

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****44 CFR Parts 65, 70, and 72**

RIN 3067-AC53

**Identification and Mapping of Special
Flood Hazard Areas, Procedures for
Map Correction, and Procedures and
Fees for Processing Map Changes**AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This final rule revises the National Flood Insurance Program (NFIP) regulations concerning the identification and mapping of Special Flood Hazard Areas (SFHAs) and correction of NFIP maps by revising the fee requirements and fee schedule for processing certain changes to NFIP maps. Under this final rule, the fees will be adjusted periodically, but no more than once annually, to provide for changes in the prevailing private-sector labor rate on which the fees are predicated. Revised fees will be published as a notice in the Federal Register.

EFFECTIVE DATE: This rule is effective March 10, 1997.

FOR FURTHER INFORMATION CONTACT: Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, 500 C Street SW., Washington, DC 20472, (202) 646-2796.

SUPPLEMENTARY INFORMATION: This final rule revises the NFIP regulations governing identification and mapping of SFHAs and correction of NFIP maps by revising the fee requirements and fee schedule for processing certain changes to NFIP maps. FEMA established the current fee requirements under a final rule published in the Federal Register, at 57 FR 29036, on June 30, 1992.

This action reduces expenses to the NFIP and contributes to maintaining the NFIP as a self-supporting program by: (1) Establishing flat user fees for most requests for Conditional Letters of Map Amendment (CLOMAs), Letters of Map Revision Based on Fill (LOMR-Fs), Conditional Letters of Map Revision Based on Fill (CLOMR-Fs), Letters of Map Revision (LOMRs), Conditional Letters of Map Revision (CLOMRs), and Physical Map Revisions (PMRs); (2) reducing the number of user fee categories; (3) requiring full payment of user fees before FEMA begins work on a request; (4) changing the initial fee and hourly rate for LOMR, CLOMR, and PMR requests based on structural measures on alluvial fans; (5) limiting exemptions; and (6) replacing the

mechanism for recovering the cartographic production costs related to incorporating map changes made by letter in Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs).

This final rule supersedes the fee schedules that FEMA established on June 30, 1992. It also expands the payment method to include credit card payments.

The listing of fees that are effective as of the date of this rule is published as a notice elsewhere in this issue of the Federal Register. A primary component of the fees is the prevailing private-sector rates charged to FEMA for labor and materials. Because these rates and the actual review and processing costs may vary from year to year, FEMA will evaluate the fees at the end of each fiscal year and publish revised fee schedules, when needed, as notices in the Federal Register.

These revisions to the NFIP regulations are a result of the continuing reappraisal of the NFIP to achieve administrative and fiscal effectiveness and to encourage sound floodplain management so that the Program can realize reductions in the loss of life and property and in disaster-related expenditures.

Revisions to Interim Final Rule

FEMA published an interim final rule concerning these regulation changes in the Federal Register, at 61 FR 46330, on August 30, 1996. In the interim final rule, we invited the public to comment on the regulation changes within 30 days. One commenter wrote:

In view of the fact that the National Flood Insurance Program was promulgated by the United States Congress and assigned to the Federal Emergency Management Agency as a regulative measure in order to ensure that minimal development occurs in the floodplain areas, I feel that promulgation of this regulation is a mandate upon local government in that it closes access to appealing errors and omissions or changes on the National Flood Insurance Program maps * * *. It may well thwart applications for appropriate regulations and changes due to the fact that many municipalities and counties do not have sufficient funding to cover the costs without overburdening their budgets. Accordingly, I disagree with the statement on Page 46631 concerning the Regulatory Flexibility Act, wherein the Acting Associate Director of the Mitigation Directorate certifies that the interim [final] rule does not have a significant economic impact on substantial number of small entities * * *.

There are numerous small communities and rural counties that adjoin rivers throughout the United States and are impacted by flooding. They have not, in many cases, been offered the opportunity for

protection by levees or urban flood walls and, therefore, remain at the mercy of the rivers upon which they were located a century or two ago. To now require them to pay fees to have maps revised is not an acceptable position.

