

7413(b) and 7477, for violation of (1) the CAA's Prevention of Significant Deterioration of Air Quality (PSD) provisions; (2) the CAA's New Source Performance Standards (NSPS) provisions and the NSPS regulations for ferroalloy production facilities (subpart Z), and (3) the Ohio State Implementation Plan's opacity limits, as incorporated into Globe's Title V permit, and Ohio's Title V permit program. Under the proposed Consent Decree, Globe will pay a \$2.6 million civil penalty, construct a new baghouse, restrict sulfur content of process inputs to specified limits, and implement a detailed monitoring regime to address opacity concerns. Additionally, as mitigation for past exceedances, Globe will extend its sulfur content limits and Subpart Z obligations to all furnaces.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Globe Metallurgical, Inc.*, D.J. Ref. No. 90-5-2-1-11643. All comments must be submitted no later than 30 days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: <http://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$17.25 (25 cents per page reproduction cost) payable to the United States Treasury.

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

[FR Doc. 2023-16190 Filed 7-28-23; 8:45 am]

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Proposed Consent Decree**

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States v. Robert Yundt Homes, LLC, et al.*, No. 3:23-cv-00073-JMK, was lodged with the United States District Court for the District of Alaska on July 24, 2023.

This proposed Consent Decree concerns a complaint filed by the United States against Defendants Robert Yundt Homes, LLC, and Robert D. Yundt II, pursuant to sections 309(b) and (d) of the Clean Water Act, 33 U.S.C. 1319(b) and (d), to obtain injunctive relief from and impose civil penalties against Defendants for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States and violating Administrative Orders on Consent issued by the United States Environmental Protection Agency (EPA). The proposed Consent Decree resolves these allegations by requiring Defendants to restore the impacted areas, perform mitigation pursuant to EPA-approved restoration plans, and pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for 30 days from the date of publication of this Notice. Please address comments to Daniel J. Martin, United States Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, Post Office Box 7611, Washington, DC 20044, or [pubcomment\\_eds.enrd@usdoj.gov](mailto:pubcomment_eds.enrd@usdoj.gov), and refer to *United States v. Robert Yundt Homes, LLC, et al.*, DJ # 90-5-1-1-22275.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the District of Alaska, James M. Fitzgerald United States Courthouse and Federal Building, 222 West 7th Avenue, Room 229, Anchorage, AK 99513. In addition, the proposed Consent Decree may be examined electronically at <http://www.justice.gov/enrd/consent-decrees>.

**Cherie Rogers,**  
Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2023-16084 Filed 7-28-23; 8:45 am]

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Proposed Consent Decree Under the Clean Air Act and Emergency Planning and Community Right-To-Know Act**

On July 26, 2023 the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Rhode Island in the lawsuit entitled *United States v. Taylor Farms New England, Inc.*, Civil Action No. 1:23-cv-00311.

The United States filed this lawsuit under the Clean Air Act and the Emergency Planning and Community Right-To-Know Act. The United States' complaint seeks injunctive relief and civil penalties for violations of the statutory and regulatory provisions that govern the prevention and notice of accidental releases of extremely hazardous substances at the defendant's food processing facility in North Kingstown, Rhode Island. The consent decree requires the defendant to perform injunctive relief and pay a \$650,000 civil penalty.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Taylor Farms New England, Inc.*, D.J. Ref. No. 90-5-2-1-12458. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: <http://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—

ENRD, P.O. Box 7611, Washington, DC 20044-7611.

**Henry S. Friedman,**

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

[FR Doc. 2023-16191 Filed 7-28-23; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

[Prohibited Transaction Exemption 2023-17; Exemption Application No. D-11963]

#### Exemption From Certain Prohibited Transaction Restrictions Involving J.P. Morgan Securities LLC, J.P. Morgan Investment Management Inc., J.P. Morgan Advisors (Formerly, J.P. Morgan Securities; JPMS Brokerage), and Chase Wealth Management Located in New York, New York

**AGENCY:** Employee Benefits Security Administration, Labor.

**ACTION:** Notice of exemption.

**SUMMARY:** This document contains a notice of exemption issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Internal Revenue Code of 1986 (the Code). This exemption involves certain principal trades involving J.P. Morgan Securities LLC (JPMS), J.P. Morgan Investment Management Inc. (JPMIM), J.P. Morgan Advisors (formerly, J.P. Morgan Securities; JPMS Brokerage), and Chase Wealth Management (CWM) (collectively, the Applicants), and certain of their client plans that are subject to Code section 4975 but not covered by Title I of ERISA (the Non-ERISA Plan Clients).<sup>1</sup> These principal transactions resulted in the Non-ERISA Plan Clients purchasing or selling securities from or to the Applicants.

