forthwith. Cabinet or subcabinet officers, such as Assistant Attorneys General or Assistant Secretaries, officials or equivalent rank, the United States Attorneys are authorized to designate sanctions officers meeting the criteria of this Memorandum.

Improved Use of Litigation Resources

[Section 1(f)]

Litigation counsel must use efficient case management techniques and make reasonable efforts to expedite civil litigation, as set forth in section 1(f) of the Order. Litigation counsel must move for summary judgment where appropriate to resolve litigation or narrow the issues to be tried. This rule is not intended to suggest, however, that summary judgment should be sought prematurely in a manner that will permit opposing counsel to defeat summary judgment.

Litigation counsel are also to make reasonable efforts to stipulate to facts that are not in dispute, and must move for early trial dates where practicable. Referring agencies should identify facts not in dispute and inform litigation counsel of the lack of dispute and the basis for concluding that there is no factual dispute, as soon as it is feasible to do so. Litigation counsel should seek agreement to fact stipulations as early as practicable, taking into account the progress of discovery and their sound judgment as to the most appropriate and efficient timing for such stipulations.

At reasonable intervals, litigation counsel shall review and revise submissions to the court to ensure that they are accurate and that they reflect any narrowing of issues resulting from discovery or otherwise, and shall apprise the court and all counsel accordingly. Litigation counsel also should make an effort, where appropriate, to involve the court early in case management and issue-focusing. This effort may include apprising the court, during conferences under Federal Rule of Civil Procedure 16, of core issues and contemplated methods of resolution, such as settlement, ADR, stipulation, dispositive motion, or trial. Counsel must consistently review and revise pleadings and other filings to ensure that unmeritorious threshold defenses and jurisdictional arguments that result in unnecessary delay are not raised, bearing in mind counsels obligation to bring defects in jurisdiction to the court's attention.

These requirements are not intended to suggest that litigation counsel should concede facts or issues as to which there is reasonable dispute or uncertainty, or which cannot be corroborated.

Principles to Promote Just and Efficient Administrative Adjudications

[Section 4]

Section 4 of the Order requires agencies to implement the recommendations of the Administrative Conference of the United States, entitled ''Case Management as a Tool for Improving Agency Adjudication'' (1 CFR § 305.86–7 (1991)), to the extent reasonable and practicable and not in conflict with any other provision of the Order. Proceedings within the ambit of section 4 are adjudications before a presiding officer or official, including, but not limited to, an administrative law judge.

The Order does not impose the requirements of section 1 on such agency proceedings; however, applying the relevant provisions of section 1 would have a salutary effect and would be in concert with the reforms required by the Order. Agencies are encouraged to extend the application of section 1 to administrative adjudications where appropriate (for example, where an evidentiary hearing is required by law and where, in litigation counsel's best judgment, such extension is reasonable and practicable).

In addition, agencies are to review their administrative adjudicatory processes and develop specific procedures to reduce delay in decision-making, facilitate self-representation where appropriate, expand non-lawyer counseling and representation where appropriate, and invest maximum discretion in fact-finding officers to encourage appropriate settlement of claims as early as possible. Agencies also shall review their administrative adjudicatory processes to identify any bias on the part of decision-makers that results in injustice to persons who appear before agency administrative adjudicatory tribunals; regularly train fact-finders, administrative law judges, and other decision-makers to eliminate bias; and establish appropriate mechanisms to receive and resolve complaints of bias.

Agencies should develop effective and simple methods—including through use of electronic technology–to educate the public about agency benefits and claims policies and procedures.

Although no specific guidelines are being issued at this time for section 4, they may be issued in the future if they become necessary or appropriate.

Exceptions to the Executive Order

The Order does not apply either to criminal matters or to proceedings in foreign courts, and shall not be construed to require or authorize litigation counsel or any agency to act contrary to applicable law. Sections 8(a) and 9. Attorneys for the federal government are directed to follow the requirements of the Order unless compliance would be contrary to the Federal Rules of Civil Procedure, Tax Court Rules of Practice and Procedure, federal or state law, other applicable rules of practice or procedure, or court order. Section 9.

The Order defines the term ''agency'' as the term ''executive agency'' is defined in 5 U.S.C. § 105. Section 6(a). Thus, agencies and litigation counsel, including private attorneys representing the government, are subject to the provisions of the Order, even where the agency is considered ''independent'' for other purposes. The President has the authority to supervise and guide the exercise of core executive functions such as litigation by government agencies.

