

and granted deadline extensions. In spite of this, LaPerle did not provide the Department with enough information to support its position that the related parties should not be collapsed. In addition, it did not consolidate all information for the respondent entity, including information for its related home market firms as outlined in our questionnaire. Therefore, we have determined that LaPerle significantly impeded the proceeding and, in accordance with section 776(c) of the Tariff Act, we have based our final results regarding LaPerle and its related entities on BIA.

*Comment 2:* LaPerle states that if the Department continues to use BIA for the final results of review, it should use a second-tier BIA rate since LaPerle was a cooperative respondent. To support its argument LaPerle refers to Stainless Steel Wire Rods from Brazil (58 FR 68862, 1993), where the Department applied a less adverse rate because the respondent was cooperative.

The petitioner in its rebuttal comments states that the Department should reject this claim for the same reason as it did in the 1992-93 review. The petitioner asserts that, as in that review, absent a consolidated response from LaPerle and its related entities, the Department would not be able to reach a determination of the amount of dumping engaged in by LaPerle and its related concerns, and thus that LaPerle did not fully cooperate with the Department.

*Department's Position:* Despite LaPerle's responses, the respondent entity's response was inadequate. Therefore, we have concluded that the respondent entity "refused to cooperate \* \* \* or otherwise significantly impeded" the review. (See *Allied-Signal Aerospace Co. v. United States*, 996 F.2d 1185 (Fed. Cir. 1993)). Accordingly, the application of first-tier BIA is appropriate because LaPerle impeded the proceeding by failing to provide to the Department the information necessary to conduct the review and by failing to provide support for its position that LaPerle should not be collapsed with the 14 other companies during the period of review.

#### Final Results of the Review

As a result of our review, we determine that the following weighted-average margins exist, and have been applied based on relationship and/or failure to respond, for the period March 1, 1991 through February 29, 1992:

Manufacturer/Producer/Exporter	Margin percent
LaPerle .....	9.80
Pentiction .....	9.80
Titan .....	9.80
Associated .....	9.80

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisal instructions on each exporter directly to the Customs Service.

Because the Department has already completed the review for the period March 1, 1992, through February 28, 1993, the cash deposit requirement for merchandise subject to the order will not be changed by these final results, except in the case of the two companies related to LaPerle that were not assigned cash deposit rates in the review covering the next annual period. For these two companies, the Department will instruct Customs to collect cash deposits at the rate applicable to LaPerle in this review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: February 8, 1995.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

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#### Export Trade Certificate of Review

**ACTION:** Notice of issuance of an amended export trade certificate of review, application No. 89-2A001.

**SUMMARY:** The Department of Commerce has issued an amendment to the Export Trade Certificate of Review granted to the Air-Conditioning & Refrigeration Institute ("ARI") on May 10, 1991. Notice of issuance of the Certificate was published in the **Federal Register** on May 21, 1991 (56 FR 23284).

**DATES:** July 13, 1994.

**FOR FURTHER INFORMATION CONTACT:** W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482-5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR Ch. III Part 325 (1994).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

#### Description of Amended Certificate

Export Trade Certificate of Review No. 89-00010 was issued to the Air-Conditioning & Refrigeration Institute ("ARI") on May 10, 1991 (56 FR 23284, May 21, 1991), and previously amended on July 6, 1992 (57 FR 30956, July 13, 1992).

ARI's Export Trade Certificate of Review has been amended to:

1. add the following companies as "Members" within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2 (1)): American Thermaflo; Cryogel; Danfoss Automatic Controls; Doucette Industries, Inc.; Herrmidifier Company, Inc.; Hoshizaki America, Inc.; MDI Major Diversities, Inc.; Manchester Tank and Equipment Company; Uniflow Manufacturing Company; and Witt;
2. delete the following company as a "Member" of the Certificate: Hupp Industries, Inc.;
3. change the listing of the company name of the following current "Members" as follows: Change Airmax,