purchase of flood insurance to protect the collateral. The lender always retains the prerogative to require flood insurance even when its purchase is not Federally mandated. Flood insurance premiums can be refunded if it is determined by FEMA that the structure is not located in the SFHA and the lender waives the flood insurance purchase requirement.

Mandatory purchase. We received comments noting that the proposed rule did not address when borrowers are or are not required to purchase flood insurance. Another commenter asked whether the lender could waive the flood insurance purchase requirement while the determination is under review. Others noted that FEMA's review of lender determinations should not delay flood insurance purchase requirements.

Response. As stated above, section 524 temporarily delays the flood insurance purchase requirement only when FEMA fails to respond within its allotted 45-day period. At all other times, the mandatory purchase of flood insurance for structures located in SFHAs remains in effect.

Requirement for Joint Request

Individual requests. Seven responders indicated that individual requests for determination reviews should be accepted, and that joint requests would be too time consuming.

Response. The NFIRA states that the borrower and lender of a loan secured by improved real estate or a manufactured home may jointly request the Director to review a determination whether the building or manufactured home is located in an area having special flood hazards. FEMA interprets the statute to require a joint request from both the borrower and the lender for this review. If an individual submits a request for a determination review. FEMA will make a reasonable attempt to obtain the needed signature. However, if it is not possible to obtain both parties' signatures for the request, FEMA will not review the request under 44 CFR 65.17, and will return the request promptly in its entirety. FEMA will notify the requestor that the data submitted with the request do not meet the requirements of 44 CFR 65.17; therefore, the lender's obligation to require the purchase of flood insurance remains in effect. Further, we shall notify the requestor that other procedures are available to individuals under 44 CFR parts 70 and 65, commonly known as the Letter of Map Amendment (LOMA) and the Letter of Map Revision (LOMR) processes, if the requestor believes that a structure has

been incorrectly included in the SFHA, or if conditions have changed since the NFIP map was issued.

Signatures. One responder asked whether all borrowers had to sign the request.

Response. The request for a determination review must be signed by at least one of the borrowers, or the borrowers' legal representative for the loan. Likewise, the lender must also sign the request. To ensure the involvement of all appropriate parties as intended by the legislation, and to ensure an objective process, FEMA will not accept the signature of a third party determinator as a representative for the borrower or the lender.

Responsibility. Several requestors also asked who is responsible for the preparation of the joint submittal and whether others may join in on requests or submit on behalf of the borrower and lender.

Response. The responsibility for the preparation of the request for review of a determination is held jointly, by both the borrower and the lender. The data package may be prepared by others, but the request itself must be an original (not photocopied), and signed by the borrower and lender, as discussed above.

Time Frames

Submittal. We received many comments on the requirement to submit the request for a determination review within 45 days of the lender's notification to the borrower that flood insurance is required. Two commenters questioned FEMA's authority for limiting the time frame and five commented that the time allotted was too short or should be eliminated. Other comments indicated that the combined submission and processing time was too long or that the lender and borrower should be allowed to submit at any time, and that FEMA should expedite its review.

Response. We limited the time frame for submittal to permit us to provide reviews in a timely manner. The 45-day period is also within the time period in which loans are generally closed. This time frame avoids a protracted period of time before a final determination is made whether the property is or is not located in a SFHA. Processing times may be minimized if a request for review is submitted immediately after the lender notifies the borrower that flood insurance is required, and if a complete data package is submitted to FEMA.

Available options. One responder asked what options are available if the 45-day window for the submittal of a

request for determination review is missed.

Response. In this case, flood insurance should be purchased if required. The procedures for a LOMA or LOMR are available to individuals if a structure has been inadvertently included in the SFHA or if conditions have changed since the NFIP map was issued.

Resubmittals. Two commenters asked about the charge for resubmissions. Two others asked what effect a request returned for insufficient data would have on the 45-day clock.

Response. Requests returned because the 45-day deadline was missed cannot be resubmitted. Requests returned for insufficiency of information will have the fee returned with the package. FEMA will return the entire package to the borrower with the fee and a letter explaining what information is needed for the review to be accomplished. The borrower will have 14 days from date of FEMA's letter or 45 days from the date of lender notification, whichever is later, to send the request back to FEMA. A fee must be provided with any resubmission; there is no second charge. The date of postmark from the sender will determine the timeliness of the resubmission.

Start of 45 days for FEMA review and response. Two responders asked when the 45-day FEMA review clock would begin and what effect, if any, an uncollected fee would have on the clock.

Response. The 45-day timeframe for FEMA to complete the review will begin on the day that FEMA receives a complete request supported by technical information at the proper location (addresses given above). Uncollected fees may be turned over to the Treasury Department for handling and such action will not have an impact on the processing of the review.

Definitions. One responder asked for clarification of the word "submitted" as in "submitted within 45 days of the lender's notification".

Response. Submitted means postmarked. This is defined in 44 CFR 65.17 (b) (3).

Timing of LOMAs and Determination Reviews. One responder asked how the 45-day time limit is impacted if a LOMA or LOMR is requested before the request for a determination review.

Response. The determination review procedures provide a mechanism for FEMA to review a lender's or its agent's determination of whether a structure is within a mapped SFHA. LOMA and LOMR procedures allow the submittal of more detailed, site-specific information than was available when