

To submit comments:	Send them to:
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: <https://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 \$9.00 (25 cents per page reproduction cost) payable to the United States Treasury.

**Lori Jonas,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act

On January 28, 2020, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Ohio in *United States v. Dynegy Zimmer LLC*, Civil Action No. 1:20–cv–00071.

The Consent Decree settles claims brought by the United States for violations of the Clean Air Act, 42 U.S.C. 7401 *et seq.* in connection with a coal fired power plant owned and operated by Defendant in Moscow, Ohio. The Consent Decree requires the Defendant to undertake measures to address CAA violations and prevent future CAA violations. Defendant will also implement a mitigation project and a supplemental environmental project. Under the Consent Decree, Defendant will pay a civil penalty of \$600,000.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Dynegy Zimmer LLC*, D.J. Ref. No. 90–5–2–1–11425. 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.

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Please enclose a check or money order for \$21.25 (25 cents per page reproduction cost) payable to the United States Treasury.

**Jeffrey Sands,**

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

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## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

[Prohibited Transaction Exemption 2020–01; Exemption Application No. D–11998]

### Exemption From Certain Prohibited Transaction Restrictions Involving UBS Asset Management (Americas) Inc.; UBS Realty Investors LLC; UBS Hedge Fund Solutions LLC; UBS O'Connor LLC; and Certain Future Affiliates in UBS's Asset Management and Global Wealth Management U.S. Divisions (collectively, the Applicants or the UBS QPAMs) Located in Chicago, Illinois; Hartford, Connecticut; New York, New York; and Chicago, Illinois, Respectively

**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 Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal

Revenue Code of 1986 (the Code). The exemption affects the ability of certain entities with specified relationships to UBS AG (UBS), UBS Securities Japan Co., Ltd. (UBS Securities Japan), and UBS (France) S.A. (UBS France) to continue to rely upon relief provided by Prohibited Transaction Exemption 84–14.

**DATES:** This exemption will be in effect for five years beginning on February 20, 2020 and ending on February 20, 2025.

**FOR FURTHER INFORMATION CONTACT:** Mr. Brian Mica of the Department at (202) 693–8402. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** On September 30, 2019, the Department published a notice of proposed exemption in the *Federal Register* at 84 FR 51621, permitting certain entities with specified relationships to UBS to continue to rely upon the relief provided by PTE 84–14<sup>1</sup> for a period of five years, notwithstanding certain criminal convictions, as described herein (the Convictions) and the 2019 French Conviction.

The Department is granting this exemption to ensure that Covered Plans<sup>2</sup> with assets managed by an asset manager within the corporate family of UBS may continue to benefit from the relief provided by PTE 84–14. This exemption will be in effect for five years from February 20, 2020 (the date the relief in PTE 2019–01<sup>3</sup> expires) through February 20, 2025. The grant of this five-year exemption does not imply, and is not intended to imply, that the Department will grant additional relief for UBS QPAMs to continue to rely on the relief in PTE 84–14 following the end of the five-year period.

This exemption provides only the relief specified in the text of the exemption, and only with respect to the criminal convictions or criminal conduct described herein. It provides no relief from violations of any law other

<sup>1</sup> 49 FR 9494, March 13, 1984, as corrected at 50 FR 41430 (October 10, 1985), as amended at 70 FR 49305 (August 23, 2005) and as amended at 75 FR 38837 (July 6, 2010), hereinafter referred to as PTE 84–14 or the QPAM exemption.

<sup>2</sup> “Covered Plan” is a plan subject to Part 4 of Title 1 of ERISA (“ERISA-covered plan”) or a plan subject to section 4975 of the Code (“IRA”) with respect to which a UBS QPAM relies on PTE 84–14, or with respect to which a UBS QPAM (or any UBS affiliate) has expressly represented that the manager qualifies as a QPAM or relies on the QPAM class exemption (PTE 84–14). A Covered Plan does not include an ERISA-covered plan or IRA to the extent the UBS QPAM has expressly disclaimed reliance on QPAM status or PTE 84–14 in entering into its contract, arrangement, or agreement with the ERISA-covered plan or IRA.

<sup>3</sup> See PTE 2019–01; 84 FR 6163, February 26, 2019.