

TABLE 1 TO PARAGRAPH (B)—HUMAN HEALTH CRITERIA FOR WASHINGTON

| A                                       |          | B  |   |                                       |   |  | C                                |                               |
|---|----------|--|---|---------------------------------------|---|--|----------------------------------|-------------------------------|
| Chemical                                | CAS No.  | Cancer slope factor, CSF (per mg/kg-d)<br>(B1) | Relative source contribution, RSC (-)<br>(B2) | Reference dose, RfD (mg/kg-d)<br>(B3) | Bio-accumulation factor (L/kg tissue)<br>(B4) | Bio-concentration factor (L/kg tissue)<br>(B5) | Water & organisms (µg/L)<br>(C1) | Organisms only (µg/L)<br>(C2) |
| 1. Arsenic*                             | 7440382  | 1.75   | .....   | .....                                 | .....   | 44   | <sup>a</sup> 0.018               | <sup>a</sup> 0.14             |
| 2. Bis (2-Chloro-1-Methylethyl) Ether** | 108601   | .....  | 0.50  | 0.04                                  | 10  | .....  | 400                              | 900                           |
| 3. Methylmercury                        | 22967926 | .....  | 2.7E-05                                       | 0.0001                                | .....   | .....  | .....                            | <sup>b</sup> 0.03 (mg/kg)     |

<sup>a</sup> This criterion refers to the inorganic form of arsenic only.

<sup>b</sup> This criterion is expressed as the fish tissue concentration of methylmercury (mg methylmercury/kg fish). See *Water Quality Criterion for the Protection of Human Health: Methylmercury* (EPA-823-R-01-001, January 3, 2001) for how this value is calculated using the criterion equation in the EPA's 2000 Human Health Methodology rearranged to solve for a protective concentration in fish tissue rather than in water.

\* These criteria were promulgated for Washington in the National Toxics Rule at 40 CFR 131.36, and are moved into 40 CFR 131.45 to have one comprehensive human health criteria rule for Washington.

\*\* Bis (2-Chloro-1-Methylethyl) Ether was previously listed as Bis (2-Chloroisopropyl) Ether.

\* \* \* \* \*  
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BILLING CODE 6560-50-P

**DEPARTMENT OF HOMELAND SECURITY**  
**Federal Emergency Management Agency**  
**44 CFR Part 64**

[Docket ID FEMA-2020-0005; Internal Agency Docket No. FEMA-8629]

**Suspension of Community Eligibility**

**AGENCY:** Federal Emergency Management Agency, DHS.  
**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at <https://www.fema.gov/national-flood-insurance-program-community-status-book>.

**DATES:** *Effective Dates:* The effective date of each community's scheduled suspension is the third date ("Susp.")

listed in the third column of the following tables.

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Adrienne L. Sheldon, PE, CFM, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW, Washington, DC 20472, (202) 212-3966.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that

identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

*National Environmental Policy Act.* FEMA has determined that the community suspension(s) included in this rule is a non-discretionary action and therefore the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.

*Regulatory Flexibility Act.* The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of

1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

**Regulatory Classification.** This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30,

1993, Regulatory Planning and Review, 58 FR 51735.

*Executive Order 13132, Federalism.* This rule involves no policies that have federalism implications under Executive Order 13132.

*Executive Order 12988, Civil Justice Reform.* This rule meets the applicable standards of Executive Order 12988.

*Paperwork Reduction Act.* This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

**List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

**PART 64—[AMENDED]**

■ 1. The authority citation for Part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

**§ 64.6 [Amended]**

■ 2. The tables published under the authority of § 64.6 are amended as follows:

| State and location                        | Community No. | Effective date authorization/cancellation of sale of flood insurance in community | Current effective map date | Date certain Federal assistance no longer available in SFHAs |
|---|---------------|---|----------------------------|--|
| <b>Region IV</b>                          |               |   |                            |  |
| Tennessee:                                |               |   |                            |  |
| Coffee County, Unincorporated Areas ..... | 470355        | July 24, 1998, Emerg; June 1, 2005, Reg; May 15, 2020, Susp.                      | May 15, 2020 .....         | May 15, 2020.  |
| Manchester, City of, Coffee County .....  | 470035        | August 3, 1973, Emerg; October 17, 1978, Reg; May 15, 2020, Susp.                 | .....do* .....             | Do.  |

\*.....do = Ditto.  
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

**Katherine B. Fox,**  
*Assistant Administrator for Mitigation, Federal Insurance and Mitigation Administration—FEMA Resilience, Department of Homeland Security, Federal Emergency Management Agency.*  
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**DEPARTMENT OF HOMELAND SECURITY**  
**Federal Emergency Management Agency**

**44 CFR Part 333**  
**[Docket ID FEMA-2020-0019]**  
**RIN 1660-AB04**

**Emergency Management Priorities and Allocations System (EMPAS)**

**AGENCY:** Federal Emergency Management Agency, DHS.  
**ACTION:** Interim final rule.

**SUMMARY:** This interim final rule establishes standards and procedures by which the Federal Emergency Management Agency (FEMA) may require certain contracts or orders that promote the national defense be given priority over other contracts or orders. This rule also sets new standards and procedures by which FEMA may allocate materials, services, and facilities to promote the national defense under emergency and non-

emergency conditions pursuant to section 101 of the Defense Production Act of 1950, as amended. These regulations are part of FEMA’s response to the ongoing COVID-19 emergency.

**DATES:** This rule is effective May 13, 2020.

**Comment Date:** Comments must be received on or before June 12, 2020.

**ADDRESSES:** You may submit comments, identified by Docket ID FEMA-2020-0019, via the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Marc Geier, Office of Policy and Program Analysis, 202-924-0196, [FEMA-DPA@fema.dhs.gov](mailto:FEMA-DPA@fema.dhs.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Public Participation**

Interested persons are invited to participate in this rulemaking by submitting comments and related materials. We will consider all comments and material received during the comment period.

If you submit a comment, include the Docket ID FEMA-2020-0019, indicate the specific section of this document to which each comment applies, and give the reason for each comment. All submissions may be posted, without change, to the Federal e-Rulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore,

submitting this information makes it public.

**Viewing comments and documents:** For access to the docket to read background documents or comments received, go to the Federal e-Rulemaking Portal at <http://www.regulations.gov>.

**II. Background**

Section 101 of the Defense Production Act of 1950, as amended (DPA or the Act), authorizes the President to require that performance under contracts or orders (other than contracts of employment) which he deems necessary or appropriate to promote the national defense take priority over performance under any other contract or order.<sup>1</sup> For the purpose of assuring such priority, the President may require acceptance and performance of such contracts or orders in preference to other contracts or orders by any person he finds to be capable of their performance.<sup>2</sup> Section 101 also authorizes the President to allocate materials, services, and facilities in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate to promote the national defense.<sup>3</sup> For the purposes of this discussion, these authorities are referred to as the

<sup>1</sup> 50 U.S.C. 4511(a)(1).  
<sup>2</sup> 50 U.S.C. 4511(a)(1).  
<sup>3</sup> 50 U.S.C. 4511(a)(2).