The Order does not compel or authorize disclosure of privileged information or any other information the disclosure of which is prohibited by law. Section 10. The Order and these guidelines are solely intended to improve the internal management of the executive branch. Neither the Order nor these guidelines should be construed to create any right or benefit, substantive or procedural, enforceable against the United States, its agencies, its officers, or any other person. Further, neither the order nor these guidelines shall be construed to create any right to judicial review of the compliance or noncompliance of the United States, its agencies, its officers, or any other person with either the Order or these guidelines. Finally, nothing in the Order or these guidelines shall be construed to obligate the United States to accept a particular settlement or resolution of a dispute, to alter its standards for accepting settlements, to forego seeking a consent decree or other relief, or to alter any existing delegation of settlement or litigating authority. Section 7.

Dated: July 16, 1997.

Janet Reno,

Attorney General.

[FR Doc. 97–19232 Filed 7–21–97; 8:45 am]

BILLING CODE 4410–12–M

DEPARTMENT OF JUSTICE

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

In accordance with Departmental policy, 28 C.F.R. § 50.7, notice is hereby

given that a proposed consent decree in *United States* v. *Copper Range Company,* Civil Action No. 2:97–CV–204, was lodged on June 17, 1997 with the United States District Court for the Western District of Michigan. The proposed consent decree resolves claims against Defendant Copper Range Company pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq. (''CERCLA'') in connection with the Torch Lake Superfund site in Houghton County, Michigan. The settlement requires the defendant to pay $325,000.

The consent decree includes a covenant not to sue by the United States under Sections 106 and 107 of CERCLA, 42 U.S.C. § 9606 and 9607, and under Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6973 (''RCRA'').

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 for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Copper Range Company,* Civil Action No. 2:97–CV–204, and the Department of Justice Reference No. 90–11–3–1026. Commenters may request an opportunity for a public hearing in the affected area, in accordance with Section 7003(d) of RCRA.

The proposed consent decree may be examined at the Office of the United States Attorney, Western District of Michigan, The Law Building, 330 Ionia Avenue, NW., 5th Floor, Grand Rapids, Michigan, 49503; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 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, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $8.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

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

[FR Doc. 97–19170 Filed 7–21–97; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

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

In accordance with Departmental policy, 28 CFR § 50.7 and 42 U.S.C. § 9622(d)(2), notice is hereby given that a proposed Consent Decree in *United States* versus *Stanley and Shirley Hodes,* Civil Action No. 95–1813–ST, was lodged on July 2, 1997 with the United States District Court for the District of Oregon. The complaint alleged that Defendants Stanley and Shirley Hodes are liable as owners of the Allied Plating Site in Portland, Oregon. Pursuant to Section 107(a) (1) and (2) of the CERCLA, 42 U.S.C. § 9607(a)(4)(A), the complaint also alleges that the Environmental Protection Agency (''EPA'') incurred costs for response actions set at and in connection with the Site.

The proposed Consent Decree provides that the Defendants will pay $300,000 to the United States for the past investigation and removal costs incurred and paid by EPA. The proposed Consent Decree also provides that the United States covenants not to sue the defendants under both Sections 107(a) and 113(g) of CERCLA, 42 U.S.C. § § 9607(a) and 9613(g).

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 for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* versus *Stanley and Shirley Hodes,* DOJ Ref. #90–11–3–276A.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 888 S.W. 5th Avenue, Suite 1000, Portland, Oregon 97204–2024; the Region X Office of the Environmental Protection Agency, 1200 Sixth Avenue, Seattle Washington 98101; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 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, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $9.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section.

[FR Doc. 97–19171 Filed 7–21–97; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

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

In accordance with Section 122(d) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. § 9622(d), and the policy of the United States Department of Justice, as provided in 28 C.F.R. § 50.7, notice is hereby given that on July 10, 1997, a proposed Consent Decree in *United States* v. *Pepper's Steel & Alloys, Inc.,* Civ No. 85–0571–EDB–DAVIS, was lodged with the United States District Court for the Southern District of Florida. This Consent Decree concerns the Pepper's Steel Superfund Site in Medley, Florida. The Site, which was contaminated with lead and PCBs, has been fully remediated by Florida Power & Light under a separate Decree. Under the proposed Decree, the settling defendants, who are the owners of the Site, agree to the entry of a joint and several judgment against them for $6,194,317.90, which is the amount of the United States' unreimbursed response costs, including interest. That judgment will be satisfied, to the extent possible, by the Landowners' payment to the United States of (1) $962,500 from several previous settlements with some of their insurers, (2) 50% of the proceeds from future settlements with their remaining insurance carriers, and (3) 50% of the proceeds from their sale or lease of the Site, which they still own. The Landowners also agree to restrictions on the use of the Site that will ensure the protection of the completed remedy.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments concerning the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Washington, DC, 20044, and should refer to *United States* v. *Pepper's Steel & Alloys, Inc.,* D.J. Ref. 90–11–2–62A.

The proposed Consent Decree may be examined at any of the following offices: (1) The Office of the United States Attorney for the Southern District of