter, with not more than 15 inclusions/foreign matter in 15 feet (4.6 meters) (with inclusions not to exceed  $1/32$  inch (0.8 mm) in width and  $3/64$  inch (1.2 mm) in length), with thickness/temper combinations of either 60 pound base box (0.0066 inch) double reduced CADR8 temper in widths of 25.00 inches, 27.00 inches, 27.50 inches, 28.00 inches, 28.25 inches, 28.50 inches, 29.50 inches, 29.75 inches, 30.25 inches, 31.00 inches, 32.75 inches, 33.75 inches, 35.75 inches, 36.25 inches, 39.00 inches, or 43.00 inches, or 85 pound base box (0.0094 inch) single reduced CAT4 temper in widths of 25.00 inches, 27.00 inches, 28.00 inches, 30.00 inches, 33.00 inches, 33.75 inches, 35.75 inches, 36.25 inches, or 43.00 inches, with width tolerance of  $1/8$  inch, with a thickness tolerance of 0.0005 inch, with a maximum coil weight of 20,000 pounds (9071.0 kg), with a minimum coil weight of 18,000 pounds (8164.8 kg), with a coil inside diameter of 16 inches (40.64 cm) with a steel core, with a coil maximum outside diameter of 59.5 inches (151.13 cm), with a maximum of one weld (identified with a paper flag) per coil, with a surface free of scratches, holes, and rust.

- Electrolytically tin coated steel having differential coating with 1.00 pound/base box equivalent on the heavy side, with varied coating equivalents in the lighter side (detailed below), with a continuous cast steel chemistry of type MR, with a surface finish of type 7B or 7C, with a surface passivation of 0.7 mg/square foot of chromium applied as a cathodic dichromate treatment, with coil form having restricted oil film weights of 0.3–0.4 grams/base box of type DOS-A oil, coil inside diameter ranging from 15.5 to 17 inches, coil outside diameter of a maximum 64 inches, with a maximum coil weight of 25,000 pounds, and with temper/coating/dimension combinations of: (1) CAT4 temper, 1.00/.050 pound/base box coating, 70 pound/base box (0.0077 inch) thickness, and 33.1875 inch ordered width; or (2) CAT5 temper, 1.00/0.50 pound/base box coating, 75 pound/base box (0.0082 inch) thickness, and 34.9375 inch or 34.1875 inch ordered width; or (3) CAT5 temper, 1.00/0.50 pound/base box coating, 107 pound/base box (0.0118 inch) thickness, and 30.5625 inch or 35.5625 inch ordered width; or (4) CADR8 temper, 1.00/0.50 pound/base box coating, 85 pound/base box (0.0093 inch) thickness, and 35.5625 inch ordered width; or (5) CADR8 temper, 1.00/0.25 pound/base box coating, 60 pound/base box (0.0066 inch) thickness, and 35.9375 inch ordered width; or (6) CADR8 temper, 1.00/0.25 pound/base box coating, 70 pound/base box (0.0077 inch) thickness, and 32.9375 inch, 33.125 inch, or 35.1875 inch ordered width.

- Electrolytically tin coated steel having differential coating with 1.00 pound/base box equivalent on the heavy side, with varied coating equivalents on the lighter side (detailed below), with a continuous cast steel chemistry of type MR, with a surface finish of type 7B or 7C, with a surface passivation of 0.5 mg/square foot of chromium applied as

<sup>39</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

a cathodic dichromate treatment, with ultra flat scroll cut sheet form, with CAT5 temper with 1.00/0.10 pound/base box coating, with a lithograph logo printed in a uniform pattern on the 0.10 pound coating side with a clear protective coat, with both sides waxed to a level of 15–20 mg/216 sq. in., with ordered dimension combinations of (1) 75 pound/base box (0.0082 inch) thickness and 34.9375 inch x 31.748 inch scroll cut dimensions; or (2) 75 pound/base box (0.0082 inch) thickness and 34.1875 inch x 29.076 inch scroll cut dimensions; or (3) 107 pound/base box (0.0118 inch) thickness and 30.5625 inch x 34.125 inch scroll cut dimension.

- Tin-free steel coated with a metallic chromium layer between 100–200 mg/m<sup>2</sup> and a chromium oxide layer between 5–30 mg/m<sup>2</sup>; chemical composition of 0.05% maximum carbon, 0.03% maximum silicon, 0.60% maximum manganese, 0.02% maximum phosphorous, and 0.02% maximum sulfur; magnetic flux density (Br) of 10 kg minimum and a coercive force (Hc) of 3.8 Oe minimum.

- Tin-free steel laminated on one or both sides of the surface with a polyester film, consisting of two layers (an amorphous layer and an outer crystal layer), that contains no more than the indicated amounts of the following environmental hormones: 1 mg/kg BADGE (BisPhenol—A Di-glycidyl Ether), 1 mg/kg BFDGE (BisPhenol—F Di-glycidyl Ether), and 3 mg/kg BPA (BisPhenol—A).

