

of Mexican cement provide evidence of a change in importing strategy by CEMEX resulting from the acquisition that would warrant a full review to consider the issue of revocation. In not presenting adequate facts to demonstrate a sufficient change in circumstances, CEMEX has not met its burden at the initial stage.¹²

Finally, CEMEX raises a number of arguments that address the merits of whether the order should be revoked and are "of little consequence as an isolated fact in terms of whether the review is warranted."¹³

In order to obtain a review, a requester "must present facts which when weighed against the other facts presented, would convince a reasonable decision-maker that a full investigation is necessary to establish whether or not changed circumstances have obviated the need for the order in its present form."¹⁴ CEMEX has made various allegations but provided virtually no evidence, and certainly not adequate facts, to support its claim that the acquisition of Southdown is a changed circumstance sufficient to warrant review of the order. Moreover, the available Commerce import data provide clear and convincing contrary evidence that imports of cement from Mexico have increased, and their value has declined, since the acquisition. Finally, CEMEX has not made it clear why the Commission should not find that a shift of production to the U.S. market would be anything other than the natural consequence of the outstanding antidumping duty order.

In light of the above analysis, the Commission determines that institution of a review investigation under section 751(b) of the Act concerning the Commission's affirmative determination in investigation No. 731-TA-451 (Final): Gray Portland Cement and Cement Clinker from Mexico, is not warranted.

Issued: December 17, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

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INTERNATIONAL TRADE COMMISSION

Forum on Issues Relating to Electronic Filing and Maintenance of Documents

AGENCY: United States International Trade Commission.

ACTION: Notice to assess public interest in the agency's holding a forum.

SUMMARY: The United States International Trade Commission wishes to ascertain the extent to which members of the public would be interested in attending and making statements at a forum on issues relating to electronic filing and maintenance of documents. If such a forum were to be held, it would provide members of the public with the opportunity to provide input that the Commission can use to develop effective processes for electronic document filing and maintenance. The Commission anticipates that any such forum, if held, likely would be held in January 2002.

ADDRESSES: A person wishing to appear at the forum and make a statement should file a request to do so directed to the Secretary to the Commission. A request to appear should indicate the following information: (1) The name of the person desiring to make a statement; (2) the organization or organizations represented by that person, if any; (3) contact information (address, telephone, and e-mail); and (4) information on the specific focus or interest of the person (or his or her organization) and any questions or issues the person would like to raise. A request may be sent by e-mail to "dockets@usitc.gov," or by mail or hand delivery to the Secretary, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436. The deadline for receipt of requests is Friday, December 28, 2001.

FOR FURTHER INFORMATION CONTACT: Paul R. Bardos, Esq. (202-205-3102), Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter 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 (at URL <http://www.usitc.gov>).

SUPPLEMENTARY INFORMATION: The Commission is contemplating holding a forum on issues relating to electronic

filing and maintenance of documents, and wishes to ascertain the extent of public interest in appearing at such a forum.

In 1996, the Commission established the Electronic Document Imaging System (EDIS), which stores and provides access to docket records in agency investigations. The Commission now is contemplating replacing EDIS with a new document management system that would provide better functionality. In particular, the Commission is seeking as part of the new system the capability to accept documents electronically.

The Commission's Rules of Practice and Procedure currently provide for the filing of documents with the agency in paper form. Consistent with the Government Paperwork Elimination Act (GPEA) (Div. C, Title XVII, Public Law 105-277), the Commission is considering permitting parties and other persons to file some documents with the agency electronically. The Commission contemplates obtaining the capability to, inter alia: (1) Permit a person to make a filing by uploading it electronically to a Commission Web site; (2) provide security to protect confidential business and business proprietary information from unauthorized disclosure; (3) verify the identity of the submitter through a password, electronic signature, or other security system; (4) acknowledge receipt of the submission by an electronic message to establish when filing occurred; and (5) alert in-house users of new submissions. A new Commission document management system might also permit faster searches for and retrieval of documents in the Commission's docket files than currently permitted by EDIS.

The Commission held a public forum on June 20, 2001, to solicit public views on (1) what features of an electronic system might be helpful to users, (2) what technical difficulties might arise in connection with such a system, and (3) how the agency might implement such a system. The agency has taken into account the views expressed at the forum, as well as those expressed in written comments, in its planning for the new system.

Now that the Commission has done further work on defining how the agency may implement such a system, the agency is considering holding another forum to solicit further input from the public on issues relating to electronic document filing and maintenance. Before scheduling such a forum, the Commission wishes to gauge the level of public interest in attending such an event.

¹² See *Hirsh*, 737 F. Supp. at 1188.

¹³ *Hirsh*, 737 F. Supp. at 1188 ("improved health of the domestic industry and avoidance of an injured condition is the hoped-for outcome of an unfair trade order * * * [and] is of little consequence as an isolated fact in terms of whether review is warranted.")

¹⁴ *Hirsh*, 729 F. Supp. at 1363 (CIT 1990), citing, *Avesta*, 689 F. Supp. at 1181 (CIT 1988).

