

heating of the batteries have never been implemented for a by-product battery. Furthermore, enough physical space to install potential additional new equipment may not be feasible. This poses obstacles and engineering challenges for any new add-on equipment, which could include construction of a new battery combustion stack.⁵

- Changes to the underfiring system requires coke battery outages, during which purchased natural gas is needed to keep the battery hot. All coke production would cease; and battery refractory brick and other equipment could suffer unanticipated damage, which takes more time and expense to correct.
- Limited available physical space within coke oven battery areas requires vertical construction, adding complexity and time to all related construction, and may be infeasible altogether.
- Retrofitting additional controls on mobile pushing emission control devices involves unique engineering challenges compared to non-mobile sources, this type of retrofit is not commercially available.

III. An Exemption is in the National Security Interests of the United States

The impact of the Coke Rule is far-reaching and undermines U.S. national security interests given that metallurgical coke is an essential raw material input for the integrated iron and steel industry, which is an industry critical to national security interests of the U.S. The Coke Ovens Rule will have far-reaching consequences, given that the American iron and steel industry is the backbone of the nation's defense and transportation industries and is critical to national security. Steel is one of the most important building materials in America and an essential component for all types of buildings, transportation infrastructure, and military hardware. Currently, approximately 70% of steel produced globally is made using metallurgical coke, a high-quality fuel and reductant used in blast furnaces to separate iron from iron ore to make steel.⁶ A strong, competitive coke and steel manufacturing industry is vital to building and maintaining critical infrastructure and military readiness.

The U.S. Department of Commerce recognized that domestic steel production is essential for national security applications which it indicated encompasses transportation systems, the electric power grid, water systems, and energy generation systems in its report summarizing the findings of an investigation conducted by the Department of Commerce pursuant to Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. § 1862 ("Section 232")), into the effect of imports of steel mill products ("steel") on the national security of the United States.⁷ In a 2021 Congressional Research Service Report on U.S. Steel Manufacturing: National Security

⁵ *Id.*

⁶ See R. Nolan, *Build Back Better with America's Met Mines* (May 20, 2021) <https://mining.org/2021/05/20/met-coal-steel-mill-structure/>

⁷ See U.S. Department of Commerce Bureau of Industry and Security Office of Technology Evaluation, *The Effect of Imports of Steel on the National Security Report, Report by the January 11, 2018*, https://www.commerce.gov/sites/default/files/the_effect_of_imports_of_steel_on_the_national_security_-_with_redactions_-_20180111.pdf