The merchandise subject to this investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS), under HTSUS subheadings 7210.11.0000, 7210.12.0000, 7210.50.0020, 7210.50.0090, 7212.10.0000, and 7212.50.0000 if of non-alloy steel and under HTSUS subheadings 7225.99.0090, and 7226.99.0180 if of alloy steel. Although the subheadings are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–122–869, A–570–150, A–428–851, A–580–915, A–421–816, A–583–870, A–489–848, A–412–827]

### Tin Mill Products From Canada, the People's Republic of China, Germany, the Netherlands, the Republic of Korea, Taiwan, the Republic of Turkey, and the United Kingdom: Initiation of Less-Than-Fair-Value Investigations

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

**DATES:** Applicable February 7, 2023.

**FOR FURTHER INFORMATION CONTACT:** Yang Jin Chun (Canada), Emily Halle or Samuel Frost (the People's Republic of China (China)), George McMahon or

Carolyn Adie (Germany); Jacob Saude (the Republic of Korea (Korea)), Brittany Bauer (the Netherlands), Elfi Blum (Taiwan), Alice Maldonado or Ann Marie Caton (the Republic of Turkey (Turkey)), and Charles DeFilippo (the United Kingdom), AD/CVD Operations, Offices II, V, VI, and VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5760, (202) 482–0176 or (202) 482–8180, (202) 482–1167 or (202) 482–6250, (202) 482–0981, (202) 482–3860, (202) 482–0197, (202) 482–4682 or (202) 482–2607, and (202) 482–3797, respectively.

#### SUPPLEMENTARY INFORMATION:

##### The Petitions

On January 18, 2023, the U.S. Department of Commerce (Commerce) received antidumping duty (AD) petitions concerning imports of tin mill products from Canada, China, Germany, the Netherlands, Korea, Taiwan, Turkey, and the United Kingdom, filed in proper form on behalf of Cleveland-Cliffs Inc. and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (the petitioners), a domestic producer of tin mill products and a certified union, which represents the workers engaged in the production of tin mill products in the United States.<sup>1</sup> These AD petitions were accompanied by a countervailing duty (CVD) petition concerning imports of tin mill products from China.<sup>2</sup>

On January 23 and 31, and February 6, 2023, Commerce requested supplemental information pertaining to certain aspects of the Petitions.<sup>3</sup> The petitioners filed timely responses to

<sup>1</sup> See Petitioners' Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Tin Mill Products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey, and the United Kingdom," dated January 18, 2023 (Petitions).

<sup>2</sup> *Id.*

<sup>3</sup> See Commerce's Letter, "Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Tin Mill Products from Canada, the People's Republic of China, Germany, the Netherlands, the Republic of Korea, Taiwan, the Republic of Turkey, and the United Kingdom: Supplemental Questions," dated January 23, 2023 (General Issues Supplemental Questionnaire); see also Country-Specific Supplemental Questionnaires: Canada Supplemental, China Supplemental, Germany Supplemental, Netherlands Supplemental, Korea Supplemental, Taiwan Supplemental, Turkey Supplemental, and United Kingdom Supplemental, dated January 23, 2023; Memorandum, "Phone Call with Counsel to the Petitioners," dated January 31, 2023; and Memorandum, "Phone Call with Counsel to the Petitioners," dated February 7, 2023 (Scope Memorandum).

these requests on January 27, 2023, and February 1, 2023.<sup>4</sup>

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of tin mill products from Canada, China, Germany, the Netherlands, Korea, Taiwan, Turkey, and the United Kingdom are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that imports of such products are materially injuring, or threatening material injury to, the tin mill products industry in the United States. Consistent with section 732(b)(1) of the Act, the Petitions are accompanied by information reasonably available to the petitioners supporting their allegations.

Commerce finds that the petitioners filed the Petition on behalf of the domestic industry, because the petitioners are interested parties, as defined in sections 771(9)(C) and (D) of the Act.<sup>5</sup> Commerce also finds that the petitioners demonstrated sufficient industry support for the initiation of the requested AD investigations.<sup>6</sup>

#### Periods of Investigations

Because the Petitions were filed on January 18, 2023, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) for the Canada, Germany, Netherlands, Korea, Taiwan, Turkey, and United Kingdom AD investigations is January 1, 2022, through December 31, 2022. Because China is a non-market economy (NME) country, pursuant to 19 CFR 351.204(b)(1), the POI for the China AD investigation is July 1, 2022, through December 31, 2022.

#### Scope of the Investigations

The products covered by these investigations are tin mill products from Canada, China, Germany, Korea, the Netherlands, Taiwan, Turkey, and the United Kingdom. For a full description of the scope of these investigations, see the appendix to this notice.

<sup>4</sup> See Petitioners' Country-Specific Supplemental Responses, dated January 27, 2023; see also Petitioner's Letters, "Tin Mill Products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey, and the United Kingdom/ Petitioners' Response to Supplemental Volume I Questionnaire," dated January 27, 2023 (General Issues Supplement); and "Tin Mill Products from Canada, China, Germany, Netherlands, South Korea, Taiwan, Turkey, and the United Kingdom/ Petitioners' Response to Second Supplemental Questionnaire," dated February 1, 2023 (Second General Issues Supplement).

<sup>5</sup> See Petitions at Volume I (pages 1–4).

<sup>6</sup> See *infra*, at section on "Determination of Industry Support for the Petitions."