



GAO

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United States General Accounting Office  
Washington, DC 20548

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B-290098

March 27, 2002

The Honorable Ernest F. Hollings  
Chairman  
The Honorable John McCain  
Ranking Minority Member  
Committee on Commerce, Science, and Transportation  
United States Senate

The Honorable Sherwood L. Boehlert  
Chairman  
The Honorable Ralph M. Hall  
Ranking Minority Member  
Committee on Science  
House of Representatives

Subject: Federal Emergency Management Agency: Assistance to Firefighters Grant Program

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Federal Emergency Management Agency (FEMA), entitled "Assistance to Firefighters Grant Program" (RIN: 3067-AD21). We received the rule on March 13, 2002. It was published in the Federal Register as an "interim final rule with request for comments" on February 27, 2002. 67 Fed. Reg. 9142.

The interim final rule provides new guidance for the Assistance to Firefighters Grant Program to make grants directly to fire departments of a state for the purpose of enhancing their ability to protect the health and safety of the public as well as that of firefighting personnel facing fire and fire-related hazards.

Enclosed is our assessment of the FEMA's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review indicates that FEMA complied with the applicable requirements.

If you have any questions about this report, please contact James W. Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO evaluation work relating to the subject matter of the rule is John Anderson,

Managing Director, Physical Infrastructure. Mr. Anderson can be reached at (202) 512-2834.

signed

Kathleen E. Wannisky  
Managing Associate General Counsel

Enclosure

cc: Michael D. Brown  
General Counsel  
Federal Emergency Management Agency

ANALYSIS UNDER 5 U.S.C. § 801(a)(1)(B)(i)-(iv) OF A MAJOR RULE  
ISSUED BY THE  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
ENTITLED  
"ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM"  
(RIN: 3067-AD21)

(i) Cost-benefit analysis

FEMA expects to award approximately \$345 million in grants under the program and with cost-sharing, FEMA expects the total value of all grants to be in the \$395 million to \$400 million range.

(ii) Agency actions relevant to the Regulatory Flexibility Act, 5 U.S.C. §§ 603-605, 607, and 609

As the issuance of the interim final rule was not preceded by the publication of a notice of proposed rulemaking, the requirements of the Regulatory Flexibility Act do not apply.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

The interim final rule does not contain either an intergovernmental or private sector mandate, as defined in title II, of more than \$100 million in any one year.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

The interim final rule was published without prior notice and comment under the Administrative Procedure Act. The Director of FEMA found "good cause" under 5 U.S.C. 553 to forego notice and comment and to make the rule effective upon publication in order to comply with the statutory requirement that the grants be awarded no later than September 30, 2002.

However, FEMA is accepting public comments on the interim final rule until April 29, 2002.

Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520

The interim final rule contains information collections that are subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. FEMA has submitted the required documentation to OMB for

approval of the collections on an emergency basis, and OMB has approved the collections and assigned OMB No. 3067-0285. The approval expires on August 31, 2002.

FEMA is requesting OMB approval under normal clearance procedures for a 3-year period. FEMA estimates the average cost of the collection is \$5,678,100 (\$15.00 per hour x 378,540 hours).

Statutory authorization for the rule

The interim final rule was promulgated under the authority contained in the Federal Fire Protection and Control Act of 1974 (15 U.S.C. 2201 et seq.) as amended by the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2002, Public Law 107-72, 115 Stat. 688.

Executive Order No. 12866

The interim final rule was reviewed by OMB and found to be an “economically significant” regulatory action under the order.

Executive Order No. 13132 (Federalism)

The interim final rule does not have sufficient federalism implications to warrant the preparation of a federalism assessment.