

advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>).

FOR FURTHER INFORMATION CONTACT: Jeffrey R. Whieldon, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2580.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR § 210.10 (1997).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on May 29, 1998, *Ordered That*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain organic photoconductor drums or products containing the same by reason of infringement of claim 1 of U.S. Letters Patent 4,680,246 or claims 1, 2, 3, 5, or 7 of U.S. Letters Patent 4,396,696, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—

Mitsubishi Chemical Corporation 5-2, Marunouchi, 2-chome, Chiyoda-ku, Tokyo 100 Japan
Mitsubishi Chemical America, Inc., One North Lexington Avenue, White Plains, New York 10601

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

AEG Elektrofotografie GmbH, Emil-Siepmann-Strasse 40, D-59581 Warstein, Germany
AEG Photoconductor Corp., 27 Kiesland Court, Hamilton, Ohio 45015-1375
Dainippon Ink & Chemicals, Inc., DIC Building 3-7-20, Nihonbashi, Chuo-ku, Tokyo 103, Japan

DIC Trading (USA), Inc., 222 Bridge Plaza South, Fort Lee, New Jersey 07024

Fuji Electric Co., Ltd., Shinjuku Koyama Bldg., 30-3, Yoyogi 4-chome, Shibuya-ku, Tokyo 151, Japan

Fuji Denki, Hong Kong Fuji Denki Plant 8 Dai Fu Street Tai Po, Industrial Estate N.T. Hong Kong

U.S. Fuji Electric, Inc., 240 Circle Drive North, Piscataway, New Jersey 08854
Shindengen Electric Manufacturing Co., Ltd., Ikebukuro Bldg., 13-23, 1-chome, Minami-Ikebukuro, Toshima-ku, Tokyo 171, Japan

Lumphun Shindengen Co., Ltd., Northern Region Industrial Estate, 105 M00 4 Bangland, Muang, Lumphun 51000 Thailand

Shindengen America, Inc., 2649 Townsgate Road, Suite 200, Westlake Village, California 91361

Sinonar Corp., 8 Prosperity Road 1, Science-Based Industrial Park, Hsinchu, Taiwan

Yamanashi Electronics Co., Ltd., 1014, Miyaharacho, Kofu, YMA 400 Japan

(c) Jeffrey R. Whieldon, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Room 401-H, Washington, D.C. 20436, shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Sidney Harris is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d) and 210.13(a) of the Commission's Rules, such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may

result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: May 29, 1998.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 98-14865 Filed 6-3-98; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

President's Advisory Board on Race

ACTION: President's Advisory Board on Race; Notice of meeting.

SUMMARY: The President's Advisory Board on Race will meet on June 18, 1998 at the White House Conference Center, 726 Jackson Place, NW, Washington, DC. The Advisory Board will meet from 9:30 a.m. until approximately 12:00 p.m. to discuss and analyze information that has been gathered during the course of the year.

The public is welcome to attend the Advisory Board meeting on a first-come, first-seated basis. Members of the public may also submit to the contact person, any time before or after the meeting, written statements to the Board. Written comments may be submitted by mail, telegram, facsimile, or electronic mail, and should contain the writer's name, address and commercial, government, or organizational affiliation, if any. The address of the President's Initiative on Race is 725 17th Street, NW, Washington, DC 20503. The electronic mail address is <http://www.whitehouse.gov/Initiatives/OneAmerica>.

FOR FURTHER INFORMATION CONTACT: Comments or questions regarding this meeting may be directed to Randy D. Ayers, (202) 395-1010, or via facsimile, (202) 395-1020.

Dated: June 1, 1998.

Randy D. Ayers,
Executive Officer.

[FR Doc. 98-14896 Filed 6-3-98; 8:45 am]

BILLING CODE 4410-13-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 151-98]

Privacy Act of 1974; Notice of New System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to establish a new system of records to be

maintained by the Federal Bureau of Investigation (FBI).

The National Instant Criminal Background Check System (NICS) JUSTICE/FBI-018, is a new system of records for which no public notice consistent with the provision of 5 U.S.C. 552a(e)(4) and (11) has been published.

In the rules section of today's **Federal Register**, the Department of Justice provides a proposed rule exempting the NICS from certain provisions of the Privacy Act, as well as proposed rules to establish policies and procedures for operating the system, ensuring the privacy and security of the NICS, and implementing its alternative access and appeal provisions.

In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment on the new routine uses; the Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 40-day period in which to conclude its review of the system. Therefore, please submit any comments by July 6, 1998. The public, OMB, and the Congress are invited to submit any comments to Patricia E. Neely, Program Analyst, Information Management and Security Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 850, WCTR Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress.

