

**SUPPLEMENTARY INFORMATION:**

**Background.**—On October 8, 1998, the Commission determined that responses to its notice of institution of the subject five-year review were such that a full review pursuant to section 751(c)(5) of the Act should proceed (63 FR 56048, October 20, 1998). A record of the Commissioners' votes and a statement by Commissioner Carol T. Crawford are available from the Office of the Secretary and at the Commission's web site.

**Participation in the review and public service list.**—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in this review as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, by January 4, 1999. A party that filed a notice of appearance following publication of the Commission's notice of institution of the review need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

**Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.**—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this review available to authorized applicants under the APO issued in the review, provided that the application is made no later than January 4, 1999. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the review. A party granted access to BPI following publication of the Commission's notice of institution of the review need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Staff report.**—The prehearing staff report in the review will be placed in the nonpublic record on April 19, 1999, and a public version will be issued thereafter, pursuant to § 207.64 of the Commission's rules.

**Hearing.**—The Commission will hold a hearing in connection with the review beginning at 9:30 a.m. on May 6, 1999, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before April 27, 1999. A nonparty who has testimony that may

aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on April 29, 1999, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by §§ 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

**Written submissions.**—Each party to the review may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.65 of the Commission's rules; the deadline for filing is April 28, 1999. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.67 of the Commission's rules. The deadline for filing posthearing briefs is May 18, 1999; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the review may submit a written statement of information pertinent to the subject of the review on or before May 18, 1999. On June 9, 1999, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before June 11, 1999, but such final comments must not contain new factual information and must otherwise comply with § 207.68 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

Issued: November 17, 1998.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 98-31518 Filed 11-24-98; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[USITC SE-98-020]

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.

**TIME AND DATE:** December 7, 1998 at 2:00 p.m.

**PLACE:** Room 101, 500 E Street S.W., Washington, DC 20436.

**STATUS:** Open to the public.

#### MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: None.
2. Minutes.
3. Ratification List.
4. Inv. No. 731-TA-811 (Preliminary) (DRAMS of One Megabit and Above from Taiwan)—briefing and vote.
5. Outstanding action jackets:
  1. Document No. INV-98-080: Approval of revised work schedule in Inv. Nos. 751-TA-21-27 (Ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela).

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: November 23, 1998.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 98-31630 Filed 11-23-98; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Partial Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 et seq.; Excel Corp.

Under 28 CFR 50.7, notice is hereby given that on November 16, 1998 a proposed partial consent decree ("consent decree") in *United States v. Excel Corp.*, Civil Action No. 3:93CV119RM, was lodged with the United States District Court for the Northern District of Indiana.

In this action the United States sought civil penalties and unrecovered response costs in connection with the Main Street Well Field Site in Elkhart, Indiana ("Site"). The proposed consent decree provides for the payment by defendants Joseph S. Beale and JSB Corporation d/b/a Adlake Enterprises, Inc. (collectively "JSB") of \$350,000 of the United States unrecovered response costs at the Site. The proposed consent decree also resolve the United States claims against JSB for its alleged failure to perform response activities at the Site pursuant to an administrative order issued by the United States Environmental Protection Agency ("EPA").

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Excel Corp.*, D.J. Ref. No. 90-11-3-799.

The proposed consent decree may be examined at the Office of the United States Attorney, 301 Federal Building, 204 South Main Street, South Bend, Indiana; at the Region 5 Office of EPA, 77 West Jackson Blvd., Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005. In requesting a copy, please enclose a check in the amount of \$7.50 (25 cents per page reproduction cost) payable to the Consent Decree Library.

**Joel M. Gross,**

*Chief, Environmental Enforcement Section,  
Environment and Natural Resources Division.*

[FR Doc. 98-31432 Filed 11-24-98; 8:45 am]

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## DEPARTMENT OF JUSTICE

[AAG/A Order 154-98]

### Privacy Act of 1974; Notice of Modified 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, Federal Bureau of Investigation (FBI), is modifying the following system of records which was last published in the **Federal Register** on June 4, 1998 (63 FR 30514):

The National Instant Criminal Background Check System (NICS) JUSTICE/FBI-018.

