

the preliminary determination to be consistent with the approach used in the less than fair value investigation. As provided in section 776(c) of the Act, the Secretary shall use BIA whenever: a party or any other person (1) refuses or is unable to produce information in a timely manner and in the form required, or (2) otherwise significantly impedes an investigation.

The purpose of BIA is not to punish. It is an investigative tool entrusted to the Department by Congress which encourages "respondents to provide the Department with requested information in a timely, complete, and accurate manner, so that the investigating authority may determine antidumping margins within statutory deadlines." *Rhone Poulenc v. United States*, 899 F.2d 1185 (Fed. Cir. 1990).

In this review, sampled kiwifruit grower number 21 refused to respond to our COP questionnaire. We note that while the respondent claims it has no control over the many growers in New Zealand, it did state that all growers were required by New Zealand law to export through the NZKMB during this POR. The NZKMB is, therefore a related party to the growers, and each of the growers may be held accountable for adequate cooperation in these proceedings. See *Koyo Seiko v. United States*, 96-1116, Court of Appeals for the Federal Circuit. (August 12, 1996). Accordingly, we are required to assign to this grower a cost based on BIA.

In determining what to use as BIA, we generally followed the precedent established in the less-than-fair-value (LTFV) investigation. See *Final Results of Sales at Less Than Fair Value: Fresh Kiwifruit from New Zealand*, 57 Fed Reg. 13695, 133696 (April 17, 1992). In this case, we used as BIA, the highest calculated per unit COP for a responding grower in the same region as grower number 21. Since costs in the different growing regions tend to differ, we determined that using the highest COP from the same region as the non-responding grower would yield a reasonably adverse BIA.

Final Results of Review

As a result of comments received and programming errors corrected, we have revised our preliminary results.

Manufacturer/exporter	Margin
New Zealand Kiwifruit Marketing Board	0.00%

The Customs Service shall assess antidumping duties on all appropriate

entries. Individual differences between U.S. price and FMV may vary from the percentage stated above. The Department will issue appraisal instructions concerning the respondent directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided for by section 751(a)(1) of the Act: (1) the cash deposit rate for the reviewed firm will be 0.00 percent; and (2) the cash deposit rate for merchandise exported by all other manufacturers and exporters who are not covered by this review will be the "all others" rate of 98.60 percent established in the less-than-fair-value investigation in accordance with Department practice. See *Floral Trade Council v. United States*, 822 F. Supp. 766 (CIT) 1993, and *Federal Mogul Corporation v. United States*, 822 F. Supp. 782 (CIT 1993).

These deposit requirements shall remain in effect until publication of the final results of the next administrative review. This notice serves as the 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 order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of the APO is a sanctionable violation.

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

Dated: September 27, 1996.
Barbara R. Stafford,
Acting Assistant Secretary for Import Administration.

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National Institute of Standards and Technology

Establishment of the Manufacturing Extension Partnership National Advisory Board

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice of establishment of the Manufacturing Extension Partnership National Advisory Board.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2, and the General Services Administration (GSA) rule on Federal Advisory Committee Management, 41 CFR Part 101-6, the Secretary of Commerce has determined that the establishment of the Manufacturing Extension Partnership (MEP) National Advisory Board (the "Board") is in the public interest in connection with the performance of duties imposed on the Department by law.

The Board will advise the Director of the National Institute of Standards and Technology (NIST) on MEP plans, programs, and policies.

The Board will consist of nine members appointed by the Director of NIST and its membership will be balanced to represent the views and needs of customers, providers, and others interested in industrial extension throughout the United States.

The Board will function solely as an advisory body, in compliance with the provisions of the Federal Advisory Committee Act.

DATES: The charter will be filed under the Act, fifteen days from the date of publication of this notice.

ADDRESSES: Manufacturing Extension Partnership Program, National Institute of Standards and Technology, Gaithersburg, MD 20899.

FOR FURTHER INFORMATION CONTACT: Linda Acierto, Manufacturing Extension Partnership, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone: 301-975-5020.

Authority: Federal Advisory Committee Act: 5 U.S.C. App. 2 and General Services Administration Rule: 41 CFR Part 101-6.

Dated: September 30, 1996.

Samuel Kramer,
Associate Director.

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