

# TRADE LAW UPDATE



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December 2022

## HIGHLIGHTS FROM DECEMBER

### [Petition Summary: Gas Powered Pressure Washers from China and Vietnam](#)

On December 29, 2022, FNA Group, Inc. (“FNA Group”), known as (“Petitioners”), filed a petition for the imposition of antidumping duties on imports of Gas Powered Pressure Washers from China and Vietnam and countervailing duties from China.

### [Department of Commerce Sets Deadlines for Certifications in Solar Panels Anti-Circumvention Case Regarding Cambodia, Malaysia, Thailand and Vietnam](#)

On December 8, 2022, the Department of Commerce published its anti-circumvention preliminary determination with respect to the four Southeast Asian countries named above. The publication of the preliminary determination triggers the effective date of the certification process for importers to obtain exemptions from antidumping and/or countervailing duties for imports of solar panels. Any entity which is an importer need to be aware of specific provisions of the Federal Register notice.

## U.S. DEPARTMENT OF COMMERCE DECISIONS

### Investigations

- Certain Lemon Juice From the Republic of South Africa: On December 23, 2022, Commerce issued its final affirmative [determination](#) of sales at less than fair value.
- Certain Steel Nails From Thailand: On December 23, 2022, Commerce issued its final affirmative [determination](#) of sales at less than fair value.
- Certain Steel Nails From Sri Lanka: On December 23, 2022, Commerce issued its final negative [determination](#) of sales at less than fair value.
- Certain Steel Nails From the Republic of Turkey: On December 23, 2022, Commerce issued its final affirmative [determination](#) of sales at less than fair value.
- Certain Steel Nails From India: On December 23, 2022, Commerce issued its final affirmative [determination](#) of sales at less than fair value.

- Certain Lemon Juice From Brazil: On December 23, 2022, Commerce issued its final affirmative [determination](#) of sales at less than fair value.

## Administrative Reviews

- Corrosion-Resistant Steel Products From the People's Republic of China: On December 5, 2022, Commerce issued its final [results](#) of the antidumping duty administrative review (2020-2021).
- Certain Carbon and Alloy Steel Cut-to-Length Plate From the Republic of Korea: On December 6, 2022, Commerce issued its final [results](#) of countervailing duty administrative review (2020).
- Certain Carbon and Alloy Steel Cut-To-Length Plate From Italy: On December 8, 2022, Commerce issued its final [results](#) of antidumping duty administrative review and final determination of no shipments (2020-2021).
- Ripe Olives From Spain: On December 9, 2022, Commerce issued its final [results](#) of antidumping duty administrative review and final determination of no shipments (2020-2021).
- Certain Carbon and Alloy Steel Cut-to-Length Plate From Belgium: On December 9, 2022, Commerce issued its final [results](#) of antidumping duty administrative review (2020-2021).
- Polyethylene Terephthalate Resin From the Sultanate of Oman: On December 9, 2022, Commerce issued its final [results](#) of antidumping duty administrative review (2020-2021).
- Circular Welded Carbon Steel Standard Pipe and Tube Products From Turkey: On December 9, 2022, Commerce issued its final [results](#) of antidumping duty administrative review and final determination of no shipments (2020-2021).
- Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) From India: On December 12, 2022, Commerce issued its final [results](#) of countervailing duty administrative review (2020).
- Certain Frozen Warmwater Shrimp From India: On December 13, 2022, Commerce issued its notice of court decision not in harmony with the final results in the antidumping duty administrative review; notice of amended final [results](#).
- Finished Carbon Steel Flanges From India: On December 15, 2022, Commerce issued its final [results](#) of countervailing duty administrative review (2020).
- Glycine From India: On December 15, 2022, Commerce issued its final [results](#) of countervailing duty administrative review (2020).
- Circular Welded Carbon-Quality Steel Pipe From the United Arab Emirates: On December 16, 2022, Commerce issued its notice of court decision not in harmony with the results of antidumping duty administrative review; notice of amended final [results](#).
- Narrow Woven Ribbons With Woven Selvedge From the People's Republic of China: On December 16, 2022, Commerce issued its notice of court decision not in harmony with final results of the 2016 countervailing duty administrative review; notice of amended final [results](#).
- Certain Steel Nails From the Sultanate of Oman: On December 22, 2022, Commerce issued its final [results](#) of antidumping duty administrative review (2020-2021).
- Hydrofluorocarbon Blends From the People's Republic of China: On December 22, 2022, Commerce issued its final [results](#) of antidumping duty administrative review (2020-2021).
- Certain Softwood Lumber Products From Canada: On December 22, 2022, Commerce issued its notice of amended final [results](#) of countervailing duty administrative review (2020).
- Glycine From Japan: On December 23, 2022, Commerce issued its final [results](#) of antidumping duty administrative review (2020-2021).
- Finished Carbon Steel Flanges From India: On December 29, 2022, Commerce issued its final [results](#) of countervailing duty administrative review (2020); correction.
- Large Diameter Welded Pipe From Canada: On December 29, 2022, Commerce issued its final [results](#) of antidumping duty administrative review (2020-2021).

