recalculated in the First Remand Redetermination.

The CAFC subsequently issued a decision in *Thai I–Mei Frozen Foods Co., Ltd.* v. *United States,* 616 F.3d 1300 (CAFC 2010), upholding the Department's exclusion of sales made outside the ordinary course of trade in determining CV profit pursuant to the third alternative. On September 7, 2011, the Court again remanded this case to the Department.[13] The Court held that the Second Remand Redetermination did not satisfy the profit cap requirement contained in section 773(e)(2)(B)(iii) of the Act.[14] The Court found the Department's construction of the statute to be unreasonable because, according to the Court, only a ''strained reading'' of the statute could restrict the profit cap calculation to data from respondents that experienced a profit over a significant period of time.[15] Additionally, the Court held that the profit cap calculation was not supported by the record because the Department's calculation ignored data from home market sales ''that were material and probative of the general conditions in the home market of Italy affecting the profitability of domestic pasta producers operating there.'' [16] The Court therefore directed the Department to submit a redetermination that complies with section 773(e)(2)(B)(iii) of the Act and specifically incorporates a lawfully-determined profit cap that is in accordance with all directives and conclusions set forth in its opinion.

Pursuant to the Court's remand order in *Atar III,* the Department revised the calculation of Atar's CV profit rate, the profit cap, and Atar's CV ISE. Specifically, the Department: (1) Calculated Atar's CV ISE rate by weight-averaging the ISE rates of all six of the eighth-review respondents; (2) calculated the CV profit rate by weight-averaging data from all six of the eighth-review respondents' home market sales that were made within the ordinary course of trade; and (3) only for purposes of the Third Remand Redetermination and under protest calculated the CV profit cap using the weighted-average data from all six of the eighth-review respondents' home market sales that were made both within and outside the ordinary course of trade.[17] In the Third Remand Redetermination, the Department calculated a revised dumping margin for Atar of 11.76 percent.[18] The CIT affirmed the Department's Third Remand Redetermination on July 31, 2012.[19]

Timken Notice

In its decision in *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the CAFC held that, pursuant to section 516A(c) of the Act, the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's judgment in *Atar IV* on July 31, 2012, affirming the Department's decision in the Third Remand Redetermination constitutes a final decision of that court that is not in harmony with the Department's *Final Results.* This notice is published in fulfillment of the publication requirements of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

Amended Final Results

Because there is now a final court decision, the weighted-average dumping margin for Atar for the period July 1, 2004, through June 30, 2005, is 11.76 percent. However, in accordance with the Section 129 Determination, Atar's cash deposit rate is 0.00 percent.[20] The Department will instruct U.S. Customs and Border Protection (CBP) to collect cash deposits for Atar at the rate indicated.

In the event the CIT's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct CBP to assess antidumping duties on entries of the subject merchandise during the POR from Atar based on the revised assessment rates calculated by the Department.

This notice is issued and published in accordance with sections 516A(c), 751(a), and 777(i)(1) of the Act.

Dated: August 8, 2012.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

[FR Doc. 2012–19954 Filed 8–14–12; 8:45 am]

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[13] *Atar III.*

[14] *Atar III,* 791 F. Supp. 2d at 1380.

[15] *Atar III,* 791 F. Supp. 2d at 1376.

[16] *Atar III,* 791 F. Supp. 2d at 1377.

[17] *See Third Remand Redetermination* at 20–21.

[18] *See* Third Remand Redetermination at 21.

[19] *See Atar IV.*

[20] *See Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act: Stainless Steel Plate in Coils From Belgium, Steel Concrete Reinforcing Bars From Latvia, Purified Carboxymethylcellulose From Finland, Certain Pasta From Italy, Purified Carboxymethylcellulose From the Netherlands, Stainless Steel Wire Rod From Spain, Granular Polytetrafluoroethylene Resin From Italy, Stainless Steel Sheet and Strip in Coils From Japan,* 77 FR 36257, 36258 (June 18, 2012) (*Section 129 Determination*).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–814]

Certain Carbon Steel Butt-Weld Pipe Fittings From the People's Republic of China: Notice of Court Decision Not in Harmony With Amended Final Scope Ruling and Notice of Amended Final Scope Ruling in Accordance With Court Decision

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On March 27, 2012, in *King Supply Co. LLC* v. *United States,* 674 F.3d 1343 (Fed. Cir. Mar 27, 2012) (''*King Supply III''*), the U.S. Court of Appeals for the Federal Circuit (''CAFC'') reversed the decision of the U.S. Court of International Trade (''CIT'') in *King Supply Co. LLC* v. *United States,* Slip Op. 11–2, Court No. 09–477 (January 06, 2011) (''*King Supply II''*). In *King Supply II,* pursuant to the CIT's remand order, the Department of Commerce's (''Department'') results of redetermination construed the scope of the *Order* [1] as excluding carbon steel butt-weld pipe fittings from the People's Republic of China (''PRC'') used in structural applications. In *King Supply III,* the CAFC, reversing the CIT, held that: (1) The Department in its original scope ruling reasonably determined that the scope of the *Order* did not give rise to an end use restriction, (2) the Department's original scope ruling was supported by substantial evidence, and (3) the CIT gave insufficient deference to the Department in interpreting the Order. 674 F.3d at 1345, 1349, 1350–51. As there is now a final and conclusive court decision with respect to the litigation pertaining to this proceeding, we are hereby publishing the final scope ruling that pipe fittings imported by King Supply are within the scope of the order and amending our January 26,

[1] *See Antidumping Duty Order and Amendment to the Final Determination of Sales at Less Than Fair Value; Certain Carbon Steel Butt-Weld Pipe Fittings From the People's Republic of China,* 57 FR 29702 (July 6, 1992) (''*Order*'').

