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Part XXIV

**Federal Emergency
Management Agency**

Semiannual Regulatory Agenda

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Semiannual regulatory agenda.

SUMMARY: The Federal Emergency Management Agency publishes its semiannual regulatory agenda in April and October to inform interested parties of progress on FEMA regulations. The agenda lists regulations that will be under development or review during the period October 1, 1996, to April 30, 1997.

ADDRESSES: For information about specific regulations, please contact the person listed as the agency contact in the agenda.

FOR FURTHER INFORMATION CONTACT: For general information on FEMA's regulatory agenda, contact H. Crane Miller, Office of the General Counsel, Federal Emergency Management

Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3340.

SUPPLEMENTARY INFORMATION: Executive Order 12866 "Regulatory Planning and Review" directs each executive agency to publish only such regulations as are required by law, are necessary to interpret the law, or are made necessary by compelling public need. Publication of an agenda of regulations is called for semiannually in order to give the public adequate notice of agency rulemaking activities; also, publication of a regulatory agenda concerning rules likely to be significant regulatory actions must be published.

In fulfillment of the requirements of Executive Order 12866, this agenda describes current and projected regulatory actions and rules that will be under review or development during the period October 1, 1996, to April 30, 1997. This agenda also contains information on regulations on which action was completed since the last FEMA semiannual agenda was published Monday, May 13, 1996, at 61 FR 23744 to 23748.

Public comment on the agenda, including comments by State and local governments, is invited and should be submitted to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472; FAX (202) 646-4536. Please refer to the title and the Regulation Identifier Number (RIN) of the rule about which you are inquiring or commenting.

The agenda is not limited to significant regulatory actions and contains information concerning all FEMA regulations to be developed, reviewed, or published in the next 12 months except for routine flood elevation determinations, listings of eligible communities under the National Flood Insurance Program, listings of suspended communities and similar designations under the National Flood Insurance Program, and FEMA organizational and management matters.

Dated: September 26, 1996.

John P. Carey,
General Counsel.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3881	Disaster Assistance: Federal Grant Assistance	3067-AC49
3882	Disaster Assistance; Allowable Costs	3067-AC50
3883	Disaster Assistance; Individual Assistance Programs	3067-AC51
3884	Disaster Housing Resources Program	3067-AC52
3885	National Flood Insurance Program; Standard Flood Insurance Policy	3067-AC54
3886	Disaster Assistance; Federal Grant Assistance	3067-AC55
3887	Disaster Assistance; Appeals Procedures	3067-AC56
3888	Disaster Assistance; Restoration of Damaged Facilities	3067-AC57
3889	Disaster Assistance; Snow Removal Assistance	3067-AC58

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3890	FEMA; Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Govern-ments	3067-AC08
3891	Disaster Assistance; Public Assistance Eligibility	3067-AC12
3892	Establish Flood Insurance Rate Zone AR	3067-AC17
3893	Group Flood Insurance Policy for Individual and Family Grant Program	3067-AC35
3894	Disaster Assistance; Restoration of Damaged Facilities	3067-AC36
3895	Flood Mitigation Assistance Program	3067-AC45
3896	Disaster Assistance; Hazard Mitigation	3067-AC46
3897	National Flood Insurance Program; Allocated Loss Adjustment Expense	3067-AC47
3898	National Earthquake Hazards Reduction Program; Removal of Selected Rules	3067-AC48
3899	Identification and Mapping of Special Flood Hazard Areas, Procedures for Map Correction, and Procedures and Fees for Processing Map Changes	3067-AC53

FEMA

Long-Term Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
3900	Disaster Assistance; Allowable Cost	3067-AC59

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3901	Enforcement of Nondiscrimination on the Basis of Disability in Programs Receiving Federal Financial Assistance ..	3067-AC18
3902	National Flood Insurance Program; Assistance to Private-Sector Property Insurers	3067-AC26
3903	National Flood Insurance Program; Audit Program Revision	3067-AC40

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Proposed Rule Stage

3881. • DISASTER ASSISTANCE; FEDERAL GRANT ASSISTANCE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5121 et seq; 42 USC 5189

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This proposed rule would require subgrantees of FEMA's public assistance disaster grants to account for and report actual costs for all small projects in the aggregate. It would require subgrantees to return excess funds if actual cumulative expenditures for all small projects for a subgrantee are less than estimated costs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory Ormsby, Federal Emergency Management Agency, 500 C Street SW., Washington, DC

Phone: 202 646-2726

RIN: 3067-AC49

3882. • DISASTER ASSISTANCE; ALLOWABLE COSTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5121 et seq; 42 USC 5172

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This proposed rule would require grantees under the Public Assistance program to account for and report actual statutory administrative costs. It would require grantees to document how grants were spent and to return excess funds if actual eligible expenditures are less than the statutory allowances. on and capped by the percentages allowed in the Stafford Act.

