

SUMMARY FOR AGENTS, SUBSTANCES, MIXTURES OR EXPOSURE CIRCUMSTANCES TO BE REVIEWED IN 2001–2002 FOR POSSIBLE LISTING IN THE REPORT ON CARCINOGENS, ELEVENTH EDITION—Continued

Nomination to be reviewed/CAS No.	Primary uses or exposures	Nominated by	Basis for nomination
Neutrons	Exposure to neutrons normally occurs from a mixed irradiation field in which neutrons are a minor component. The exceptions are exposure of patients to neutron radiotherapy beams and exposures of aircraft passengers and crew.	NIEHS ¹	IARC ² finding of sufficient evidence of carcinogenicity in humans (Vol. 75, 2000).
Occupational exposure to lead or lead compounds.	Major occupational exposures are in the lead smelting and refining industries, battery-manufacturing plants, steel welding or cutting operations, construction, and firing ranges.	NIEHS ¹	Recent published data that indicate an excess of cancers in workers exposed to lead and lead compounds.
Naphthalene (91–20–3)	Naphthalene is used as an intermediate in the synthesis of many industrial chemicals, an ingredient in some moth repellants and toilet bowl deodorants, as an antiseptics for irrigating animal wounds and to control lice on livestock and poultry.	NIEHS ¹	Results of NTP Bioassay (TR 500, 2000) that reported clear evidence of carcinogenicity in male & female rats and some evidence in female mice.
Nitrobenzene (98–95–3)	Nitrobenzene is used mainly in the production of aniline, itself a major chemical intermediate in the production of dyes.	NIEHS ¹	IARC ² finding sufficient of evidence of carcinogenicity in experimental animals (Vol. 65, 1996).
Nitromethane (75–52–5)	Nitromethane is used as an additive to many halogenated solvents and aerosol propellants as a stabilizer. It can also be used in specialized fuels and in explosives.	NIEHS ¹	Results of NTP Bioassay (TR 461, 1997) that reported clear evidence of carcinogenicity in male & female mice and clear evidence in female rats.
Phenylimidazopyridine [PhIP, (105650–23–5)].	PhIP is a heterocyclic amine that is formed during heating or cooking and is found in cooked meat and fish.	Dr. Takashi Sugimura, President Emeritus, National Cancer Center of Japan.	Nomination based on Dr. Sugimura's recent reviews of the carcinogenicity of heterocyclic amines.
4,4'-Thiodianiline (139–65–1)	4,4'-Thiodianiline has been produced commercially since the early 1940's as an intermediate of several diazo dyes.	NIEHS ¹	IARC ² finding of sufficient evidence of carcinogenicity in experimental animals (Suppl 7, 1987). and result of NTP Bioassay studies that demonstrated clear evidence of carcinogenicity in mice and rats (TR–047, 1978).

¹ The National Institute of Environmental Health Sciences (NIEHS).² International Agency for Research on Cancer (IARC).

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–910–01–0777–30]

Northeastern Great Basin Resource Advisory Council Meeting Location and Time

AGENCY: Bureau of Land Management, Interior.**ACTION:** Resource Advisory Council's meeting location and time.**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C., the Department of the Interior,

Bureau of Land Management (BLM), Council meetings will be held as indicated below. The agenda for this meeting on August 3, 2001 includes: review and approval of minutes from the January 5, 2001 and the May 3–4, 2001 meetings.

Discussion/Decision Topics

Southern Nevada Public Lands
Management Act Acquisitions
California Trail Interpretive Center
Discussion
Off-Highway Vehicle Guidelines
Vegetation Guidelines
Battle Mountain Fire Use Plan
Elko Field Office Fire Land Use Plan
Amendment
Elko Field Office OHV/California Trail/
Special Area Land Use Plan
Amendment
Land Use Plan Amendments
Meetings are open to the public. The public may present written comments to

the Council. Each formal Council meeting will also have time allocated for hearing public comments. The public comment period for the Council meeting is listed below. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation or other reasonable accommodations, should contact the BLM as provided below.

DATES, TIMES, PLACE: The time and location of the meeting is as follows: Northeastern Great Basin Resource Advisory Council, Opera House, Eureka, Nevada, 89316; August 3, 2001, beginning at 9 a.m.; public comment period 11 a.m. and 2:30 p.m. adjournment at 4 p.m. or when business is concluded after that time.

FOR FURTHER INFORMATION CONTACT:

Diane Murray, Public Affairs Specialist, Battle Mountain Field Office, 50 Bastian Road, Battle Mountain, NV 89820, telephone (775) 6635-4000.

SUPPLEMENTARY INFORMATION: The purpose of the Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues, associated with the management of the public lands.

Helen M. Hankins,

Elko Field Manager.

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DEPARTMENT OF JUSTICE**Notice of Memorandum**

AGENCY: Department of Justice.

ACTION: Notice.