## Changed Circumstances Reviews

- Silicomanganese From India: On December 6, 2022, Commerce issued its final [results](#) of antidumping duty changed circumstances review.

- Certain Frozen Warmwater Shrimp From India: On December 23, 2022, Commerce issued its notice of final [results](#) of antidumping duty changed circumstances review.

## Sunset Reviews

- Stainless Steel Sheet and Strip in Coils From the Republic of Korea: On December 2, 2022, Commerce issued its final [results](#) of expedited sunset review of the countervailing duty order.
- Stainless Steel Sheet and Strip in Coils From Japan, the Republic of Korea, and Taiwan: On December 2, 2022, Commerce issued its final [results](#) of expedited fourth sunset review of antidumping duty orders.
- Paper Clips From the People's Republic of China: On December 28, 2022, Commerce issued its final [results](#) of the expedited fifth sunset review of the antidumping duty order.
- Certain Steel Nails From the United Arab Emirates: On December 29, 2022, Commerce issued its final [results](#) of the expedited second sunset review of the antidumping duty order.
- Certain Large Diameter Carbon and Alloy Seamless Standard, Line and Pressure Pipe From Japan: On December 29, 2022, Commerce issued its final [results](#) of the expedited sunset review of the antidumping duty order.
- Stilbenic Optical Brightening Agents From People's Republic of China and Taiwan: On December 29, 2022, Commerce issued its final [results](#) of sunset reviews and revocation of order.

## Scope Ruling

- Aluminum Extrusions From the People's Republic of China: On December 29, 2022, Commerce issued its notice of court decisions not in harmony with final scope ruling and notice of amended final scope [rulings](#) pursuant to court decisions.

## Circumvention

- Certain Vertical Shaft Engines Between 99cc and Up To 225cc, and Parts Thereof, From the People's Republic of China: On December 16, 2022, Commerce issued its affirmative final [determination](#) of circumvention of the antidumping and countervailing duty orders 60cc up to 99cc engines.

## U.S. INTERNATIONAL TRADE COMMISSION Section 701/731 Proceedings

### Investigations

- There are no investigation updates for the month of December

### Section 337 Proceedings

- Certain Power Inverters and Converters, Vehicles Containing the Same, and Components Thereof: On December 13, 2022, the ITC issued its notice of a commission determination to review in part an, on review, affirm a final initial [determination](#) finding no violation of Section 337; termination of review.
- Certain Wearable Electronic Devices With ECG Functionality and Components Thereof: On December 30, 2022, Commerce issued its notice of the commission's final [determination](#) finding a violation of Section 337; issuance and suspension of a limited exclusion order and a cease and desist order; termination of investigation.



