

following Department of Justice Web site: <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or e-mailing a request a Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 513-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$6.25 (25 cents per page reproduction cost), payable to the U.S. Treasury.

**Ronald Gluck,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Proposed Agreement Resolving Dispute Under Consent Decree in *United States v. Detroit Diesel Corporation*

Notice is hereby given of a proposed Agreement Resolving Dispute Under Consent Decree ("Agreement") in the case of *United States v. Detroit Diesel Corporation*, Civil Action No. 98-02548, in the United States District Court for the District of Columbia.

The Agreement resolves two matters involving DDC's alleged failure to comply with a 1999 Consent Decree settling claims under Title II of the Clean Air Act, 42 U.S.C. 7521 *et seq.* (the "Act"), regarding the alleged use of illegal emission-control "defeat devices" on DDC's 1998 and prior heavy-duty diesel engines ("HDDs"). The first matter concerns DDC's use of a computer-based auxiliary emission control device ("AEC") to control "white smoke," *i.e.*, visible exhaust caused by incomplete combustion of diesel fuel, on 35,667 model year 2000 Series 50 urban bus engines and model year 2001 Series 60 HDDs. The white smoke AEC, which required EPA approval, was not accurately described in DDC's applications to EPA for regulatory "certificates of conformity" permitting the sale of the engines in the United States. The second matter concerns 2,096 model year 2003 and 2004 Series 50 urban bus engines that, under specific engine operating conditions, may emit particulate matter ("PM") at levels higher than the "not-to-exceed" or "NTE" limit for PM imposed by the Consent Decree.

These violations are addressed through DDC's payment of stipulated penalties in the amount of \$535,000, provisions for the completion of previously initiated recalls to fix the white smoke AEC and the NTE exceedance engines until at least 24,967 of the former and all of the latter have been repaired, and the mandatory continuation of a program to obtain NO<sub>x</sub> emission reductions through modifications to the engine control software (known as "early Low NO<sub>x</sub> Rebuild" from older, higher emitting engines manufactured by DDC and still in use in trucks. DDC is required to achieve at least 8,000 tons of NO<sub>x</sub> emission reductions through early Low NO<sub>x</sub> Rebuilds, and is also required to continue this program beyond the 8,000-ton requirement for so long as engines for which its Low NO<sub>x</sub> Rebuild software is available remain in service.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Divisions, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Detroit Diesel Corporation*, D.J. Ref. 90-5-2-1-2253.

During the public comment period, the Agreement may be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>.

A copy of the Agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC, 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy of the Decree from the Consent Decree Library, please enclose a check in the amount of \$4.25 (25 cents per page reproduction cost for 210 pages) payable to the U.S. Treasury.

**Karen Dworkin,**

*Assistant Chief, Environmental Enforcement Section.*

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Manufacturer of Controlled Substances Notice of Registration

By Notice dated June 8, 2005, and published in the **Federal Register** on June 15, 2005, (70 FR 34796), Boehringer Ingelheim Chemical Inc., 2820 N. Normandy Drive, Petersburg, Virginia 23805, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed in Schedules II:

Drug	Schedule
Amphetamine (1100) .....	II
Methylphenidate (1724) .....	II
Methadone (9250) .....	II
Methadone Intermediate (9254) ...	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Fentanyl (9801) .....	II

The company plans to manufacture the listed controlled substances for formulation into finished pharmaceuticals. Subsequent to the Notice of Application, being published in the **Federal Register** on June 15, 2005, Boehringer Ingelheim Chemical Inc., requested the surrender of drug code Levo-alphaacetylmethadol (9648) from their registration.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Boehringer Ingelheim Chemical Inc. to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Boehringer Ingelheim Chemical Inc., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 823, and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: November 18, 2005.

**Joseph T. Rannazzisi,**

*Acting Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

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