2011, amended final scope ruling consistent with the CAFC decision.[2]

DATES: *Effective Date:* August 15, 2012.

FOR FURTHER INFORMATION CONTACT: Matthew Renkey, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2312.

SUPPLEMENTARY INFORMATION: On July 13, 2009, the Department issued a final scope ruling on carbon steel butt-weld pipe fittings from the PRC used in structural applications.[3] In the Final Scope Ruling, the Department found that carbon steel butt-weld pipe fittings from the PRC used in structural applications were covered by the *Order* because they met the physical description of subject merchandise.[4]

In *King Supply Co. LLC* v. *United States,* Slip Op. 10–111, Court No. 09–00477 (September 30, 2010) (''*King Supply I*''), the CIT determined that the scope language of the Order contains an end-use element that results in the exclusion of pipe fittings used to join sections in structural applications from the *Order.* Therefore, the CIT ordered the Department to issue a scope determination that construes the scope of the *Order* as excluding carbon steel butt-weld pipe fittings used in structural applications.[5] On December 1, 2010, the Department issued its final results of redetermination pursuant to *King Supply I.* Pursuant to the remand order in *King Supply I,* we construed the scope of the *Order* as excluding carbon steel butt-weld pipe fittings used only in structural applications. The CIT sustained the Department's scope redetermination on January 6, 2011.[6]

As noted above, the CAFC subsequently reversed the CIT's decision in *King Supply II,* and found that it was reasonable for the Department to have read the scope language at issue as not constituting an end-use restriction, such that King's imported pipe fittings are within the scope of the order.

[2] *See* Memorandum from Edward C. Yang, Senior NME Coordinator to John M. Andersen, Acting Deputy Assistant Secretary, Final Scope Ruling: Antidumping Duty Order on Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China, dated October 20, 2009 (''Final Scope Ruling''); *see also Carbon Steel Butt-Weld Pipe Fittings From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision,* 76 FR 4633 (January 26, 2011).

[3] *See* Final Scope Ruling.

[4] *See* Final Scope Ruling, at 6.

[5] *See King Supply I,* at 3.

[6] *See King Supply II.*

Amended Final Scope Ruling

In accordance with the CAFC's decision in *King Supply Co. LLC* v. *United States,* pipe fittings imported by King Supply are within the scope of the order. Accordingly, the Department will instruct U.S. Customs and Border Protection to continue to suspend entries of carbon steel butt-weld pipe fittings from the PRC used only in structural applications at the cash deposit rates currently in effect.

This notice is issued and published in accordance with section 516A(c)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.225.

Dated: August 3, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2012–19956 Filed 8–14–12; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–878]

Saccharin From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Rescission in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: August 15, 2012.

SUMMARY: On April 12, 2012, the U.S. Department of Commerce (''the Department'') published the preliminary results of the administrative review of the antidumping duty order on saccharin from the People's Republic of China (''PRC'') for the period of review (''POR'') July 1, 2010, through June 30, 2011.[1] We invited interested parties to comment on the preliminary results but received no comments. Therefore, our final results remain unchanged from the preliminary results of review.

FOR FURTHER INFORMATION CONTACT: Paul Stolz, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4474.

SUPPLEMENTARY INFORMATION:

Background

On April 12, 2012, the Department published the preliminary results of this administrative review in the **Federal Register**. In these results, we preliminarily determined to rescind the review with respect to Kingchem LLC (''Kingchem''). We also preliminarily determined that four companies did not demonstrate that they were entitled to a separate rate. We invited parties to comment on the preliminary results but received no comments or requests for a hearing.

[1] *See Saccharin From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Intent To Rescind in Part,* 77 FR 21966 (April 12, 2012) (''*Preliminary Results*'').

Period of Review

The period of review is July 1, 2010 through June 30, 2011.

Scope of the Order

The product covered by the antidumping duty order is saccharin. Saccharin is defined as a non-nutritive sweetener used in beverages and foods, personal care products such as toothpaste, table top sweeteners, and animal feeds. It is also used in metalworking fluids. There are four primary chemical compositions of saccharin: (1) Sodium saccharin (American Chemical Society Chemical Abstract Service (''CAS'') Registry 128–44–9); (2) calcium saccharin (CAS Registry 6485–34–3); (3) acid (or insoluble) saccharin (CAS Registry 81–07–2); and (4) research grade saccharin. Most of the U.S.-produced and imported grades of saccharin from the PRC are sodium and calcium saccharin, which are available in granular, powder, spray-dried powder, and liquid forms. The merchandise subject to the order is currently classifiable under subheading 2925.11.00 of the Harmonized Tariff Schedule of the United States (''HTSUS'') and includes all types of saccharin imported under this HTSUS subheading, including research and specialized grades. Although the HTSUS subheading is provided for convenience and customs purposes, the Department's written description of the scope of the order remains dispositive.

Final Results

Rescission in Part

In the preliminary results of this review the Department stated that it intended to rescind this review with respect to Kingchem, for which the request for review was timely withdrawn.[2] Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the day of publication of notice of initiation of the requested review. The aforementioned request for review was withdrawn within the 90-day period.

[2] *See Preliminary Results,* 77 FR at 21967.