## U.S. CUSTOMS & BORDER PROTECTION

### [EAPA Case 7740: LE North America JV, LLC](#)

On December 20, 2022, CBP commenced a formal EAPA investigation against LE North America JV, LLC doing business as (dba) LE Surfaces (collectively, the Importer). CBP is investigating whether the Importer evaded antidumping and countervailing duty orders on quartz surface products (QSP) from the People's Republic of China. CBP has found that reasonable suspicion exists that the Importer entered covered merchandise into the customs territory of the United States through evasion, and therefore CBP has imposed interim measures.

### [EAPA Case Number 7699: C.I.S. Investments, LLC](#)

On December 20, 2022, CBP reached a determination of C.I.S. Investments, LLC d/b/a Triangle Metals ("CIS" or "Importers") entered merchandise covered by antidumping and countervailing duty orders on forged steel fittings ("FSF") from the People's Republic of China. CBP has determined that there is substantial evidence that importer entered merchandise covered by the antidumping and countervailing duty orders into the United States through evasion.

### [EAPA Case 7675: Acmetex Inc., New Fire Co. Ltd.](#)

On December 27, 2022, CBP reached a determination of whether Acmetex, Inc. (Acmetex) and/or New Fire Co., Ltd. (New Fire) entered merchandise covered by antidumping and countervailing duty orders on amorphous silica fabric (silica fabric) from the People's Republic of China. CBP has determined that there is substantial evidence that importer Acmetex entered merchandise covered by antidumping and countervailing duty orders by importing silica fabric from China into the United States by means of evasion through Canada without paying relevant antidumping and countervailing duties. CBP has also determined that there is not substantial evidence that importer New Fire entered covered merchandise into the United States through evasion.

## COURT OF INTERNATIONAL TRADE Summary of Decisions

### [Goodluck India Ltd. v. United States, Slip Op. 22-133](#)

The Court of International Trade denied the U.S. Government's motion to partially dismiss Goodluck's appeal under Section 1581(i) jurisdiction. The key question in the case is the rate at which Goodluck's entries should be assessed for liquidation purposes given that Goodluck was not subject to the antidumping duty order at the time the third administrative review of the antidumping duty order on cold-drawn mechanical tubing from India was initiated. Goodluck filed its appeal citing both 1581(c) and (i) jurisdiction. The Court found that due to the fact that the appeal did not arise from an underlying administrative determination by Commerce such that 1581(c) jurisdiction does not attach but since the agency determination still involves the enforcement of the antidumping duty laws, there is no other subsection other than Section 1581(i) that would have been available. The case will now proceed on its merits.

### [Saha Thai Steel Pipe Public Co. v. United States, Slip Op. 22-134](#)

The Court ruled in favor of Saha Thai and remanded the case to Commerce to reverse its use of adverse facts available in the 2018-2019 administrative review of the antidumping duty order on carbon steel pipes and tubes from Thailand where Saha Thai was the sole mandatory respondent. In the administrative proceeding Commerce resorted to AFA on the grounds that Saha Thai had failed to report certain sales of dual-stenciled pipe because at the time the administrative review was in process there was a parallel scope inquiry that ultimately determined that dual-stenciled pipe was included within the scope of the order. The Court found that Commerce had failed to provide notice to Saha Thai on the purported deficiencies in its questionnaire responses and sales databases and improperly assigned total facts available in the final results of review. The Court found that "Commerce had an obligation to notify Saha Thai of the

alleged deficiencies” and that the law “requires respondents to be diligent, not clairvoyant.” On remand, the Court instructed Commerce to provide an adequate explanation and “ensure that it properly complies with the notice requirement” should it wish to continue to rely on AFA.

