

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 Physical Map Revisions based on structural measures on alluvial fans, the total fee is to be calculated based on the total hours expended by FEMA in reviewing and processing 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, will 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 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 for LOMRs and Physical Map Revisions based on projects involving bridges, culverts, or channels, or combinations thereof;

(5) Requests for LOMRs and Physical Map Revisions based on projects involving levees, berms, or other structural measures;

(6) Requests for LOMRs and Physical Map Revisions based on as-built information for projects for which CLOMRs were issued previously by FEMA;

(7) Requests for LOMRs and Physical Map Revisions based solely on more detailed data;

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

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

(d) 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 shall include FEMA's costs for physically revising affected FIRM and FBFM panels to reflect map changes at a later date.

(e) In addition to the flat user fees for Physical Map Revisions, payment of a fee for FEMA's cartographic production costs, based on actual per-panel costs, shall be required.

(f) Revisions to the fees, if necessary, will be published as a notice in the FEDERAL REGISTER.

[61 FR 46332, Aug. 30, 1996]

#### **§ 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 Physical Map Revisions 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 and flat user fees before it will begin any review. The fee is non-refundable when FEMA begins its review.

(c) Following completion of FEMA's review for any CLOMR, LOMR, or Physical Map Revision 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 will not issue a determination letter or revised map panels until the invoice amount is received.

(d) For all map revision requests, FEMA will bear the cost of reprinting and distributing the revised FIRM or FBFM panels, 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 set forth in this part as a result of transmitting the application by another party 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:

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(1) Notify the requester and the 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 the 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, or affected portions of the FIS report to the community and the requester for review and comment.

[61 FR 46332, Aug. 30, 1996]

### § 72.5 Exemptions.

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

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

(c) Federal, State, and local governments and their agencies shall be exempt from fees for projects they sponsor if the Administrator determines or the requesting agency certifies that the particular project is for public benefit and primarily intended for flood loss reduction to insurable structures in identified flood hazard areas which were in existence prior to the commencement of construction of the flood control project. Projects undertaken primarily to protect planned flood plain development are not eligible for fee exemption.

[57 FR 29038, June 30, 1992, as amended at 61 FR 46333, Aug. 30, 1996]

### § 72.6 Unfavorable response.

(a) A request for a CLOMA, CLOMR, or CLOMR-F may be denied or the determination may contain specific comments, concerns, or conditions regarding a proposed project or design and its impacts on flood hazards in a commu-

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nity. A requester is not entitled to any refund of the fees paid if the determination contains such comments, concerns, or conditions, or if the request is denied. A requester is not entitled to any refund of the fees paid if the requester is unable to provide the appropriate scientific or technical documentation or to obtain required authorizations, permits, financing, etc., for which the CLOMA, CLOMR, or CLOMR-F was sought.

(b) A request for a LOMR, LOMR-F, or Physical Map Revision 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 requester. A requester is not entitled to any refund of the fees paid if the revision request is denied or if the LOMR, LOMR-F, or Physical Map Revision action does not revise the map specifically as requested.

[61 FR 46333, Aug. 30, 1996]

### § 72.7 Resubmittals.

(a) Any resubmittal of a CLOMA, CLOMR, CLOMR-F, LOMR, LOMR-F, or Physical Map Revision request more than 90 days after FEMA notification that the request has been denied or after the review has been terminated because insufficient information was provided by the requester will be treated as an original submission and subject to all submittal/payment procedures described in § 72.4. The procedure in § 72.4 also applies to any resubmitted request (regardless of when it is 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 a LOMR, LOMR-F, or Physical Map Revision request is made following a CLOMR or CLOMR-F issued previously by FEMA, the procedures in § 72.4 and the appropriate fee, as referenced in § 72.3(c), apply when the as-built conditions differ from the proposed conditions on which the issuance of the CLOMR or CLOMR-F was based.

[61 FR 46333, Aug. 30, 1996]