

should cover NdFeB magnets. In addition, electric vehicles and wind turbines might be procured by state or local governments or with state or local funding, and such content requirements could expand to these purchases. Domestic content requirements could mirror those of defense applications, which already have non-Chinese content requirements, and thereby include U.S. allies. Ensuring that requirements are structured to include magnets produced by U.S. allies is important to guarantee U.S. Government demand is adequately supported. To minimize disruption to U.S. procurement, content requirements can be phased-in and waived if insufficient quantities of eligible NdFeB magnets are available.

Consumer Rebates

Consumer rebates are another mechanism to incentivize the domestic production of NdFeB magnets. The Department recommends that the Administration develop and implement a tax rebate for consumers who purchase electric vehicles that are certified to contain U.S. or U.S. ally origin content. This rebate would help compensate automobile manufacturers for the increased cost of using domestic or ally produced NdFeB magnets. Such a rebate need not be limited to NdFeB magnets but could include U.S. or U.S. ally origin content batteries as well.

9.4.4 Support Medium- to Long-Term Industry Development and Resiliency Research Into Reducing the Use of Rare Earth Elements

The Department recommends that the Administration continue to fund research that seeks to reduce rare earth element content, and especially heavy rare earth element content, in NdFeB magnets, develop NdFeB magnet substitutes, and avoid the use of magnets, including NdFeB magnets, in end-use products. This includes support for research on MQ3 magnets, which could reduce or eliminate heavy rare earth contents, more efficient NdFeB magnets, potential non-NdFeB magnets such as iron-nitride magnets, and assemblies that obviate the need for NdFeB magnets in applications such as electric vehicle motors and wind turbine generators.⁴⁰¹ Reducing rare earth element content would help alleviate projected rare earth shortages and increase supply chain resiliency by reducing dependence on China.

⁴⁰¹ [TEXT REDACTED]. Meeting between Turntide Technologies and the Department of Commerce, (Virtual Meeting, February 17, 2022).

Human Capital Development

The Department recommends that the Administration use applicable programs to support the development of human capital as required by the nascent U.S. NdFeB magnet industry. The collapse of the U.S. NdFeB magnet industry in the 1990s hollowed out industry-specific knowledge and skills, such that the United States' stock of NdFeB magnet-related human capital is limited. Current and potential domestic producers indicated that finding qualified and experienced manufacturing engineers and scientists is an important constraint on their operations. Some firms also indicated that finding qualified and experienced production line workers is an issue. The U.S. Government, state governments, and local authorities should work with industry, labor, and educational institutions to develop skills relevant to NdFeB magnet production by creating and expanding training programs and scholarships. For example, the Department of Labor's Employment and Training Administration funding opportunities, such as the Strengthening Community Colleges Training Grant, could be used to establish and enhance educational programs that teach NdFeB magnet-related skills.⁴⁰²

In addition, eligible entities should be encouraged to apply for the Economic Development Administration's Public Works and Economic Adjustment Assistance programs.⁴⁰³ For example, higher education institutions or local governments in distressed communities (including coal communities) could apply for grants to develop and strengthen training facilities related to NdFeB magnet manufacturing, such as materials science.⁴⁰⁴ Supporting the development of human capital related to the NdFeB magnet value chain would help grow a robust domestic NdFeB magnet industry and by extension enhance the resiliency of end-use product supply chains, including

⁴⁰² For current Employment and Training Administration funding opportunities, see "Funding Opportunities," U.S. Department of Labor, n.d., <https://www.dol.gov/agencies/eta/grants/apply/find-opportunities>.

⁴⁰³ See "PWEAA2020 FY 2020 EDA Public Works and Economic Adjustment Assistance Programs Including CARES Act Funding," *Grants.gov*, last modified April 1, 2022, <https://www.grants.gov/web/grants/view-opportunity.html?oppld=321695>.

⁴⁰⁴ Some planned NdFeB magnet industry participants are located in areas that may qualify as distressed communities, while others are situated in places that could qualify as coal communities, such as Kentucky and Tennessee. Training facilities in these areas could be particularly useful for developing a local pipeline for talent.

electric vehicles and offshore wind turbines.

9.4.5 Continue To Monitor the NdFeB Magnet Value Chain

The Department recommends that the Administration continue to monitor the NdFeB magnet value chain to ensure that U.S. and ally firms are not adversely impacted by non-market factors or unfair trade actions, such as intellectual property violations or dumping. As previously discussed, the U.S. NdFeB magnet industry disappeared in the 1990s and early 2000s in part because of Chinese policies such as tax rebates and subsidies as well as intellectual property infringement. To ensure that the nascent U.S. NdFeB magnet industry survives, the U.S. Government should remain cognizant of the health of the industry and the effects of Chinese competition. The Department and the Supply Chain Trade Task Force should periodically assess the health of the U.S. and global NdFeB magnet value chain to determine whether additional actions should be undertaken to counterbalance non-market factors or unfair trade practices.

Thea D. Rozman Kendler,
Assistant Secretary for Export Administration.

[FR Doc. 2023-03078 Filed 2-13-23; 8:45 am]

BILLING CODE 3510-33-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

In the Matter of: Luc Emond, 9300 Justine Street, Montreal, Quebec, H1J2P2, Canada; Order Denying Export Privileges

On February 19, 2020, in the U.S. District Court for the Northern District of New York, Luc Emond ("Emond") was convicted of violating 18 U.S.C. 554(a). Specifically, Emond was convicted of knowingly and willfully attempting to smuggle from the U.S. to Canada, a Sig Sauer P228 pistol kit and a AR-15 300 AAC 7.5" pistol kit, which were designated as defense articles on the United States Munitions List, without first obtaining the required license or written authorization from the Department of State. As a result of his conviction, the Court sentenced Emond to 10 months in prison, a fine of \$3,000, and a \$100 special assessment.

Pursuant to Section 1760(e) of the Export Control Reform Act ("ECRA"),¹

¹ ECRA was enacted on August 13, 2018, as part of the John S. McCain National Defense

Continued

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 766.25.² 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.³

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]

BILLING CODE 3510-DT-P

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.¹ The CVD petition was accompanied by antidumping duty (AD) petitions concerning imports of tin mill products from Canada, China, Germany, the Netherlands, the Republic

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

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

³ 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).

¹ 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).