Timetable:

Action	Date	FR Cite
NPRM	11/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory Ormsby, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472

Phone: 202 646-2726

RIN: 3067-AC50

3883. • DISASTER ASSISTANCE; INDIVIDUAL ASSISTANCE PROGRAMS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5121 et seq; 42 USC 5179; 42 USC 5180

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This proposed rule would revise certain individual assistance programs under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), namely disaster legal services, crisis counseling assistance and training, the Cora Brown

Fund, duplication of benefits, and food commodities.

Timetable:

Action	Date	FR Cite
NPRM	11/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen J. Keefer, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472

Phone: 202 646-3658

Fax: 202 646-2723

RIN: 3067-AC51

3884. • DISASTER HOUSING RESOURCES PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 5174

CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This advanced notice of proposed rulemaking gives notice of FEMA's intent to divest itself of its inventory of mobile homes and travel trailers which serve as disaster temporary housing and to devolve this portion of the housing program to the States.

Timetable:

Action	Date	FR Cite
ANPRM	08/21/96	61 FR 43208
ANPRM Comment Period End	09/20/96	
NPRM	11/00/96	

FEMA

Proposed Rule Stage

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Agnes C. Mravcak, Federal Emergency Management Agency, 500 C Street NW., Washington, DC 20472
 Phone: 202 646-2730
RIN: 3067-AC52

3885. • NATIONAL FLOOD INSURANCE PROGRAM; STANDARD FLOOD INSURANCE POLICY

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 4001 et seq
CFR Citation: 44 CFR 61
Legal Deadline: None

Abstract: This proposed rule would amend the National Flood Insurance Program (NFIP) regulations to add coverage under the Standard Flood Insurance Policy to pay for the increased cost to rebuild or otherwise alter flood-damaged structures to conform with State or local floodplain management ordinances or laws consistent with the standards and guidance of the NFIP.

Timetable:

Action	Date	FR Cite
NPRM	09/23/96	61 FR 49717
NPRM Comment Period End	11/07/96	
Final Action	00/00/00	

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Charles M. Plaxico, Jr., Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street SW., Washington, DC 20472
 Phone: 202 646-3422
RIN: 3067-AC54

3886. • DISASTER ASSISTANCE; FEDERAL GRANT ASSISTANCE

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 5189
CFR Citation: 44 CFR 206
Legal Deadline: None

Abstract: This proposed rule would require subgrantees of Public

Assistance disaster grants to account for and report actual costs for all small projects as an aggregate, and to return excess funds if actual cumulative expenditures for all small projects for a subgrantee are less than estimated costs.

Timetable:

Action	Date	FR Cite
NPRM	11/00/96	

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Gregory Ormsby, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
 Phone: 202 646-2726

RIN: 3067-AC55

3887. • DISASTER ASSISTANCE; APPEALS PROCEDURES

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 5121 et seq
CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This proposed rule would change the procedures for the review and disposition of appeals related to Public Assistance grants. The rule simplifies the administrative appeals process by reducing from three to two the number of appeal requests an applicant may submit, and reduces the amount of time and cost associated with appeals.

Timetable:

Action	Date	FR Cite
NPRM	10/24/96	61 FR 55122
NPRM Comment Period End	12/23/96	

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Warren Pugh, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
 Phone: 202 646-2751

RIN: 3067-AC56

3888. • DISASTER ASSISTANCE; RESTORATION OF DAMAGED FACILITIES

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 5121 et seq
CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This proposed rule would provide FEMA's interpretation of the costs to be included in the repair vs. replacement ratio used by FEMA to determine when a damaged facility is eligible for replacement (the 50% rule).

Timetable:

Action	Date	FR Cite
NPRM	11/00/96	

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Mira Kuic, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
 Phone: 202 646-4687

RIN: 3067-AC57

3889. • DISASTER ASSISTANCE; SNOW REMOVAL ASSISTANCE

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 5121 et seq; 42 USC 5192
CFR Citation: 44 CFR 206

Legal Deadline: None

Abstract: This proposed rule describes the facilities that are eligible for snow removal assistance as a result of an emergency or major disaster declaration based on snow or blizzard conditions.

