

Diesel Corporation ("DDC") and the California Air Resources Board ("CARB") have concluded a related settlement agreement that resolves California claims similar to the federal claims addressed by this proposed Consent Decree; and (2) the United States filed similar settlements with six other manufacturers of motor vehicle diesel engines, notice of which is also being published at this time.

The United States has asserted in a civil complaint against DDC under the Clean Air Act, as amended 42 U.S.C. 7401 *et seq.* ("the Act"), that DDC sold, offered for sale, or introduced or delivered for introduction into commerce, certain heavy duty diesel engines that are equipped with computer software that alters fuel injection timing when the engines are in actual use, relative to the fuel injection timing used to control emissions of oxides of nitrogen ("NO_x") on the emissions test (the Federal Test Procedure or "FTP") required by U.S. Environmental Protection Agency ("EPA") regulations for the sale of motor vehicle and nonroad engines in the United States. The United States alleges in its complaint that these computer strategies have an adverse effect on the engines' emission control system for NO_x, that they were not adequately disclosed to EPA, that they are emission-control defeat devices prohibited under the Act, and that these engines are not covered by an EPA Certificate of Conformity, as required by the Act for motor vehicle engines to be sold in the United States.

Under the proposed Consent Decree, DDC has agreed to resolve the United States' claims by, among other things:

(1) Reducing emissions from motor vehicle and nonroad heavy duty diesel engines and eliminating the strategies of concern in future production, in accordance with the schedule set forth in the proposed Decree. This includes a substantial reduction in emissions from motor vehicle diesel engines by the end of this year, and a requirement that DDC achieve early compliance (by October 1, 2002) with the more stringent NO_x plus nonmethane hydrocarbon emission standard that would otherwise not apply to motor vehicle diesel engines (under current law) until January 1, 2004;

(2) Meeting Consent Decree emission limits both on the FTP and on a supplemental test called the EURO III test, which measures emissions under steady state conditions;

(3) Meeting "emission surface limits" and "not-to-exceed" limits that impose specific emissions limits in real-world operating conditions;

(4) Addressing emissions from engines previously sold and currently in use by developing and supplying dealers and independent rebuilders with Low NO_x Rebuild Kits, which would be used by engine rebuilders at the time of rebuild, and would reduce NO_x emissions in rebuilt engines; and

(5) Meeting certain emission limits for nonroad engines one year earlier than the law requires;

As additional injunctive relief DDC also will spend up to \$12 million to fund projects approved by EPA and CARB that are designed to reduce NO_x and PM emissions. Some of those projects are already specified in the Consent Decree. Others will be selected after the close of the public comment period and following consideration of, and review and approval by the United States and CARB, of projects proposed by DDC, including any ideas submitted by the public. DDC may receive credit against a portion of this \$12 million obligation in return for securing verifiable reductions in NO_x emissions not otherwise required by this Decree or other applicable law, but in no event will its obligation to fund projects be less than \$7 million.

Finally, DDC is required to pay \$12.5 million in civil penalties, twenty-five percent of which will be paid to CARB as part of its parallel settlement with DDC.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Detroit Diesel Corporation*, Civil Action No. 98-2548 (HHK), D.J. Ref. 90-5-2-1-2253.

The Consent Decree may be examined at the Office of the United States Attorney for the District of Columbia, Judiciary Center Bldg., 555 Fourth St., NW., Washington, DC 20001; at the Environmental Protection Agency Library, Reference Desk, Room 2904, 401 M Street, SW., Washington, DC 20460; and at the Consent Decree Library, 1120 G Street, NW., 3rd Floor, Washington, DC 20005, 202-624-0892. A copy of the Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 3rd Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of \$40.50 (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. 98-29404 Filed 11-2-98; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Filing of Consent Decree Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on October 22, 1998, a proposed Consent Decree (excepting two appendices which will be the subject of a motion for leave to file under seal) in *United States v. Mack Trucks, Inc.*, Civil Action No. 98-1495 (HHK), and *United States v. Renault Vehicules Industriels*, Civil Action No. 98-2543 (HHK), was filed with the United States District Court for the District of Columbia. At the same time, (1) Mack Trucks, Inc. ("Mack"), Renault Vehicules Industriels ("Renault") and the California Air Resources Board ("CARB") have concluded related settlement agreements that resolve California claims similar to the federal claims addressed by this proposed Consent Decree; and (2) the United States filed similar settlements with five other manufacturers of motor vehicle diesel engines, notice of which is also being published at this time.

The United States has asserted in civil complaints against Mack and Renault under the Clean Air Act, as amended 42 U.S.C. 7401 *et seq.* ("the Act"), that Mack and Renault sold, offered for sale, or introduced or delivered for introduction into commerce, certain heavy duty diesel engines that are equipped with computer software that alters fuel injection timing when the engines are in actual use, relative to the fuel injection timing used to control emissions of oxides of nitrogen ("NO_x") on the emissions test (the Federal Test Procedure or "FTP") required by U.S. Environmental Protection Agency ("EPA") regulations for the sale of motor vehicle engines in the United States. The United States alleges in its complaint that these computer strategies have an adverse effect on the engines' emission control system for NO_x, that they were not adequately disclosed to EPA, that they are emission-control defeat devices prohibited under the Act, and that these engines are not covered by an EPA Certificate of Conformity, as required by the Act for motor vehicle engines to be sold in the United States.