Dated: May 7, 1998.

Stephen R. Colgate,
Assistant Attorney General for
Administration.

JUSTICE/FBI-018

SYSTEM NAME:

National Instant Criminal Background Check System (NICS).

SYSTEM LOCATION:

Federal Bureau of Investigation, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals covered by the system include any person who:

- A. Is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
- B. Is a fugitive from justice;
- C. Is an unlawful user of or addicted to any controlled substance;
- D. Has been adjudicated as a mental defective or has been committed to a mental institution;
- E. Is an alien who is illegally or unlawfully in the United States;

F. Has been discharged from the Armed Forces under dishonorable conditions;

G. Having been a citizen of the United States, has renounced such citizenship;

H. Is subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner or child of such intimate partner (issued after a hearing of which actual notice was received);

I. Has been convicted in any court of a misdemeanor crime of domestic violence (involving the use or attempted use of physical force committed by a current or former spouse, parent, or guardian of the victim or by a person with a similar relationship with the victim);

J. Is otherwise disqualified from possessing a firearm under State law;

K. Is a Federal firearms licensee (FFL), i.e., a person licensed by the Bureau of Alcohol, Tobacco and Firearms (ATF), United States Department of Treasury, as a manufacturer, dealer, or importer of firearms, and authorized by the FBI to request NICS background checks; or

L. Has applied for the purchase of a firearm or a firearms-related permit or license and has had his or her name forwarded to the NICS as part of a request for a NICS background check. (Identifying information about this category of individual is maintained for system administration and security purposes only in the "NICS Audit Log," a system transaction log described below under the headings "CATEGORIES OF RECORDS IN THE SYSTEM" AND "RETENTION AND DISPOSAL." In cases where the NICS background check does not locate a disqualifying record, information about the individual will only be retained temporarily for audit purposes and will be destroyed after eighteen months. The system will not contain any details about the type of firearm which is the subject of the proposed transfer (other than the fact that it is a handgun or a long gun) or whether a sale or transfer of a firearm has actually taken place.)

CATEGORIES OF RECORDS IN THE SYSTEM:

The "NICS Index" is the only database maintained by the FBI which was created specifically for the NICS. The NICS Index contains records obtained by the Attorney General from Federal agencies or States on individuals who fall into the categories of individuals listed above under the heading "CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM," C through G. These records contain an individual's name; sex; race; complete date of birth; state of residence; sometimes a unique

identifying number, such as a Social Security number (but NICS does not require it to be furnished), a military number, or a number assigned by Federal, State, or local law enforcement authorities.

The "NICS Audit Log" is a chronological record of system (computer) activities that enables the reconstruction and examination of a sequence of events and/or changes in an event related to the NICS. With regard to a specific NICS transaction, the audit log will include: the name and other identifying information about the prospective purchaser; the type of transaction (inquiry or response); line number; time; date of inquiry; header; message key; Originating Agency Identifier; and inquiry/response data, such as a NICS Transaction Number (a unique number assigned to each valid background request inquiry) and information found by the NICS search.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) 18 U.S.C. 922, as amended by the Brady Handgun Violence Prevention Act (the "Brady Act") (Pub. L. 103-159, Nov. 30, 1993); (2) 28 U.S.C. 534, as amended (Pub. L. 103-322, Title IV, 4060(a), Sep. 13, 1994, 105 Stat. 1950).

PURPOSE(S):

The purpose of the NICS, which was established pursuant to the Brady Act, is to provide a means of checking available information to determine whether there is reasonable cause to believe that a person is disqualified from possessing a firearm under Federal or State law.

Prior to the transfer of a firearm, a prospective purchaser, not licensed under 18 U.S.C. 923, must obtain a firearms transaction form from an FFL and provide the information required by the ATF. The firearms transaction form is returned to the FFL, who is required by the Brady Act to contact the NICS and furnish the name and certain other identifying data provided by the purchaser. NICS conducts a search which compares the information about the purchaser with information in or available to NICS.

State and local law enforcement agencies serve as Points of Contact (POCs) for the NICS. Where there is no POC, the FBI's NICS Operations Center serves in its place. The POC (or the NICS Operations Center) receives inquiries from FFLs, initiates NICS background searches, may check available state and local record systems, determines whether matching records provide reason to believe that an individual is disqualified from possessing a firearm under Federal or

State law, and responds back to the FFLs.