Any person may attend the forum and make a statement concerning the issues listed above. A person wishing to do so must file a request with the Secretary. Once all requests have been received, the Commission will decide on whether to hold the forum. The Commission will inform each person whose request to appear has been granted of the date, time, location, and agenda of the forum.

By order of the Commission.

Issued: December 17, 2001.

Donna R. Koehnke,

Secretary.

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JUDICIAL CONFERENCE OF THE UNITED STATES

Hearings of the Judicial Conference Advisory Committees on Rules of Bankruptcy and Criminal Procedure

AGENCY: Judicial Conference of the United States, Advisory Committees on Rules of Bankruptcy and Criminal Procedure.

ACTION: Notice of cancellation of open hearings.

SUMMARY: The following public hearings have been canceled:

- Bankruptcy Rules in Washington, DC on January 4, 2002; and
- Criminal Rules in Atlanta, Georgia on January 7, 2002.

(Original notice of hearings appeared in the **Federal Register** of August 29, 2001 (66 FR 45693)).

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502-1820.

Dated: December 13, 2001.

John K. Rabiej,

Chief, Rules Committee Support Office.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Supplement to the Consent Decree Pursuant to the Safe Drinking Water Act

In accordance with 28 CFR 50.7, notice is hereby given that a proposed Supplement to the Consent Decree in *United States and State of New York, et al. v. City of New York, et al.*, Civil Action No. CV 97-2154 (Gershon J.) (Gold, M.J.), was lodged with the United States District Court for the Eastern District of New York on December 12,

2001. In this action, the United States and the State of New York sought to court order requiring the City of New York to come into compliance with the Safe Drinking Water Act, 42 U.S.C. 300f, et seq., and the Surface Water Treatment Rule, a National Primary Drinking Water Regulation, by installing filtration treatment for its Croton water supply system.

On November 24, 1998, the Court entered a Consent Decree in this action which required the City, among other obligations, to select a site for, design, and construct the filtration plant. The City selected a site for the plant at the Mosholu Golf Course in Van Cortlandt Park in the Bronx. However, on February 8, 2001, the New York State Court of Appeals held that the City could not construct the plant at the Mosholu Golf Course Site without first obtaining approval from the New York State Legislature. The City has sought, but to date has not obtained, legislative approval to construct the plant at the Mosholu Golf Course Site, though the City represents that it is continuing to seek such approval.

In view of the lack of legislative approval for the Mosholu Golf Course Site, the Parties negotiated a Supplement to the Consent Decree, which, among other things, requires the City to select a new site and modifies the deadlines for construction of the filtration plant. The City has identified two alternative sites for construction of the filtration plant, a site in the Town of Mount Pleasant in Westchester County, denominated the Eastview Site, and a site adjacent to the Harlem River in Bronx County, denominated the Harlem River Site. However, the City wishes to conduct additional study regarding these sites prior to selecting a preferred site for the plant. Accordingly, the Supplement to the Consent Decree provides that the City will conduct some initial study and design work relating to the Eastview Site and the Harlem River Site and will identify its preferred Site in a draft environmental impact statement to be submitted on April 30, 2003. The City is to select one of these two sites or, if legislative approval for the Mosholu Golf Course Site is obtained by April 15, 2003 and other requirements are met, the City may instead reselect the Mosholu Golf Course Site.

The Supplement to the Consent Decree provides that, if the Eastview Site is selected, the City is to complete construction of the plant by March 31, 2010, with full operation to commence no later than September 30, 2010, and, if the Harlem River Site is selected, the City is to complete construction of the

plant by April 30, 2011, with full operation to commence by October 31, 2011. The Supplement also provides that, if the United States, State, or the City determines during the course of implementation of the Supplement that the City cannot complete the plant at the selected site within the schedule set forth in the Supplement or within a reasonable time period agreed to by the parties, the City shall construct the plant at the alternate site.

The Supplement to the Consent Decree also provides for a supplemental Interim Measure. This Interim Measure requires the City to implement a project to improve, enhance and/or secure the Croton Water Supply System and/or the Croton Watershed. The City is to submit a proposal to the United States and the State for such a project by September 30, 2002, and to implement the approved project between May 31, 2003 and May 31, 2006, at a cost of \$2,000,000.

The Department of Justice will receive comments relating to the proposed Supplement to the Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, c/o Deborah B. Zwany, Assistant U.S. Attorney, Eastern District of New York, One Pierrepont Plaza, 14th Floor, Brooklyn, New York 11201, and should refer to *United States and State of New York v. City of New York*, D.J. Ref. 90-5-1-1-4429. A copy of the comments should also be sent to Chief, Environmental Enforcement Section, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044.

The proposed Supplement to the Consent Decree may be examined at the office of the United States Attorney for the Eastern District of New York, One Pierrepont Plaza, 14th Floor, Brooklyn, New York 11201, and at the Region II office of the Environmental Protection Agency, 290 Broadway, New York, New York 10007. A copy of the proposed Supplement to the Consent Decree may also be obtained by faxing a request to Tonia Fleetwood, Department of Justice Consent Decree Library, fax no. (202) 353-0296. There is a charge for the copy (25 cent per page reproduction cost). When requesting a copy, please mail a check payable to the "Consent Decree Library", in the amount of \$15.00, to: Consent Decree Library, U.S.