I feel that if the federal government wishes to continue this program that it should stand the costs fully for carrying out the administrative, mapping and implementation requirements of the National Flood Insurance Program.

In response to these comments the changes published in this final rule do not establish completely new requirements for the payment of user fees. They expand an existing system established during the 1980s to allow the NFIP to recover costs for providing certain map products and services and, at the same time, to allow the NFIP to remain self-supporting for the historic average flood loss year. The objective of the changes is to distribute the costs of certain products and services equitably between flood insurance policyholders and the users of the products and services, rather than to distribute these costs to the general taxpayer who may or may not benefit from the product or service. This effort is in keeping with 31 U.S.C. 9701, under which the U.S. Congress allows Federal agencies to charge fees for products and services. 31 U.S.C. 9701 provides, in part:

“(a) It is the sense of Congress that each service or thing of value provided by an agency * * * to a person * * * is to be self-sustaining to the extent possible.

“(b) The head of each agency * * * may prescribe regulations establishing the charge for a service or thing of value provided by the agency. * * * Each charge shall—(1) be fair; and (2) based on: (A) The costs to the Government; (B) the value of the service or thing to the recipient; (C) public policy or interest served; and (D) other relevant facts.”

This rule also does not “close access to appealing errors and omissions” on the NFIP map as suggested in the commenter’s September 27 letter. Community officials and property owners may continue to appeal proposed base (1-percent-annual-chance) flood elevations shown on NFIP maps under 44 CFR part 67 of the NFIP regulations without charge. In addition, map revision requests submitted under 44 CFR part 65 of the NFIP regulations will be exempt from fees if the requests are made to correct mapping or study analysis errors. Furthermore, community officials who believe a FEMA-contracted restudy of flood hazards is necessary because conditions have changed since the NFIP map for their community was last published

may continue to request such restudies from FEMA. Funding for such restudies comes from the National Flood Insurance Fund, and FEMA bears the costs of revising the NFIP maps fully as a result of these restudies.

FEMA is aware that flooding impacts numerous small communities and rural counties throughout the United States. FEMA, working in conjunction with many State and Federal agencies, works with these communities to develop an overall strategy for mitigating the damage caused by flooding. Numerous funding options are made available to communities by FEMA, other Federal agencies, and State agencies to ensure proper mitigation options are exercised. The regulation changes promulgated by this final rule will have no impact on those activities.

As indicated in § 72.4(e) of the revised regulations, the entity that applies to FEMA through the local community for review is responsible for the cost of the review. The local community incurs no financial obligation under the reimbursement procedures set forth in this part as a result of transmitting the application by another party to FEMA.

Finally, since the requirements for user fees for certain types of map changes were established, the number of requests for CLOMAs, CLOMR-Fs, LOMR-Fs, CLOMRs, LOMRs, and PMRs received each year has grown and is expected to continue to grow. Therefore, the available statistics do not support the contention that promulgation of these regulation changes will "thwart applications for appropriate regulations and changes * * *" in the future.

As a result of internal FEMA review, we incorporated the following changes in this final rule:

1. We revised § 72.3(c) to include two new categories to cover LOMR-Fs based on as-built information for projects for which CLOMR-Fs were issued previously by FEMA.

2. We revised Category 6 (now Category 7) in § 72.3(c) to clarify that this category does not apply to requests based on as-built information for projects involving structural measures on alluvial fans. The \$5,000 initial fee will be charged to all map revision requests involving structural measures on alluvial fans.

3. We added § 72.3(d) which reads: "If a request involves more than one of the above categories, the highest applicable flat user fee must be submitted."

4. We revised § 72.3(e) (now § 72.3(f)) to read: "The flat user fees for conditional and final map amendments and map revisions are based on the actual costs for reviewing and processing the requests. The fees for

requests for LOMR-Fs, LOMRs, and PMRs also include a fee of \$35 to cover FEMA's costs for physically revising affected FIRM and FBFM panels to reflect the map changes."