In addition to a review of the NICS Index, a NICS search includes a review of the pre-existing, separately-managed FBI criminal history databases of the National Crime Information Center (NCIC)(JUSTICE/FBI-001), including the Interstate Identification Index (III) portion of NCIC, to the extent such searches are possible with the available information. NCIC and III are cooperative Federal-State programs for the exchange of criminal history record and other information among criminal justice agencies to locate wanted and missing persons and for other identification purposes. The search conducted of the NCIC and III, in conjunction with the search of the NICS Index, attempts to locate only information indicating that an individual firearm purchaser is identical to an individual in one or more of categories A through J listed above under the heading **CATEGORIES OF INDIVIDUALS IN THE SYSTEM**, with the search of NCIC and III specifically directed towards locating information that an individual is within categories A, B, H, and I.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A. Limited information may be provided by a Point of Contact or the NICS Operations Center to an FFL who has contacted the NICS concerning a prospective firearm purchaser. If a matching record found by the NICS provides reasonable cause to believe that the prospective purchaser is disqualified from possessing a firearm under Federal or State law, the FFL will be notified only that the application is "denied," with none of the underlying information provided. If additional record analysis is required by the NICS representative, the response may read "delayed." If no disqualifying record is located by the NICS, the FFL will be told to "proceed." A unique identification number will be provided to the FFL for all responses received from the NICS, which number shall be recorded on the firearms transaction form.

B. Information in the NICS may be provided through the NCIC lines to Federal criminal justice agencies, criminal justice agencies in the fifty States, the District of Columbia, Puerto Rico, U.S. Possessions, and U.S. Territories, including Points of Contact and contributors of information in the NICS Index, to enable them to determine whether the transfer of a firearm to any person not licensed

under 18 U.S.C. 923 would be in violation of Federal or State law; whether the issuance of a license or permit for the possession or sale of a firearm or firearms would be in violation of Federal or State law or regulation; whether appeals from denials should be granted or denied; and whether to add to, delete from, revise, or update information previously provided by the contributor.

C. If, during the course of any activity or operation of the system authorized by the regulations governing the system (28 CFR, part 25, subpart A), any record is found by the system which indicates, either on its face or in conjunction with other information, a violation or potential violation of law (whether criminal or civil) and/or regulation, or a violation or potential violation of a contract, the pertinent record may be disclosed to the appropriate agency/organization/task force (whether Federal, State, local, joint, or tribal) and/or to the appropriate foreign or international agency/organization charged with the responsibility of investigating, prosecuting, and/or enforcing such law, regulation, or contract, e.g., disclosure of information from the system to the ATF, United States Department of Treasury, regarding violations or potential violations of 18 U.S.C. 922(a)(6).

D. System records may be disclosed to contractors, grantees, experts, consultants, volunteers, detailees, and other non-FBI employees performing or working on a contract, service, grant, cooperative agreement, or job for the Federal Government when necessary to accomplish an agency function related to this system of records and under requirements (including Privacy Act requirements) specified by the FBI.

E. System records may be disclosed to the news media or members of the general public or to a victim or potential victim in furtherance of a legitimate law enforcement or public safety function, e.g., to assist in locating fugitives; to provide notification of arrests; to provide alerts, assessments, or similar information on potential threats to life, health, or property; or to keep the public appropriately informed of other law enforcement or FBI matters of legitimate public interest in accordance with 28 CFR 50.2. System records may also be disclosed to the news media or general public in other situations of legitimate public interest where disclosure would not constitute a clearly unwarranted invasion of personal privacy.

F. Where the disclosure of system records has been determined by the FBI to be reasonable and necessary to resolve a matter in litigation or in

anticipation thereof, such records may be disclosed to a court or adjudicative body, before which the FBI is authorized to appear, when: (a) The FBI or any FBI employee in his or her official capacity; (b) any FBI employee in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (c) the United States, where the FBI determines it is likely to be affected by the litigation, is or could be a party to the litigation, or has an official interest in the litigation.

G. System records may be made available to a Member of Congress or staff acting on the Member's behalf when the Member or staff requests the information on behalf and at the written request of the individual who is the subject of the record.

H. System records may be disclosed to the National Archives and Records Administration for records management inspections and such other purposes conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored electronically for use in a computer environment in areas safe from access by unauthorized persons or exposure to environmental hazards. In general, the security policy for the NCIC (JUSTICE/FBI-001) is followed.

RETRIEVABILITY:

Records are retrieved by name, sex, race, date of birth, state of residence, the NICS Transaction Number, FFL number, and, in some instances, unique numeric identifier, e.g., a Social Security number or a military identification number. (A Social Security number is not required by the NICS.)

SAFEGUARDS:

Records searched by the NICS are located in secure government buildings with limited physical access. Access to the results of a NICS record search is further restricted to authorized employees of Federal, State, and local law enforcement agencies who make inquiries by use of identification numbers and passwords.