SUMMARY: This Notice consist of a Memorandum from the Attorney General to the Acting Commissioner of the Immigration and Naturalization Service (INS) concerning detention of certain aliens held under final orders of removal. The Memorandum directs the INS to take a number of actions in response to the decision of the U.S. Supreme Court In *Zadvydas v. Davis*, 533 U.S. __, 121 S.Ct. 2491 (June 28, 2001). It directs the INS to present the Attorney General with regulations by July 31, 2001 that set forth a precedence for such aliens to present a claim that they should be released from detention because there is no significant likelihood that they will be removed in the reasonably foreseeable future. The regulations are also to address continued detention for aliens presenting special circumstances of the sort identified by the Court in *Zadvydas*, such as terrorists or other especially dangerous individuals. Until those regulations are published, the Memorandum directs the INS to: (1) Immediately renew efforts to remove aliens in post-order detention, placing special emphasis on aliens who have been detained the longest; (2) expeditiously conclude its ongoing file review for all aliens who have remained in post-order detention for 90 days or more, with priority given to those cases in which the aliens have been detained longest; as part of that review, the INS shall immediately begin accepting requests, submitted in writing, by detained aliens who contend that there is no significant likelihood of their removal in the reasonably foreseeable future; (3) respond in writing, as expeditiously as possible, to any such

written submission, prioritizing the cases of aliens who have been detained longest; and (4) make sure that no alien who has previously been determined under existing procedures in 8 CFR 241.4 to pose a danger to the community will be released until his or her case has been processed through the INS review and the INS has made a determination, based on available information, that there is no significant likelihood of the alien's removal in the reasonably foreseeable future. The Memorandum also directs the INS to collect certain relevant data, to confer with the Department of State concerning improving repatriation procedures, and to refer for prosecution cases involving violations of 8 U.S.C. 1253.

FOR FURTHER INFORMATION CONTACT:

Stuart Levey, Associate Deputy Attorney General, U.S. Department of Justice, Room 4615, 950 Pennsylvania Ave., NW., Washington, DC 20530, (202) 514-2000.

Stuart Levey,

Associate Deputy Attorney General.

Office of the Attorney General**Washington, DC 20530**

July 19, 2001

Memorandum

To: Acting Commissioner, Immigration and Naturalization Service

From: John Ashcroft, the Attorney General

Subject: Post-Order custody review after *Zadvydas v. Davis*

The Supreme Court held in *Zadvydas v. Davis*, 533 U.S. __, 121 S.Ct. 2491 (June 28, 2001), that § 241(a)(6) of the Immigration and Nationality Act (INA), read in light of due process protections for aliens who have been admitted into the United States, generally permits the detention of such an alien under a final order of removal only for a period reasonably necessary to bring about that alien's removal from the United States. The Supreme Court held that detention of such an alien beyond the statutory removal period, for up to six months after the removal order becomes final, is "presumptively reasonable." After six months, if an alien can provide "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future," the government must rebut the alien's showing in order to continue the alien in detention. Finally, the Supreme Court indicated that there may be cases involving "special circumstances," such as terrorists or other especially dangerous individuals, in which continued detention may be appropriate even if removal is unlikely in the reasonably foreseeable future.

The Supreme's Court's ruling will inevitably result in anomalies in which individuals who have committed violent crimes will be released from detention simply because their country of origin refuses to live up to its obligations under international law. Nevertheless, the Department of Justice and the Immigration

and Naturalization Service (INS) are obligated to abide by the Supreme Court's ruling and to apply it to the thousands of aliens who are currently in detention after receiving final orders of removal. Because we are thus faced with the possible imminent release of many aliens who have previously been determined to pose a risk to the community, I am issuing this memorandum to give direction to the INS in handling the situation presented by the Supreme Court's ruling and to ensure that we take all responsible steps to protect the public.

The existing post-order detention standards, at 8 CFR § 241.4, provide for an ongoing administrative review of the detention of each alien subject to a final order of removal, allowing for the continued detention of aliens unless the INS determines, among other factors, that their release would not pose a danger to the community or a risk of flight. The Supreme Court's decision did not question the INS's authority to detain an alien, under the existing post-order detention standards, as long as reasonable efforts to remove the alien are still underway and it is reasonably foreseeable that the alien will be removed. In particular, the decision does *not* require that an alien under a final order of removal automatically be released after six months if he or she has not yet been removed. Instead, the Supreme Court held that "an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future."

The Supreme Court's decision will require the INS, in consultation with the Department of State, to assess the likelihood of the removal of thousands of aliens to many different countries. The Supreme Court emphasized in its decision the need to "take appropriate account of the greater immigration-related expertise of the Executive Branch, of the serious administrative needs and concerns inherent in the necessarily extensive INS efforts to enforce this complex statute, and the Nation's need 'to speak with one voice;' in immigration matters." The Court also stressed the need for the courts to give expert Executive Branch "decisionmaking leeway," to give deference to "Executive Branch primacy in foreign policy matters," and to establish uniform administration of the immigration laws.

The Supreme Court also made it clear that its ruling does not apply to those aliens who are legally still at our borders or who have been paroled into the country (such as the Mariel Cubans). The Supreme Court has held that such aliens do not have due process rights to enter or to be released into the United States, and continued detention may be appropriate to accomplish the statutory purpose of preventing the entry of a person who has, in the contemplation of the law, been stopped at the border.

In accordance with the Supreme Court's admonitions, and pursuant to my authority to interpret and administer the INA, *see* 8 U.S.C. § 1103(a), I have concluded that it is necessary to establish a mechanism by which the responsible Executive Branch officials will exercise their expert judgment to assess