Timetable:

Action	Date	FR Cite
NPRM	10/24/96	61 FR 55123
NPRM Comment Period End	11/25/96	

Small Entities Affected: None
Government Levels Affected: None

Agency Contact: Gregory Ormsby, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
 Phone: 202 646-2726

RIN: 3067-AC58

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Long-Term Actions

3890. FEMA; UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Priority: Economically Significant. Major under 5 USC 801.
Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.
Legal Authority: 31 USC 1111; 31 USC 503
CFR Citation: 44 CFR 13

Legal Deadline: None
Abstract: FEMA proposes to adopt revisions to "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," previously published at 53 FR 8078, 3/11/88, 44 CFR 13.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None
Government Levels Affected: State, Local
Agency Contact: Charles F. McNulty, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
 Phone: 202 646-2976
RIN: 3067-AC08

3891. DISASTER ASSISTANCE; PUBLIC ASSISTANCE ELIGIBILITY

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 5121 et seq
CFR Citation: 44 CFR 206
Legal Deadline: None

Abstract: This proposed rule would remove permanent beach and related restoration work that occurs within coastal high hazard areas from eligibility for funding under the Stafford Act, 42 USC 5121 et seq, as amended.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Greg Ormsby, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472

Phone: 202 646-3684
RIN: 3067-AC12

3892. ESTABLISH FLOOD INSURANCE RATE ZONE AR

Priority: Other Significant. Major under 5 USC 801.
Unfunded Mandates: This action may affect State, local or tribal governments and the private sector.
Legal Authority: 42 USC 4002; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 60; 44 CFR 61; 44 CFR 65
Legal Deadline: NPRM, Statutory, October 28, 1994.

Abstract: This rule would establish criteria for determining a community's eligibility for Zone AR designation (areas of special flood hazard resulting from the disaccreditation of a flood protection system that was previously credited with providing 100-year flood protection) and for mapping special flood hazard areas as Zone AR. The rule would also establish flood insurance rates and floodplain management requirements to be applied in areas designated as Zone AR.

Timetable:

Action	Date	FR Cite
NPRM	04/01/94	59 FR 15351
NPRM Comment Period End	05/16/94	
Interim Final Rule	10/25/94	59 FR 53592
Final Action	00/00/00	

Small Entities Affected: None
Government Levels Affected: Local
Agency Contact: Warren M. Pugh, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
 Phone: 202 646-2717
RIN: 3067-AC17

3893. GROUP FLOOD INSURANCE POLICY FOR INDIVIDUAL AND FAMILY GRANT PROGRAM

Priority: Substantive, Nonsignificant
Unfunded Mandates: Undetermined
Legal Authority: 42 USC 5174; 42 USC 5178
CFR Citation: 44 CFR 206
Legal Deadline: None

Abstract: This rule establishes a Group Flood Insurance Policy to be issued by

the National Flood Insurance Program when Federal disaster assistance for flood damage to real or personal property, or both, is provided under the Individual and Family Grant Program following a major disaster declaration by the President.

Timetable:

Action	Date	FR Cite
NPRM	03/15/95	60 FR 13945
Interim Final Rule	05/01/96	61 FR 19197
Final Action	00/00/00	

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Laurence W. Zensinger, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
 Phone: 202 646-4262
RIN: 3067-AC35

3894. DISASTER ASSISTANCE; RESTORATION OF DAMAGED FACILITIES

Priority: Substantive, Nonsignificant
Legal Authority: 42 USC 5121 et seq; 42 USC 5172
CFR Citation: 44 CFR 206

Legal Deadline: None
Abstract: This proposed rule would require that eligible costs associated with State and local repair or replacement standards (building codes), which change the predisaster construction of a facility, be limited to the standards that are in writing, adopted, and in place on the disaster declaration date. The proposed rule would become effective for disasters declared one (1) year or more after publication of the final rule.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Gregory Ormsby, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472
 Phone: 202 646-2726
RIN: 3067-AC36

FEMA

Long-Term Actions

3895. FLOOD MITIGATION ASSISTANCE PROGRAM**Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4104c; 42 USC 4104d**CFR Citation:** 44 CFR 78**Legal Deadline:** None

Abstract: This interim final rule implements secs. 553 and 554 of the National Flood Insurance Reform Act of 1994 to provide grants under the National Flood Mitigation Fund to States and communities for planning assistance and for mitigation projects that reduce the risk of flood damages to structures covered under contracts for flood insurance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None**Government Levels Affected:** State, Local, Tribal**Agency Contact:** Donna M. Dannels, Federal Emergency Management Agency, 500 C Street SW., Washington DC 20472