When a Federal, State, or local agency places information in the NICS Index, it uses its agency identifier and a unique agency record identifier for each record provided to the NICS. Federal, State, or local agencies can modify or cancel only the data that they have provided to NICS Index.

RETENTION AND DISPOSAL:

Information provided by other Federal agencies or State or local governments will be maintained in the NICS Index unless updated or deleted by the agency/government which contributed the data.

The FBI will maintain an Audit Log of all NICS transactions. Firearms transaction approvals will be maintained for eighteen months. The NICS Transaction Number (the unique number assigned to the NICS transaction) and the date on which it was assigned will be maintained indefinitely. Information related to firearms transfer denials will be retained for 10 years and then disposed of as directed by the National Archives and Record Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, J. Edgar Hoover FBI Building, 935 Pennsylvania Avenue, NW, Washington, DC 20535-0001.

NOTIFICATION PROCEDURES:

This system of records has been exempted from the notification procedures of subsections (d) and (e)(4)(G), to the extent permitted by subsections (j)(2), (k)(2), and (k)(3) of the Privacy Act. Requests for notification should be addressed to the Systems Manager. Requirements for a request are the same as set forth below under the heading "RECORD ACCESS PROCEDURES."

RECORD ACCESS PROCEDURES:

This system of records has been exempted from the access procedures of subsections (d) and (e)(4)(H) to the extent permitted by subsections (j)(2), (k)(2), and (k)(3) of the Privacy Act. A request for access to a non-exempt record from the system should be addressed to the System Manager, shall be made in writing, and should have the envelope and the letter marked "Privacy Act Request." The request must include the full name, complete address, date of

birth, and place of birth of the requester. The requester must sign the request; and, to verify it, the signature must be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization.

Alternative procedures are available to a person who has been denied the purchase of, or permit for, a firearm because of information in the NICS. The procedures provide for an appeal of a denial and a method to seek the correction of erroneous data searched by or maintained in the system. The alternative procedures can be found at 28 CFR, Part 25, Subpart A.

CONTESTING RECORD PROCEDURES:

This system of records has been exempted from the contest and amendment procedures of subsections (d) and (e)(4)(H) to the extent permitted by subsections (j)(2), (k)(2), and (k)(3) of the Privacy Act. Requests should be addressed to the System Manager and should clearly and concisely describe the precise information being contested, the reasons for contesting it, and the proposed amendment or correction proposed to the information. In addition, as described above under "RECORD ACCESS PROCEDURES," an alternative procedure is available to a person who has been denied the purchase of, or permit for, a firearm because of information in the NICS, by which the individual may seek the correction of erroneous data in the system. The procedures are further described at 28 CFR, part 25, subpart A.

RECORD SOURCE CATEGORIES:

Information contained in the NICS is obtained from local, State, Federal, and international records.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3) and (4); (d); (e)(1); (2), and (3) (e)(4)(G) and (H); (e)(5) and (8); and (g) of the Privacy

Act, pursuant to 5 U.S.C. 552a(j)(2). In addition, the Attorney General has exempted his system from subsections (c)(3), (d), (e)(1), and (e)(4)(G) and (H) of the Privacy Act, pursuant to 5 U.S.C. 552a (k)(2) and (k)(3). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e), and have been published in the **Federal Register**.

[FR Doc. 98-14797 Filed 6-3-98; 8:45 am]

BILLING CODE 4410-12-M

MERIT SYSTEMS PROTECTION BOARD

Agency Information Collection Activities Under OMB Review

AGENCY: Merit Systems Protection Board (MSPB).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that the Merit Systems Protection Board's request for a second one-year extension of approval of its optional appeal form, Optional Form 283 (Rev. 10/94) has been forwarded to the Office of Management and Budget (OMB) for review and comment. The appeal form is currently displayed in 5 CFR Part 1201, Appendix I, and on the MSPB Web Page at <http://www.mspb.gov/merit009.html>.

In this regard, the Board is inviting comments on the public reporting burden. The reporting burden for the collection of information on this form is estimated to vary from 20 minutes to one hour per response, with an average of 30 minutes, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

ESTIMATED ANNUAL REPORTING BURDEN

5 CFR section	Annual number of respondents	Frequency per response	Total annual responses	Hours per response (average)	Total hours
1201 and 1209	9,000	1	9,000	.5	4,500

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to the address shown below. Please refer to OMB Control No. 3124-0009 in any correspondence.

DATES: Comments must be received on or before July 6, 1998.

ADDRESSES: Copies of the appeal form may be obtained from Arlin Winefordner, Merit Systems Protection Board, 1120 Vermont Ave., NW., Washington, DC 20419 or by calling

(202) 653-7200. Comments concerning the paperwork burden should also be addressed to Mr. Winefordner and to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention; Desk Officer for