

of Seattle, Civil Action No. 16–1486 (W.D. Wa.)

The complaint asserts claims for natural resource damages by the United States on behalf of the National Oceanic and Atmospheric Administration and the Department of the Interior; the State of Washington; the Suquamish Tribe; and the Muckleshoot Indian Tribe (the Natural Resource Trustees) pursuant to the section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9607(a); section 311 of the Clean Water Act (CWA), 33 U.S.C. 1321; section 1002(b) of the Oil Pollution Act (OPA), 33 U.S.C. 2702(b); and the Washington Model Toxics Control Act (MTCA), RCW 70.105D.

The proposed consent decree settles claims for natural resource damages caused by hazardous substances released from City of Seattle facilities along the Duwamish Waterway. Under the proposed consent decree, the City of Seattle will purchase restoration credits in projects approved by the Natural Resource Trustees to create habitat for injured natural resources, including various species of fish and birds. The City of Seattle also will establish conservation easements on a number of parcels along the Lower Duwamish Waterway to ensure that restoration projects constructed on those parcels are preserved, and the City will pay approximately \$91,000 of the Trustees' damage assessment costs. The City will also pay Bluefield Holdings, Inc., to operate and maintain a restoration project under the Trustees' oversight, and Bluefield will reimburse the Trustees' future oversight costs for this project. The Natural Resource Trustees will provide the City of Seattle with covenants not to sue under the statutes listed in the complaint and proposed consent decree for specified natural resource damages.

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 of America et al. v. City of Seattle*, D.J. Ref. No. 90–11–3–07227/2. 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	pubcomment-ees.enrd@usdoj.gov.

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 proposed consent decree may be examined and downloaded at this Justice Department Web site: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the proposed 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 \$54.00 (25 cents per page reproduction cost) payable to the United States Treasury. Alternatively, to obtain a copy of only the main body of the proposed consent decree, excluding appendices, please enclose a check or money order for \$19.50.

Susan M. Akers,

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

[FR Doc. 2016–23378 Filed 9–27–16; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Oil Pollution Act

On September 21, 2016, a proposed consent decree was lodged with the United States District Court for the District of Montana in the lawsuit entitled *United States and the State of Montana v. ExxonMobil Pipeline Company*, Civil Action No. 1:16–cv–00143–SPW–CSO.

The United States and the State of Montana filed this lawsuit against ExxonMobil Pipeline Company (“ExxonMobil”) pursuant to the Oil Pollution Act, 33 U.S.C. 2701–2762, and state law. The United States’ and State of Montana’s complaint seeks to recover damages for injury to, destruction of, loss of, or loss of use of natural resources resulting from the discharge of oil from the ExxonMobil’s Silvertip Pipeline into the Yellowstone River near Laurel, Montana on or about July 1, 2011. The proposed consent decree requires ExxonMobil to pay \$12,000,000 to resolve the United States’ and the State of Montana’s claim for natural resource damages.

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 and the State of Montana v. ExxonMobil Pipeline Company*, D.J. Ref. No. 90–5–1–1–10332. 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 in the following manner:

To submit comments:	Send them to:
By email	pubcomment-ees.enrd@usdoj.gov.
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 Web site: https://www.usdoj.gov/enrd/Consent_Decrees.html. 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 \$7.25 (25 cents per page reproduction cost) payable to the United States Treasury.

For informational purposes, the Justice Department notes that the Department of the Interior and the State of Montana have prepared a related draft Restoration Plan. The public may review the plan at <https://dojmt.gov/lands/yellowstone-river-oil-spill-July-2011/>, by email at NRDP@mt.gov with “Yellowstone restoration plan comment” in the subject line, in person at Montana Natural Resource Damage Program, 1720 9th Avenue, Helena, MT 59620–1425, or by mail by sending a request to Montana Natural Resource Damage Program, P.O. Box 201425, Helena, MT 59620–1425. Comments on the draft restoration plan should be sent to the Montana Natural Resource Damage Program at the addresses listed above or provided orally at an October 12, 2016 public meeting. All comments on the Restoration Plan must be

submitted no later than October 31, 2016.

Robert Brook,

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

[FR Doc. 2016-23309 Filed 9-27-16; 8:45 am]

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MILLENNIUM CHALLENGE CORPORATION

[MCC FR 16-05]

Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance in Fiscal Year 2017

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: This report to Congress is provided in accordance with Section 608(b) of the Millennium Challenge Act of 2003, as amended, 22 U.S.C. § 7707(b) (the “Act”).

Dated: September 20, 2016.

Sarah E. Fandell,

VP/General Counsel and Corporate Secretary, Millennium Challenge Corporation.

Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance in Fiscal Year 2017

Summary

In accordance with section 608(b)(2) of the Millennium Challenge Act of 2003 (the “Act,” 22 U.S.C. 7707(b)(1)), the Millennium Challenge Corporation (MCC) is submitting the enclosed report. This report identifies the criteria and methodology that MCC intends to use to determine which candidate countries may be eligible to be considered for assistance under the Act for fiscal year 2017.

Under section 608 (c)(1) of the Act, MCC will, for a thirty-day period following publication, accept and consider public comment for purposes of determining eligible countries under section 607 of the Act (22 U.S.C. 7706).

Criteria and Methodology for FY 2017

This document explains how the Board of Directors (Board) of the Millennium Challenge Corporation (MCC) will identify, evaluate, and determine eligibility of countries for Millennium Challenge Account (MCA) assistance for fiscal year (FY) 2017. The statutory basis for this report is set forth

in Appendix A. Specifically, this document discusses:

- I. Which countries MCC will evaluate
- II. How the Board evaluates these countries
 - A. Overall
 - B. For selection for first compact eligibility
 - C. For selection for second/ subsequent compact eligibility
 - D. For threshold program assistance
 - E. A note on potential regional investments
 - F. A note on potential transition to upper middle income country (UMIC) status after initial selection

I. Which countries are evaluated?

As discussed in the August 2016 Report on Countries that are Candidates for Millennium Challenge Account Eligibility for Fiscal Year 2017 and Countries that Would be Candidates but for Legal Prohibitions (the “Candidate Country Report”), MCC evaluates all low-income countries (LICs) and lower-middle income countries (LMICs) as follows:

- For scorecard evaluation purposes for FY 2017, MCC defines LICs as those countries between \$0 and \$1945 GNI per capita, and LMICs as those countries between \$1946 and \$4035 GNI per capita.¹
- For funding purposes for FY 2017, MCC defines the poorest 75 countries as LICs, and the remaining countries up to the UMIC threshold of \$4035 as LMICs.²

Under Appendix B, lists of all LICs, LMICs and statutorily prohibited countries for evaluation purposes are provided. The list using the “funding” definition was outlined in the FY 2017 Candidate Country Report and describes how funding categories work.

II. How does the Board evaluate these countries?

A. Overall evaluation

The Board looks at three legislatively-mandated factors in its evaluation of any candidate country for compact eligibility: (1) Policy performance; (2) the opportunity to reduce poverty and generate economic growth; and (3) the availability of MCC funds.

1. Policy Performance

Because of the importance of needing to evaluate a country’s policy

¹ This corresponds to LIC and LMIC definitions using the historic International Development Association (IDA) thresholds published by the World Bank.

² By law, no more than 25 percent of all compact funds for a given fiscal year may be provided to LMIC countries (using this “funding” definition).

performance and needing to do so in a comparable, cross-country way, the Board relies to the maximum extent possible upon the best-available objective and quantifiable indicators of policy performance. These indicators act as proxies of the country’s commitment to just and democratic governance, economic freedom, and investing in its people, as laid out in MCC’s founding legislation. Comprised of 20 third-party indicators in the categories of “encouraging economic freedom,” “investing in people,” and “ruling justly,” MCC “scorecards” are created for all LICs and LMICs. To “pass” the indicators on the scorecard, the country must perform above the median among its income group (as defined above), except in the cases of inflation, political rights, civil liberties, and immunization rates (LMICs only), where threshold scores have been established. In particular, the Board considers whether the country:

- Passed at least 10 of the 20 indicators, with at least one in each category,
- Passed either the “Political Rights” or “Civil Liberties” indicator, and
- Passed the “Control of Corruption” indicator.

While satisfaction of all three aspects means a country is termed to have “passed” the scorecard, the Board also considers whether the country performed “substantially worse” in any one policy category than it does on the scorecard overall. Appendix C describes all 20 indicators, their definitions, what is required to “pass,” their source, and their relationship to the legislative criteria.

The mandatory passing of either the “Political Rights” or “Civil Liberties” indicators is called the “Democratic Rights” “hard hurdle” on the scorecard, while the mandatory passing of the “Control of Corruption” indicator is called the “Control of Corruption” “hard hurdle.” Not passing either “hard hurdle” results in not passing the scorecard overall, regardless of whether at least 10 of the 20 other indicators are passed.

- Democratic Rights “hard hurdle:” This hurdle sets a minimum bar for democratic rights below which the Board will not consider a country for eligibility. Requiring that a country pass either the Political Rights or Civil Liberties indicator creates a democratic incentive for countries, recognizes the importance democracy plays in driving poverty-reducing economic growth, and holds MCC accountable to working with the best governed, poorest countries. When a candidate country is only passing one