5. We deleted § 72.3(e), which covered cartographic production fees.

6. We added § 72.5(c), which reads:

(c) Map change requests based on the following shall be exempt from fees:

(1) Federally sponsored flood-control projects where 50 percent or more of the project's costs are federally funded; and

(2) Detailed hydrologic and hydraulic studies conducted by Federal, State, or local agencies to replace approximate studies conducted by FEMA and shown on the effective FIRM.

Establishment of Flat User Fees

The existing fee collection process is complex and requires time-intensive efforts on the part of FEMA to administer. More importantly, it also increases the time required to provide the requesters with the Letter of Map Change (LOMC) product or PMR they require. The current system requires requesters to submit an initial fee that is not intended to cover the full review and processing costs or the cartographic production costs. Requesters subsequently receive invoices for the balance. The current system is complicated further by the pre-authorized spending limits placed on each product. When FEMA determines that these limits will be exceeded, we must obtain written authorization before proceeding with their review. We must then delay the request until we receive the written authorization.

Under this final rule, FEMA charges a single flat user fee for most LOMC and PMR requests, thereby reducing the turnaround time for preparing and issuing determination letters and reducing FEMA costs of administering the fee-charge system. FEMA can recover more of the actual costs than are recovered by the current system and redistribute the overall cost of operations.

Requirement for Full Payment Before Work Begins

Under this final rule, the requester must submit the full fee payment before FEMA begins work on most map change requests. This minimizes the need for followup invoicing and ensures that FEMA collects appropriate fees for services rendered.

Consolidation of Product Categories

Under this final rule, we consolidate LOMC products and PMRs with similar review and processing requirements into the same fee category. As a result,

we reduced the number of fee categories from 19 to 10.

Limitation of Fee Exemptions

Under current standards, we exempt requesters from paying user fees when they submit requests for changes to (1) remove properties or structures from the SFHA shown on the FIRM that were inadvertently included in the SFHA because of map scale limitations, which is handled by the LOMA process detailed in 44 CFR part 70 of the NFIP regulations; (2) reflect more detailed information on flooding sources, floodways, or topographic data; (3) correct mapping errors or errors in the effective Flood Insurance Study analysis; or (4) reflect projects that are for public benefit and are primarily intended for flood loss reduction to insurable structures in identified flood hazard areas that were in existence prior to the commencement of the projects. Such exemptions preclude FEMA from recovering fees for a substantial volume of work.

Under this final rule, we maintain the exemptions for: Requests for LOMAs; requests to correct mapping or analysis errors; map change requests based on federally sponsored flood-control projects where 50 percent or more of the project's costs are federally funded; and map change requests based on detailed hydrologic and hydraulic studies conducted by Federal, State, or local agencies to replace approximate studies conducted by FEMA and shown on the effective FIRM.

Maintenance of Initial Fee for Requests Based on Structural Measures on Alluvial Fans

Under this final rule, we maintain the initial fee for LOMC requests based on structural measures on alluvial fans. These requests are rare, the FEMA engineering review for these requests is usually very complex, and FEMA's costs for processing these requests can fluctuate significantly. Based on a review of actual processing costs for Fiscal Year 1995, we established \$5,000 as the initial fee for such requests. The remaining costs are recovered before we issue the LOMC, consistent with current fee-reimbursement practices. Under this final rule, we increased to \$50 the hourly rate used to calculate the total fees that must be reimbursed.

National Environmental Policy Act

This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Executive Associate Director, Mitigation Directorate, certifies that this final rule does not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. *et seq.*, because it is not expected (1) to have significant secondary or incidental effects on a substantial number of small entities, nor (2) to create any additional burden on small entities. A regulatory flexibility analysis has not been prepared.

Executive Order 12612, Federalism

This final rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This final rule meets the applicable standards of § 2(b)(2) of Executive Order 12778, Civil Justice Reform.

Executive Order 12866, Regulatory Planning and Review

Promulgation of this final rule is required by statute, 42 U.S.C. 4014(f), which also specifies the regulatory approach taken in the final rule. To the extent possible under the statutory requirements of 42 U.S.C. 4014(f), this final rule adheres to the principles of regulation as set forth in Executive Order 12866, Regulatory Planning and Review.