#### [Nexteel Co. v. United States, Slip Op. 22-135](#)

The Court affirmed Commerce’s finding that no particular market situation existed in its review of the antidumping duty order on welded line pipe from Korea. On remand, there were two other issues associated with Commerce’s analysis of Nexteel’s costs. First, the court accepted Commerce’s decision to recalculate the reported costs without making adjustments for non-prime products which resulted in the use of respondent’s actual costs to calculate constructed value. Given that no party objected to Commerce’s recalculation, the court sustained Commerce’s recalculation. Second, the court remanded Commerce’s decision with respect to the costs of Nexteel’s suspended production line costs for further explanation and support.

#### [Z.A. Sea Foods Private Limited v. United States, Slip Op. 22-136](#)

The Court upheld Commerce’s remand redetermination in the final results of administrative review on frozen warmwater shrimp from India. On remand Commerce used plaintiff’s Vietnamese sales as the basis for normal value and as the comparison market for U.S. sales after dropping its reliance on an Enforce and Protect Act proceeding to initially reject the third-country sales as a viable market for comparison purposes. In the underlying administrative review, Commerce had initially rejected the use of plaintiff’s sales to Vietnam as a comparison and relied upon constructed value. On remand, Commerce found that there was not sufficient evidence to support its finding that ZASF’s sales to Vietnam were unusable and reversed its determination.

#### [Cooper \(Kunshan\) Tire Co. v. United States, Slip Op. 22-137](#)

In a reversal of recent Court decisions which rejected the use of adverse facts available for the respondent’s purported use of China’s Export Buyer’s Credit Program, the court upheld Commerce’s use of AFA for Cooper on the basis that the Commerce was not given non-use certifications that was essential to verifying the non-use of the EBCP program. The court had originally remanded the case to Commerce to provide a detailed explanation of all the steps the agency took to verify non-use. After going through point by point each of the court’s questions, Commerce continued to use AFA based upon the Chinese Government’s failure to offer information on the program coupled with the fact that the respondents did not submit certifications of non-use from their U.S. customers.

#### [Yama Ribbons & Bows Co. v. United States, Slip Op. 22-138](#)

The court affirmed Commerce’s remand redetermination in the 2016 administrative review of the countervailing duty order on narrow woven ribbons with woven selvedge from China. Commerce found that the plaintiff and the Chinese Government had not provided sufficient information on the record related to its purchases of synthetic yarn and caustic soda and determined that both these inputs were provided by the Chinese Government for less than adequate remuneration. Additionally, Commerce in the administrative proceeding had applied adverse inferences with respect to China’s Export Buyer’s Credit Program. On remand, Commerce provided additional support and explanation for its determination that the plaintiff purchased the two key inputs for LTAR but dropped the finding that Yama received benefits from the EBCP. On remand, Commerce focused on the specificity requirement in the statute and evaluated new information which enabled it to determine that prices for the inputs were significantly distorted due to the fact that the inputs were provided below cost.

#### [Universal Tube and Plastic Industries, Ltd. v. United States, Slip Op. 22-139](#)

The Court affirmed Commerce’s remand redetermination where it granted plaintiff’s level of trade adjustment in the antidumping duty administrative review of the antidumping duty order on circular welded carbon-quality steel pipe from the UAE. Commerce originally determined that there was only a single level of trade but on appeal the Court had



remanded the issue to Commerce to address plaintiff's arguments because Commerce had failed to fully examine the sales to unaffiliated customers and the sales made through affiliated resellers to determine whether or not they were at different levels of trade. In its remand redetermination, Commerce re-examined the evidence and found that there were in fact two levels of trade and granted a level of trade adjustment which was then affirmed by the Court.

[MS Solar Investments v. United States, Slip Op. 22-140](#)

The Court dismissed MS Solar's challenge to Commerce's liquidation instructions in the 2012-2013 administrative review of solar panels from China on the grounds that since the case was based upon the final results of administrative review it should have been brought under Section 1581(c) jurisdiction and not Section 1581(i). The Court stated that the underlying issue was the result of an error on the record of the administrative review that affected the final results and is not an error in the liquidation instructions or in Custom's application of those instructions. The case was dismissed without prejudice.