Phone: 202 646-3662

Fax: 202 646-3104

RIN: 3067-AC45**3896. DISASTER ASSISTANCE; HAZARD MITIGATION****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 5170c**CFR Citation:** 44 CFR 206**Legal Deadline:** None

Abstract: This proposed rule would streamline and improve implementation of the Hazard Mitigation Grant Program under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. It would clarify program eligibility, simplify program administration, and allow States the maximum flexibility under current law.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None**Government Levels Affected:** State, Local, Tribal**Agency Contact:** Donna M. Dannels, Federal Emergency Management

Agency, 500 C Street SW., Washington, DC 20472

Phone: 202 646-3662

Fax: 202 646-3104

RIN: 3067-AC46**3897. • NATIONAL FLOOD INSURANCE PROGRAM; ALLOCATED LOSS ADJUSTMENT EXPENSE****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4001 et seq; EO 12127**CFR Citation:** 44 CFR 62**Legal Deadline:** None

Abstract: This rule modifies the existing allocated loss adjustment expense fee schedule of the National Flood Insurance Program 1994 Write Your Own Program under the Financial Assistance/ Subsidy Arrangement. The rule changes the fee schedule to add new, refined loss ranges and to revise the fees for adjusting higher ranges of covered losses under the National Flood Insurance Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/15/96	61 FR 24462
Final Action	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Charles M. Plaxico, Jr., Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472

Phone: 202 646-3422

RIN: 3067-AC47**3898. • NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM; REMOVAL OF SELECTED RULES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 7701 et seq**CFR Citation:** 44 CFR 361**Legal Deadline:** None

Abstract: This final rule removes or revises selected administrative requirements of rules of the National Earthquake Hazards Reduction Program (NEHRP). Removal of the requirements would reduce States' paperwork burden under the NEHRP, and would give States new flexibility to purchase equipment in support of program requirements.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Donna Dannels, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472

Phone: 202 646-3662

RIN: 3067-AC48**3899. • IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS, PROCEDURES FOR MAP CORRECTION, AND PROCEDURES AND FEES FOR PROCESSING MAP CHANGES****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 4001 et seq**CFR Citation:** 44 CFR 65; 44 CFR 70; 44 CFR 72**Legal Deadline:** None

Abstract: This interim final rule revises the National Flood Insurance Program (NFIP) regulations concerning the identification and mapping of Special Flood Hazard Areas and revision of NFIP maps by revising the fee requirements and schedule for processing certain changes to NFIP maps. Fees will be adjusted periodically to provide for changes in the prevailing private-sector labor rate on which the fees are predicated.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/30/96	61 FR 46330
Final Action	00/00/00	

Small Entities Affected: None**Government Levels Affected:** None**Agency Contact:** Michael K. Buckley, P.E., Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472

Phone: 202 646-2756

Fax: 202 646-4596

RIN: 3067-AC53**3900. • DISASTER ASSISTANCE; ALLOWABLE COST****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 5121 et seq**CFR Citation:** 44 CFR 206**Legal Deadline:** None

FEMA

Long-Term Actions

Abstract: This proposed rule FEMA would require grantees under the Public Assistance program to account for and report actual statutory administrative costs. The proposed rule would require grantees to document how the grant funds were spent and to return excess funds if actual eligible

expenditures are less than the statutory allowances.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gregory Ormsby, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472

Phone: 202 646-2726

RIN: 3067-AC59

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

Completed Actions

3901. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

Priority: Substantive, Nonsignificant

CFR Citation: 44 CFR 7

Completed:

Reason	Date	FR Cite
Withdrawn	09/18/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alan Clive
Phone: 202 646-3957

RIN: 3067-AC18

3902. NATIONAL FLOOD INSURANCE PROGRAM; ASSISTANCE TO PRIVATE-SECTOR PROPERTY INSURERS

Priority: Substantive, Nonsignificant

CFR Citation: 44 CFR 62

Completed:

Reason	Date	FR Cite
Final Action	07/19/96	61 FR 37687
Final Action Effective	08/19/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles M. Plaxico
Phone: 202 646-3422

RIN: 3067-AC26

3903. NATIONAL FLOOD INSURANCE PROGRAM; AUDIT PROGRAM REVISION

Priority: Substantive, Nonsignificant

CFR Citation: 44 CFR 62

Completed:

Reason	Date	FR Cite
Final Action	10/01/96	61 FR 51217

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Roland E. Holland
Phone: 202 646-3439

RIN: 3067-AC40

[FR Doc. 96-25322 Filed 11-27-96; 8:45 am]

BILLING CODE 6718-01-F