List of Subjects in 44 CFR Parts 65, 70, and 72

Administrative practice and procedure, Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR Parts 65, 70, and 72 are amended as follows:

PART 65—IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p.376.

2. Section 65.4(c) is revised to read as follows:

§ 65.4 Right to submit new technical data.

* * * * *

(c) Requests for changes to effective Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs) are subject to the cost recovery

procedures described in 44 CFR part 72. As indicated in part 72, revisions requested to correct mapping errors or errors in the Flood Insurance Study analysis are not to be subject to the cost-recovery procedures.

3. In section 65.5 the heading and paragraph (d) are revised to read as follows:

§ 65.5 Revision to special flood hazard area boundaries with no change to base flood elevation determinations.

* * * * *

(d) *Submission procedures.* All requests shall be submitted to the FEMA Regional Office servicing the community's geographic area or to the FEMA Headquarters Office in Washington, DC, and shall be accompanied by the appropriate payment, in accordance with 44 CFR part 72.

4. In section 65.6(g) is revised to read as follows:

§ 65.6 Revision of base flood elevation determinations.

* * * * *

(g) *Submission procedures.* All requests shall be submitted to the FEMA Regional Office servicing the community's geographic area or to the FEMA Headquarters Office in Washington, DC, and shall be accompanied by the appropriate payment, in accordance with 44 CFR part 72.

5. Section 65.8 is revised to read as follows:

§ 65.8 Review of proposed projects.

A community, or an individual through the community, may request FEMA's comments on whether a proposed project, if built as proposed, would justify a map revision. FEMA's comments will be issued in the form of a letter, termed a Conditional Letter of Map Revision, in accordance with 44 CFR part 72. The data required to support such requests are the same as those required for final revisions under §§ 65.5, 65.6, and 65.7, except as-built certification is not required. All such requests shall be submitted to the FEMA Headquarters Office in Washington, DC, and shall be accompanied by the appropriate payment, in accordance with 44 CFR part 72.

6. In section 65.9 the heading and paragraph (h) are revised to read as follows:

§ 65.9 Review and response by the Administrator.

* * * * *

(h) The required payment has not been submitted in accordance with 44 CFR part 72, no review will be

conducted and no determination will be issued until payment is received.

PART 70—PROCEDURE FOR MAP CORRECTION

7. The authority citation for part 70 is revised to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

8. Section 70.9 is revised to read as follows:

§ 70.9 Review of proposed projects.

An individual who proposes to build one or more structures on a portion of property that may be included inadvertently in a Special Flood Hazard Area (SFHA) may request FEMA's comments on whether the proposed structure(s), if built as proposed, will be in the SFHA. FEMA's comments will be issued in the form of a letter, termed a Conditional Letter of Map Amendment. The data required to support such requests are the same as those required for final Letters of Map Amendment in accordance with § 70.3, except as-built certification is not required and the requests shall be accompanied by the appropriate payment, in accordance with 44 CFR part 72. All such requests for CLOMAs shall be submitted to the FEMA Regional Office servicing the community's geographic area or to the FEMA Headquarters Office in Washington, DC.

PART 72—PROCEDURES AND FEES FOR PROCESSING MAP CHANGES

9. The authority citation for part 72 is revised to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

10. Section 72.1 is revised to read as follows:

§ 72.1 Purpose of part.

This part provides administrative and cost-recovery procedures for the engineering review and administrative processing associated with FEMA's response to requests for Conditional Letters of Map Amendment (CLOMAs), Conditional Letters of Map Revision (CLOMRs), Conditional Letters of Map Revision Based on Fill (CLOMR-Fs), Letters of Map Revision Based on Fill (LOMR-Fs), Letters of Map Revision (LOMRs), and Physical Map Revisions (PMRs). Such requests are based on proposed or actual manmade alterations within the floodplain, such as the

placement of fill; modification of a channel; construction or modification of a bridge, culvert, levee, or similar measure; or construction of single or multiple residential or commercial structures on single or multiple lots.

11. Section 72.2 is revised to read as follows:

§ 72.2 Definitions.