[Building Systems de Mexico, S.A. de C.V. v. United States, Slip Op. 22-141](#)

On December 13, 2022, the Court affirmed Commerce's remand results in the antidumping duty investigation on fabricated structural steel from Mexico. In the Court's remand instructions, Commerce was required to further explain the methodology used to calculate profit for constructed value for plaintiff and also to explain its reasoning for resorting to adverse facts available related to an unreportable sale. On remand, Commerce further clarified its reasoning for using plaintiff's home market sales as the basis for the calculation of CV profit and the Court found that given the agency's discretionary authority on how it determines what constitutes the best sources of information to calculate constructed value the explanation provided was sufficient.

[Virtus Nutrition LLC v. United States, Slip Op. 22-142](#)

The court dismissed a challenge seeking the release of goods which were excluded arising from forced labor concerns. The final release did not include plaintiff's proposed condition that Customs permit the goods to be reexported. The court ruled that the temporary agreement and release did not provide a basis to include the proposed stipulation. Virtus had imported goods from Malaysia which Customs barred from entry while it examined the supply chain to determine if there were forced labor concerns. The products were held under a Withhold Release Order that barred entry. The court held that the storage agreement does not automatically provide for a basis for the re-export stipulation and therefore does not guarantee Plaintiff the right to re-export the merchandise but provides for either the re-export or destruction of the detained goods.

[Worldwide Door Components, Inc., v. United States, Slip Op. 22-143](#)

[Columbia Aluminum Products, LLC, v. United States, Slip Op. 22-144](#)

In two parallel cases, the Court upheld Commerce's remand redetermination that excludes the plaintiffs door thresholds from the scope of the antidumping and countervailing duty orders on aluminum extrusions from China. In an earlier order the Court found that the remand that had been submitted by Commerce was not judicially reviewable, but this time around After previously remanding the decision for not being submitted in a form that was judicially reviewable, this time the court found that the agency has made a scope decision "in a form the court is able to sustain." In its remand redetermination after re-examining the record, Commerce excluded the door thresholds under the finished merchandise exclusion.

### [Diamond Tools Technology LLC v. United States, Slip Op. 22-145](#)

The court found that Customs improperly found that plaintiff, Diamond Tools, made “material and false” statements in an Enforce and Protect Act finding. The court ruled that Customs determination was inconsistent with the statute as plaintiff had classified its merchandise based upon the guidance it had available to it at the time of entry. The court found that neither Customs final evasion determination or the remand results provided an “adequate explanation” of the basis for Customs’ findings. The case was remanded twice to Customs and each time the court instructed Customs to support its findings with further explanation. During the course of the EAPA investigation, Commerce issued a scope ruling that found that plaintiff’s sawblades which were made using Chinese origin cores and segments which were then assembled in Thailand were subject to the orders but that sawblades which used Thai cores and segments were outside the scope. The court again remanded the matter to Customs to issue a decision that was consistent with the court’s decision that plaintiff relied on Commerce’s directive in entering the goods given that plaintiff filled out the entry documents in a way that tracked exactly Commerce’s issues and decision memorandum and therefore does not constitute a material and false statement or omission.

### [JA Solar International, Ltd., v. United States, Slip Op. 22-146](#)

The court in reviewing an appeal of the fifth antidumping duty administrative review on crystalline silicon photovoltaic cells from Taiwan, found that Commerce had improperly excluded certain sales of cells from respondent’s antidumping duty margin on the basis that the respondent did not have knowledge as to whether the goods ultimately ended up in the United States. The primary issue in the case focusses on Commerce’s “knowledge test” where it determines who made the first sale to the United States with knowledge that the goods were ultimately destined for the United States. The reason for this test is that Commerce is trying to determine which entity is actually “dumping”. In the underlying administrative review Commerce did not include sales from the exporter to JA Solar in its analysis on the basis that the exporter did not have knowledge that the merchandise was ultimately destined to the United States. The court disagreed and remanded the issue back to Commerce to examine all the evidence to determine who had actual knowledge. In its remand, Commerce relied on the final sales contract which in the agency’s view did not state the ultimate destination. The court remanded the case again to Commerce instructing the agency to examine all record evidence and to “address whether the record demonstrates” that the exporter “had reason to know that the United States was the ultimate destination for the subject merchandise.