Under the proposed Consent Decree, Mack and Renault have agreed to

resolve the United States' claims by, among other things:

(1) Reducing emissions from heavy duty diesel engines and eliminating the strategies of concern in future production, in accordance with the schedule set forth in the proposed Decree. This includes a substantial reduction in emissions by the end of this year, and a requirement that Mack and Renault achieve early compliance (by October 1, 2002) with the more stringent NO_x plus nonmethane hydrocarbon emission standard that would otherwise not apply (under current law) until January 1, 2004;

(2) Meeting Consent Decree emission limits both on the FTP and on a supplemental test called the EURO III test, which measures emissions under steady state conditions;

(3) Meeting "emission surface limits" and "not-to-exceed" limits that impose specific emissions limits in real-world operating conditions;

(4) Addressing emissions from engines previously sold and currently in use by developing and supplying dealers and independent rebuilder with Low NO_x Rebuild Kits, which would be used by engine rebuilders at the time of rebuild, and would reduce NO_x emissions in rebuilt engines; and

(5) Meeting certain emission limits for nonroad engines one year earlier than the law requires;

As additional injunctive relief Mack and Renault also will spend up to \$18 million to fund projects approved by EPA and CARB that are designed to reduce NO_x and PM emissions. Some of those projects are already specified in the Consent Decree. Others will be selected after the close of the public comment period following consideration of, and review and approval by the United States and CARB, or projects proposed by Mack and Renault, including any ideas submitted by the public. Mack and Renault may receive credit against a portion of this \$18 million obligation in return for securing verifiable reductions in NO_x emissions not otherwise required by this Decree or other applicable law, but in no even will its obligation to fund projects be less than \$11 million.

Finally, Mack and Renault are required to pay \$13 million in civil penalties, twenty-five percent of which will be paid to CARB as part of its parallel settlement with Mack and Renault.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the 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. Mack Trucks, Inc.*, Civil Action No. 98-1495 (HHK), D.J. Ref. 90-5-2-1-2251, and *United States v. Renault Vehicules Industriels*, Civil Action No. 98-2543 (HHK), D.J. Ref. 90-5-2-1-2251/1.

The Consent Decree may be examined at the Office of the United States Attorney for the District of Columbia, Judiciary Center Bldg., 555 Fourth St., N.W., Washington, D.C. 20001; at the Environmental Protection Agency Library, Reference Desk, Room 2904, 401 M Street, S.W., Washington, D.C. 20460; and at the Consent Decree Library, 1120 G Street, N.W., 3rd Floor, Washington, D.C. 20005, 202-624-0892. A copy of the 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 \$29.00 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environment Enforcement Section,
Environment and Natural Resources Division.
[FR Doc. 98-29403 Filed 11-2-98; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Filing of Consent Decree Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on October 22, 1998, a proposed Consent Decree in *United States v. Navistar International Corp.*, Civil Action No. 98-2545 (HHK), was filed with the United States District Court for the District of Columbia. At the same time, (i) Navistar International Corp. ("Navistar") and the California Air Resources Board ("CARB") have concluded a related settlement agreement that resolves California claims similar to the federal claims addressed by this proposed Consent Decree; and (2) the United States filed similar settlements with six other manufacturers of motor vehicle diesel engines, notice of which is also being published at this time.

The United States has asserted in a civil complaint against Navistar under the Clean Air Act, as amended 42 U.S.C. 7401 *et seq.* ("the Act"), that Navistar sold, offered for sale, or introduced or delivered for introduction into commerce, certain model year 1996 through 1998, heavy duty diesel engines that are equipped with computer

software that alters fuel injection timing when the engines are in actual use, relative to the fuel injection timing used to control emissions of oxides of nitrogen ("NO_x") on the emissions test (the Federal Test Procedure or "FTP") required by U.S. Environmental Protection Agency ("EPA") regulations for the sale of motor vehicle engines in the United States. The United States alleges in its complaint that these computer strategies have an adverse effect on the engines' emission control system for NO_x, that they were not adequately disclosed to EPA, that they are emission-control defeat devices prohibited under the Act, and that these engines are not covered by an EPA Certificate of Conformity, as required by the Act for motor vehicle engines to be sold in the United States.

Under the proposed Consent Decree, Navistar has agreed to resolve the United States' claims by, among other things:

(1) Achieving emission reductions in addition to those already required by law of at least 40,000 tons of NO_x, through early compliance with new and more stringent emission standards, environmental projects, or other steps resulting in quantifiable and verifiable results.

(2) Addressing emissions from engines previously sold and currently in use by developing and supplying its dealers and distributors with Low NO_x Rebuild Kits, which would be used by engine rebuilders at the time of rebuild, and would reduce NO_x emissions in rebuilt engines;

(3) Meeting certain emission limits for nonroad engines one year earlier than the law requires;

(4) Participating in an in-use test program to evaluate the actual emissions performance of in-use heavy-duty diesel engines; and

(5) Voiding certain emissions averaging, banking and trading credit that otherwise would be available to Navistar to meet emission standards applicable to its engines.

Finally, Navistar is required to pay \$2.9 million in civil penalties, twenty-five percent of which will be paid to CARB as part of its parallel settlement with Navistar.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the 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. Navistar*