Except as otherwise provided in this part, the definitions in 44 CFR part 59 are applicable to this part. For the purposes of this part, the products are defined as follows:

CLOMA. A CLOMA is FEMA's comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.

CLOMR. A CLOMR is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the Special Flood Hazard Area (SFHA).

CLOMR-F. A CLOMR-F is FEMA's comment on a proposed project that would, upon construction, result in a modification of the SFHA through the placement of fill outside the existing regulatory floodway.

LOMR. A LOMR is FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

LOMR-F. A LOMR-F is FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.

PMR. A PMR is FEMA's physical revision and republication of an effective FIRM, FBFM, or FIS report. PMRs are generally based on physical measures that affect the hydrologic or

hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA.

12. Section 72.3 is revised to read as follows:

§ 72.3 Fee schedule.

(a) For requests for CLOMRs, LOMRs, and PMRs based on structural measures on alluvial fans, an initial fee of \$5,000, subject to the provisions of § 72.4, shall be paid to FEMA before FEMA begins its review of the request. The initial fee represents the minimum cost for reviewing these requests and is based on the prevailing private-sector labor rate. A revision to this initial fee, if necessary, will be published as a notice in the Federal Register.

(b) For requests for CLOMRs, LOMRs, and PMRs based on structural measures on alluvial fans, the total fee will be calculated based on the total hours by FEMA to review and process the request multiplied by an hourly rate based on the prevailing private-sector labor rate. The hourly rate is published as a notice in the Federal Register. A revision to the hourly rate, if necessary, shall be published as a notice in the Federal Register.

(c) For conditional and final map revision requests for the following categories, flat user fees, subject to the provisions of § 72.4, shall be paid to FEMA before FEMA begins its review of the request:

- (1) Requests for CLOMAs, CLOMR-Fs, and LOMR-Fs for single structures or single lots;
- (2) Requests for CLOMAs for multiple structures or multiple lots;
- (3) Requests for CLOMR-Fs and LOMR-Fs for multiple structures or multiple lots;
- (4) Requests LOMR-Fs for single structures or single lots based on as-built information for projects for which FEMA issued CLOMR-Fs previously;
- (5) Requests for LOMR-Fs for multiple structures or multiple lots based on as-built information for projects for which FEMA issued CLOMR-Fs previously;
- (6) Requests for LOMRs and PMRs based on projects involving bridges, culverts, or channels, or combinations thereof;
- (7) Requests for LOMRs and PMRs based on projects involving levees, berms, or other structural measures;
- (8) Requests for LOMRs and PMRs based on as-built information for projects for which FEMA issued CLOMRs previously, except those based on structural measures on alluvial fans;
- (9) Requests for LOMRs and PMRs based solely on more detailed data;

(10) Requests for CLOMRs based on projects involving new hydrologic information, bridges, culverts, or channels, or combinations thereof; and

(11) Requests for CLOMRs based on projects involving levees, berms, or other structural measures.

(d) If a request involves more than one of the categories listed above, the highest applicable flat user fee must be submitted.

(e) The flat user fees for conditional and final map amendments and map revisions are based on the actual costs for reviewing and processing the requests. The fees for requests for LOMR-Fs, LOMRs, and PMRs also include a fee of \$35 to cover FEMA's costs for physically revising affected FIRM and FBFM panels to reflect the map changes.

(f) Revisions to the fees, if necessary, shall be published as a notice in the Federal Register.

13. Section 72.4 is revised to read as follows:

§ 72.4 Submittal/payment procedures and FEMA response.

(a) The initial fee shall be submitted with a request for FEMA review and processing of CLOMRs, LOMRs, and PMRs based on structural measures on alluvial fans; the appropriate flat user fee shall be submitted with all other requests for FEMA review and processing.

(b) FEMA must receive initial or flat user fees before it will begin any review. The fee is non-refundable once FEMA begins its review.

(c) Following completion of FEMA's review for any CLOMR, LOMR, or PMR based on structural measures on alluvial fans, FEMA shall invoice the requester at the established hourly rate for any actual costs exceeding the initial fee incurred for review and processing. FEMA shall not issue a determination letter or revised map panel(s) until it receives the invoiced amount.

