

any changes. We also received a comment regarding the non-funding of firefighting personnel. The hiring of firefighting personnel is one of the fourteen activities delineated by Congress as an eligible activity under this program. We have been very deliberate in our expansion of the program to include all of these activities, but the policy not to fund the hiring of firefighting personnel for 2002 was derived from the program's appropriation language. Each year that the program is appropriated, we will announce specific details concerning the activities that will be available for funding in a Notice of Funds Availability.

The final comment concerned the inability of many departments to meet the required cost-share. This concern has been supported by several applicants that have had to decline their award due to lack of funds and by several of our grantees that reported their difficulties in funding their match. Unfortunately, the authorizing legislation requires that the applicants participate in the cost of the grant projects by providing "funds" as a cost-share. As such, no changes were made to the requirement for a cash match.

In any year that the Assistance to Firefighters Grant Program is authorized and appropriated, we may elect to set aside a portion of the funds available under this program to make grants to, or enter into contracts or cooperative agreements with, national, State, local or community organizations or agencies, including fire departments, for the purpose of carrying out fire prevention and injury prevention programs.

In accordance with statutory requirement, our support for these fire prevention and safety activities will concentrate on organizations that focus on the prevention of injuries to children from fire. In addition to this priority, we are also placing an emphasis on funding projects that focus on protecting the U.S. Fire Administration (USFA)-identified high-risk populations, *i.e.*, children under fourteen, seniors over sixty-five, and firefighters. Since the victims of burns experience both short- and long-term physical and psychological effects, we are also placing a priority on programs that focus on reducing the immediate and long-range effects of fire and burn injuries, primarily those affecting children.

The specific details concerning this fire prevention and safety program will be announced in the NOFA that we will publish pursuant to the program's annual appropriation.

Administrative Procedures Act Determination

We are publishing this final rule having incorporated all appropriate public comment received under the Administrative Procedures Act (APA), 5 U.S.C. 553.

National Environmental Policy Act

The National Environmental Policy Act requires that any major Federal action be reviewed for its potential impact on the environment. This rule, a major Federal action, has been reviewed as to its potential to impact the environment. It was found that the types of activities proposed to be eligible by this rule would fall under at least one of the categorical exclusions defined by 44 CFR 10.8(d)(2). Therefore, this rule, which addresses those actions, is categorically excluded from the preparation of an environmental assessment or environmental impact statement according to 44 CFR 10.8(d)(2)(ii).

E.O. 12898, Environmental Justice

Under Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 59 FR 7629, February 16, 1994, agencies must undertake to incorporate environmental justice into their policies and programs. The Executive Order requires each Federal agency to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. In addition, each Federal agency must conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that those programs, policies, and activities do not have the effect of excluding persons from participation in, denying persons the benefits of, or subjecting persons to discrimination in those programs, policies, and activities because of their race, color, or national origin. No action that we can anticipate under this final rule will have a disproportionately high and adverse human health and environmental effect on any segment of the population. In addition, the final rule does not impose substantial direct compliance costs on those communities nor does it discriminate by excluding persons or denying benefits because of race, color, or national origin. Accordingly, this final rule is in compliance with the requirements of Executive Order 12898.

E.O. 12866, Regulatory Planning and Review

Under Executive Order 12866, 58 FR 51735, October 4, 1993, we are required to examine whether this rule is a "significant regulatory action" as defined in the rule. A significant regulatory action is subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The Executive Order defines "significant regulatory action" as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

This final rule sets out our administrative procedures for making grants under the Assistance to Firefighters Grant Program. This program has been authorized and appropriated at levels that exceed the \$100,000,000 threshold and when the applicant's cost-share is considered we must conclude this rule to be a significant action. We have, therefore, determined that this rule is a "significant regulatory action" under the terms of Executive Order 12866. In light of this finding, we set forth the following regulatory impact analysis.

The final rule would facilitate the issuance of grants to local fire departments in the following programmatic areas: Fire operations and firefighter safety, fire prevention, emergency medical services, and firefighting vehicles. Although we have not undertaken quantitative studies to measure the envisaged effects of the program, we have determined that the funding distributed under this program will have an immediate, lasting, and positive effect on the safety of the communities served by the recipient fire departments, as well as on the safety of the firefighters themselves.

We highlight the fact that the final rule does not relate to a new or discretionary program of a regulatory nature. Instead, through this final rule, we are implementing a Congressionally mandated initiative aimed at protecting