### [Amsted Rail Co. v. United States International Trade Commission, Slip Op. 22-147](#)

The court denied an injunction pending appeal because the plaintiff’s appeal to the Federal Circuit had not yet been noticed and furthermore the plaintiffs failed to show a “strong showing of success on the merits” sufficient to show that they will suffer irreparable harm without the injunction. The motion for injunction stems from the challenge to a disqualify the domestic industry attorneys from the proceedings at the ITC on the grounds that they were involved in a prior injury investigation.

### [Risen Energy Co., Ltd., v. United States, Slip Op. 22-148](#)

On December 20, 2022, the Court upheld Commerce’s remand redetermination in the 2017-2018 administrative review of the antidumping duty order on solar cells from China. The case challenged the use of certain surrogate values for the calculation of normal value and the use of adverse facts available. On remand, the agency modified its surrogate value calculations with respect to silver paste and the valuation of backsheets. Commerce also reversed its earlier decision to resort to adverse facts available and on remand chose to utilize partial facts available based upon the fact that Risen and the other respondent had put forth its maximum effort to fully participate in the review. As a result, the Court found that Commerce’s remand was supported by substantial evidence and was in accordance with law and upheld the remand results.

### [Seneca Foods Corp. v. United States, Slip Op. 22-149](#)

The Court denied U.S. Steel Corp.'s motion to intervene in a challenge brought by Seneca Foods with respect to the Department of Commerce's denial of Section 232 exclusion requests. The court found that the Federal Circuit's recent decision in *California Steel Industries v. U.S.*, is established precedent which states that under the Court of International Trade's rules there is no right to intervene because the intervenor does not have a legally protectable interest in denials of exclusion requests.

### [Linyi Chengen Import and Export Co. v. United States, Slip Op. 22-150](#)

The court remanded the case to Commerce for the fifth time finding that Commerce does not have the authority to calculate the all-others rate in antidumping duty administrative reviews by taking a simple average of a de minimis rate and an adverse facts available rate. The challenge stems from the antidumping duty investigation on hardwood plywood from China where Linyi had a de minimis rate of 0.00% and the other respondent received an AFA rate of 114.72% which Commerce then simple averaged to calculate an all-others rate of 57.36% instead of weight-averaging the rates as it normally does. On remand, Commerce continued to rely on a simple average methodology on the basis that it did not have sufficient information to use an alternative method. The court did not accept the agency's reasoning and specifically instructed the court to not submit the same rate again "without new, substantial evidence in support."

### [Fujian Yinfeng Imp & Exp Trading Co. v. United States, Slip Op. 22-151](#)

The court sustained the Department of Commerce's selection of Brazil instead of Malaysia as the surrogate country to value inputs of pine and fir sawn wood in the antidumping duty investigation on wood moldings and millwork from China. After examining the record, the court found that Commerce had sufficiently supported its reasoning for the selection of Brazil and the selection of the Brazilian financial statements. The court found that Commerce's finding that the data from Brazil being superior due to the fact that it was complete, was publicly available, contemporaneous, and specific to each input.

### [Valeo North America, Inc. v. United States, Slip Op. 22-152](#)

The court remanded Commerce's scope determination finding that plaintiff's T-series aluminum sheet was within the scope of the antidumping and countervailing duty orders on aluminum sheet from China. The court ruled that Commerce did not support its inclusion of unregistered aluminum alloys with substantial evidence. A key issue in the case was whether plaintiff's proprietary alloy core that is not a 3XXX-series core was within the scope. The court found that Commerce's decision was not in accordance with law as it relied on a declaration as evidence to support its interpretation of what was within scope.

