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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on September 4, 2001, a proposed consent decree in *United States v. Ciba specialty Chemicals Corporation, et al.*, Civil Action No. 01-CV-4223, was lodged with the United States District Court for the District of New Jersey.

In this action, the United States alleges under, *inter alia*, Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9606 and 9607, that Ciba Specialty Chemicals Corporation and Novartis Corporation are liable for injunctive relief and the federal government's costs in responding to the release of threatened release of hazardous substances at the Ciba-Geigy Superfund Sited in Toms River, Ocean County, New Jersey (the Site). Under the terms of the proposed consent decree, the settling defendants will implement cleanup actions relating to source control and soils at the Site and will pay the United States the sum of \$250,000 with respect to the United States' claims. This settlement, in conjunction with earlier settlements in this matter, will result in the United States recovering over \$170 million in cash and work in relation to the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed partial 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. Ciba Specialty Chemicals Corporation, et al.*, Civil Action No. 01-CV-4233, D.J. Ref. 90-11-2-289/1.

The proposed consent decree may be examined at the Office of the United States Attorney, District of New Jersey, 970 Broad Street, Newark, New Jersey 07102, and at U.S. Environmental Protection Agency Region II, 290 Broadway, New York, New York 10007-

1866. A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. If requesting a copy of the proposed consent decree without appendices, please so note and enclose a check in the amount of \$11.00 (25 cent per page reproduction cost). If requesting a copy of the proposed consent decree with appendices, please so note and enclose a check in the amount of \$56.00.

Ronald Gluck,

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

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 2169-01]

Aliens Seeking Relief Pursuant to Settlement Agreement in *Walters v. Reno*

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: On February 22, 2001, the district court approved a class action settlement agreement in the case of *Walters v. Reno*, which had challenged the Immigration and Naturalization Service's (Service) implementation of the civil document fraud provisions of section 274C of the Immigration and Nationality Act (Act). This notice details the procedures for requesting joint motions to re-calendar, reopen or remand removal proceedings pursuant to the settlement agreement and for requesting refunds for section 274C civil money penalties previously paid to the Service. This notice informs class members of their rights for administrative and judicial review of determinations made pursuant to the settlement agreement. Class members have until August 21, 2003, to file requests for motions to re-calendar, reopen or remand deportation proceedings and for refunds.

DATES: This notice is effective September 20, 2001.

FOR FURTHER INFORMATION CONTACT: Warren McBroom, Immigration and Naturalization Service, 425 I Street, NW, Suite 6100, Washington, DC 20536, telephone (202) 514-2895.

SUPPLEMENTARY INFORMATION:

Background

On February 22, 2001, the district court approved a class action settlement agreement in the case of *Walters v. Reno*, Civ. No. 94-1204C (W.D. WA). The lawsuit challenged the Service's implementation of the civil document fraud provisions of section 274C of the Act. Specifically, certain aliens claimed that the Service's procedures and forms inadequately informed them of their rights to dispute or contest charges that they committed document fraud in violation of section 274C of the Act.

Pursuant to the agreement, on August 21, 2001, the Service completed vacating all section 274C final orders issued against class members. The Service is not permitted to recharge such class members under section 274C of the Act for the same conduct charged in the original Notice of Intent to Fine (NIF). Further, the Service is not permitted to charge class members as being deportable under section 237(a)(3)(C) of the Act or inadmissible under section 212(a)(6)(F) of the Act based on the same conduct charged in the original NIF.

The settlement agreement requires the Service, in certain instances, to join in a motion to re-calendar, reopen or remand deportation proceedings. The settlement agreement also provides class members with avenues for administrative and judicial review of any determinations made pursuant to the settlement agreement. Finally, the settlement agreement permits class members who previously paid section 274C civil money penalties to the Service to seek refunds for such payments.

Who is Considered a Class Member Under the *Walters v. Reno* Settlement Agreement?

All non-citizens who waived or failed to request a hearing under Section 274C of the Immigration and Nationality Act ("INA") after being served, prior to October 1996, with the charging forms and a notice of intent to fine challenged in *Walters v. Reno*.

The settlement agreement in *Walters v. Reno*, however, does not include any alien who was the subject of a notice of intent to fine if the alien did request a hearing under section 274C before an administrative law judge in the Office of the Chief Administrative Hearing Officer, as provided in 28 CFR part 68. Thus, an alien who is subject to a section 274C final order is not a class member if he or she had requested a hearing with respect to that order, and, accordingly, the provisions of the