In the rules section of today's **Federal Register**, the Department of Justice is also providing a final rule exempting the NICS from certain provisions of the Privacy Act.

This notice addresses comments received by the Department of Justice following publication of the Notice of New System of Records for the NICS, published in the **Federal Register** on June 4, 1998 (63 FR 30514), in which, in accordance with 5 U.S.C. 552a(e)(4) and (11), the public, the Office of Management and Budget, and the Congress were invited to comment on the new routine uses. The Department of Justice/FBI accepted comments on the NICS system notice from the public dated on or before July 6, 1998.

#### Significant Comments

A number of comments raised matters that were more pertinent to other notices of proposed rulemaking relating to the NICS: The National Instant Criminal Background Check System Regulation published in the **Federal Register** on June 4, 1998 (63 FR 30430), and the National Instant Criminal Background Check System User Fee Regulation, published in the **Federal Register** on August 17, 1998 (63 FR 43893). Such comments have been addressed in the final NICS rule, the National Instant Criminal Background Check System Regulation, published in the **Federal Register** on October 30, 1998 (63 FR 58303). Other comments raised matters that were more pertinent to the proposed rule exempting the NICS from certain provisions of the Privacy Act, published in the **Federal Register** on June 4, 1998 (63 FR 30429). Such comments are addressed in a final rule, Exemption of System of Records Under the Privacy Act, published in the rules section of today's **Federal Register**.

A number of comments opposed retention by the NICS of a temporary log of background check transactions that allow a firearm transfer to proceed. (For a more detailed discussion of this issue, see the final NICS rule, the National Instant Criminal Background Check System Regulation, published in the **Federal Register** on October 30, 1998 (63 FR 58303).) Although the Brady Handgun Violence Prevention Act (Brady Act) mandates the destruction of all personally identified information in the NICS associated with approved firearms transactions (other than the identifying number and the date the number was assigned), the statute does not specify a period of time within

which records of approvals must be destroyed. At the same time, the Brady Act requires that the Department ensure the privacy and security of the NICS and the proper operation of the system. The Department has attempted to balance various interests involved and comply with both statutory requirements by retaining such records in the NICS Audit Log for a limited, but sufficient, period of time to conduct audits of the NICS. The original NICS records system notice indicated that records of firearm transaction approvals would be maintained for eighteen months. However, in recognition of the numerous comments objecting to this retention period as too long, the Department reexamined the time period needed to perform audits of the NICS. The Department determined that the general retention period for records of allowed transfers in the NICS Audit Log should be the minimum reasonable period for performing audits on the system, but in no event more than six months. The final NICS regulations reflect this (but also provide that such information may be retained for a longer period if necessary to pursue identified cases of misuse of the system). The Department further determined that the FBI shall work toward reducing the retention period to the shortest practicable period of time less than six months that will allow basic security audits of the NICS. By February 28, 1999, the Department will issue a notice of a proposed revision of the regulation setting forth a further reduced period of retention that will be observed by the system. The NICS system of records has been modified to reflect these changes.

Various comments expressed concern that the Audit Log would allow states acting as NICS Points of Contact (POCs) and law enforcement agencies access to records of approved transfers. This is not a well-founded concern because only the FBI will be able to directly access information in the transaction log. Section 25.9(b)(2) of the final rule was revised to provide explicitly that such information is directly available only to the FBI, and only for the purposes of conducting audits of the use and performance of the NICS or pursuing cases of misuse of the system.

In addition to several comments which objected to particular routine uses, one comment pointed out that the list of "routine uses" in the original NICS system notice appeared broader than the uses addressed in the regulations for both the National Crime Information Center (NCIC) (citing 28 CFR 20.20(c) and 20.21(b)) and for the NICS (citing 28 CFR 25.6(j)). Specifically, 28 CFR 25.6(j) limits the