**DATES:** The exemption will be in effect from December 14, 2010, until September 16, 2013.

**FOR FURTHER INFORMATION CONTACT:** Ms. Anna Vaughan of the Department, telephone (202) 693-8565. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** The Applicants requested an individual exemption pursuant to Code section 4975(c)(2) in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011). Effective December

31, 1978, section 102 of the Reorganization Plan No. 4 of 1978, (5 U.S.C. App. 1 (1996)) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Accordingly, this exemption is being issued solely by the Department.

On October 15, 2021, the Department published a notice of proposed exemption in the **Federal Register**.<sup>2</sup> After considering the entire record developed in connection with the Applicants' exemption application, including the information discussed below, the Department has determined to grant the exemption subject to the conditions described below. The exemption provides only the relief specified in its text and does not provide relief from violations of any law other than the prohibited transaction provisions of ERISA expressly stated herein. The Department makes the requisite findings under Code section 4975(c)(2) that the exemption is (1) administratively feasible, (2) in the interest of the plans and their participants and beneficiaries, and (3) protective of the rights of the plans' participants and beneficiaries, so long as all of the exemption conditions are met. Accordingly, affected parties should be aware that the conditions incorporated in this exemption are, taken as a whole, necessary for the Department to grant the relief requested by the Applicants. Absent these or similar conditions, the Department would not have granted this exemption.

#### Background

1. As discussed in further detail in the notice of proposed exemption, and described below, JPMS and JPMIM previously caused or executed prohibited principal transactions on behalf of certain plan clients covered by the Employee Retirement Income Security Act of 1974 (ERISA Plan Clients) and on behalf of certain plan clients covered only by the Internal Revenue Code of 1986 (Non-ERISA Plan Clients).<sup>3</sup> The Applicants previously corrected the ERISA Plan Client-related prohibited transactions under the Department's Voluntary Fiduciary Compliance Program (the VFC Program) and received "no action letters."<sup>4</sup>

2. The VFC Program is not available to correct prohibited transactions involving non-ERISA plans. Therefore, the Applicants requested an exemption for JPMS and JPMIM to correct the

prohibited principal transactions that involved their Non-ERISA Plan Clients (the Covered Transactions).

#### *The Covered Transactions Involving JPMIM*<sup>5</sup>

3. A total of 3,989 trades of securities issued by third parties were executed for the Chase Wealth Management line of business (the CWM Wrap Program) on a principal basis. According to the Applicants, 3,985 of the trades were sales by a Non-ERISA Plan Client to a counterparty (a JPM Counterparty) affiliated with JPMorgan Chase & Co. (JPMorgan), with an aggregate sales price of \$2,682,332.34 (the JPMIM Sales Transactions),<sup>6</sup> and four trades were purchases by a Non-ERISA Plan Client from a JPM Counterparty (the JPMIM Purchase Transactions) with an aggregate purchase price of \$46,940.55. The purchased shares had not been re-sold by the Non-ERISA Plan Client as of the date the transactions were corrected.<sup>7</sup> The Applicants represent that JPMIM and JPMS endeavored to correct the prohibited transactions as quickly as possible in the manner described under the "Covered Transaction Corrections" heading of the proposed exemption.<sup>8</sup>

4. The Applicants represent that the trades did not result in any commissions being paid by the Non-ERISA Plan Clients to JPMIM or its affiliates. Rather, the trades were executed under the CWM Wrap Program, under which all clients pay a wrap fee (*i.e.*, a comprehensive charge) that covered all of the investment advisory-related and transactional services provided by JPMorgan to such accounts. As a result, no additional compensation was paid in connection with either the JPMIM Sales Transactions or the JPMIM Purchase Transactions. The Applicants represent that JPMIM is no longer enabled to execute trades on JPM-X, an "alternative trading system" owned and operated by JPMS.

5. Further, the Applicants represent that there were no identifiable profits received by JPMIM or its affiliates in connection with any of the aforementioned transactions, because the securities traded were liquid securities that JPMorgan and its affiliates regularly hold in inventory, deal in or make a market in. In this regard, because JPMorgan is a market

<sup>5</sup> As described more fully in the proposed exemption and in Section II, below.

<sup>6</sup> These trades involved 3,784 Non-ERISA Plan Clients.

<sup>7</sup> These trades involved two Non-ERISA Plan Clients.

<sup>8</sup> 86 FR 57446, 57448.

<sup>2</sup> 86 FR 57446 (October 15, 2021).

<sup>3</sup> 86 FR 57446 (October 15, 2021).

<sup>4</sup> See 67 FR 15062 (March 28, 2002), as updated at 71 FR 20262 (April 19, 2006).

<sup>1</sup> JPMS Brokerage and CWM are lines of business within JPM.