### [Coalition for Fair Trade in Hardwood Plywood, et al. v. United States, Slip Op. 22-153](#)

The Court upheld Commerce's final results in the 2017-2018 administrative review of the antidumping duty order on hardwood plywood from China. The court affirmed all six issues in the appeal which included the calculation of normal value based upon respondents' actual inputs, the selection of surrogate values for log inputs, labor formaldehyde, the selection of appropriate financial statements, and whether the plaintiff's brief raised new arguments with new information. A secondary concern in the case was whether Commerce correctly decided not to verify Linyi Chengen due to the travel restrictions resulting from the COVID-19 pandemic. The court found that Commerce's decision not to verify was reasonable.

### [Aluminum Extrusions Fair Trade Committee v. United States, Slip Op. 22-154](#)

The Court granted plaintiff's motion for a preliminary injunction related to its challenge to the Enforce and Protect Act finding reversing its earlier finding that Kingtom Aluminio had evaded antidumping and countervailing duties on aluminum extrusions from China by transshipping them through the Dominican Republic. The court granted plaintiff's



injunction on the basis that it had sufficiently demonstrated that it would be “immediately and irreparably” harmed if liquidation was not barred until the litigation had ended given that it had a fair chance of success on the merits. The court made this determination because there were several cases concerning the same merchandise where Customs had asked for a voluntary remand or reversed its decision.

#### [Yama Ribbons and Bows Co. v. United States, Slip Op. 22-157](#)

The court affirmed Commerce’s use of adverse facts available with respect to the plaintiff’s use of China’s Export Buyer’s Credit Program and the assignment of the 10.54% rate in the 2017 administrative review of the countervailing duty order on narrow woven ribbons and woven selvedge from China. The decision is a shift from prior Court decisions ruling against the use of adverse inferences for the EBCP program. The court affirmed the use of AFA because it found that there was not sufficient information provided by the Chinese government on the use of program for this specific administrative review period but did question whether Commerce’s methodology for picking the rate and instructed Commerce on remand to “explain, specifically, why it considers the rate it chooses to be appropriate.

## **COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

There are no updates on the Court of Appeals for the Federal Circuit for the Month of December.

## **EXPORT CONTROLS & ECONOMIC SANCTIONS**

#### [BIS Adds 35 Chinese Entities to Entity List for Supporting China’s Military Modernization Efforts and Nine Russian Entities for Failure to Complete Satisfactory End-Use Checks](#)

On December 16, 2022, the U.S. Commerce Department’s Bureau of Industry and Security (“BIS”) published a rule adding 35 entities from China and one entity from Japan to the Entity List for supporting China’s military modernization efforts, human rights violations, and risk of diversion. These designations follow BIS’s advanced computing and semiconductor export controls unveiled in October 2022, which are designed to severely curtail China’s ability to access advanced technologies and utilize artificial intelligence to modernize its military and commit human rights abuses.

#### [OFAC Continues to Take Aim at Russia’s Financial Sector with More SDN Designations](#)

On December 15, 2022, the Office of Foreign Assets Control (“OFAC”) added 18 entities in Russia’s financial services sector to the Specially Designated Nationals and Blocked Persons List (“SDN List”). The US State Department concurrently designated Vladimir Potanin, one of the richest men in Russia.

#### [BIS Adds 24 New Entities and Removes One from Entity List and Extends Deadline for Comments to New Semiconductor Rules](#)

On December 8, 2022, the Department of Commerce’s Bureau of Industry and Security (“BIS”) issued a notice in the Federal Register adding 24 entities under 26 entries and removing one entity from the Entity List. The entities are from Latvia, Pakistan, Russia, Singapore, Switzerland, and the United Arab Emirates.