(d) For all map revision requests, FEMA shall bear the cost of reprinting and distributing the revised FIRM panel(s), FBFM panel(s), or combination.

(e) The entity that applies to FEMA through the local community for review is responsible for the cost of the review. The local community incurs no financial obligation under the reimbursement procedures of this part when another party sends the application to FEMA.

(f) Requesters shall submit payments by check or money order or by credit card. Checks or money orders, in U.S. funds, shall be made payable to the National Flood Insurance Program.

(g) For CLOMA, CLOMR-F, LOMA, and LOMR-F requests, FEMA shall:

(1) Notify the requester and community within 30 days as to the adequacy of the submittal, and

(2) Provide to the requester and the community, within 60 days of receipt of adequate information and fee, a determination letter or other written comment in response to the request.

(h) For CLOMR, LOMR, and PMR requests, FEMA shall:

(1) Notify the requester and community within 60 days as to the adequacy of the submittal; and

(2) Provide to the requester and the community, within 90 days of receipt of adequate information and fee, a CLOMR, a LOMR, other written comment in response to the request, or preliminary copies of the revised FIRM panels, FBFM panels, and/or affected portions of the FIS report for review and comment.

14. Section 72.5 is revised to read as follows:

§ 72.5 Exemptions.

(a) Requests for map changes based on mapping or study analysis errors or the effects of natural changes within SFHAs shall be exempt from fees.

(b) Requests for LOMAs shall be exempt from fees.

(c) Map change requests based on the following shall be exempt from fees:

(1) Federally sponsored flood-control projects where 50 percent or more of the project's costs are federally funded; and

(2) Detailed hydrologic and hydraulic studies conducted by Federal, State, or local agencies to replace approximate studies conducted by FEMA and shown on the effective FIRM.

15. Section 72.6 is revised to read as follows:

§ 72.6 Unfavorable response.

(a) Requests for CLOMAs, CLOMRs, or CLOMR-Fs may be denied or the determinations may contain specific comments, concerns, or conditions regarding proposed projects or designs and their impacts on flood hazards in a community. Requesters are not entitled to any refund of fees paid if the determinations contain such comments, concerns, or conditions, or if the requests are denied. Requesters are not entitled to any refund of fees paid if the requesters are unable to provide the appropriate scientific or technical documentation or to obtain required authorizations, permits, financing, etc., for which requesters seek the CLOMAs, CLOMRs, or CLOMR-Fs.

(b) Requests for LOMRs, LOMR-Fs, or PMRs may be denied or the revisions to the FIRM, FBFM, or both, may not be in the manner or to the extent desired by the requesters. Requesters are not entitled to any refund of fees paid if the revision requests are denied or if the LOMRs, LOMR-Fs, or PMRs do not revise the map specifically as requested.

16. Section 72.7 is revised to read as follows:

§ 72.7 Resubmittals.

(a) Resubmittals of CLOMA, CLOMR, CLOMR-F, LOMR, LOMR-F, or PMR requests more than 90 days after FEMA notification that the requests were denied or after FEMA ended its review because the requester provided insufficient information will be treated as original submissions and subject to all submittal/payment procedures described in § 72.4. The procedure in § 72.4 also applies to a resubmitted request (regardless of when submitted) if the project on which the request is based has been altered significantly in design or scope other than as necessary to respond to comments, concerns, or other findings made by FEMA regarding the original submission.

(b) When LOMR, LOMR-F, or PMR requests are made after FEMA issues CLOMRs or CLOMR-Fs, the procedures in § 72.4 and the appropriate fee apply, as referenced in § 72.3(c). When the as-built conditions differ from the proposed conditions on which FEMA issued the CLOMRs or CLOMR-Fs, the reduced fee for as-built requests will not apply.

(Catalog of Federal Domestic Assistance No. 83-100, Flood Insurance)

Dated: January 28, 1997.

Richard W. Krimm,

Executive Associate Director, Mitigation Directorate.

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