

the health and safety of the public and firefighting personnel against fire and fire-related hazards. See 15 U.S.C. 2229.

The Office of Management and Budget has reviewed the final rule under Executive Order 12866.

#### Paperwork Reduction Act

This final rule contains a collection of information that is subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The Office of Management and Budget (OMB) has approved our use of the collection of information titled “Assistance to Firefighters Grant Program—Grant Application Supplemental Information” to implement the program and assigned it OMB control number 1660–0054, which expires December 31, 2005. Under the provisions of the Act, we may not conduct or sponsor, and a person is not required to respond to or may not be penalized for failing to comply with, a collection of information unless it displays a currently valid OMB control number. The information provided by grant applicants is required by us to provide them Federal grant assistance under the Assistance to Firefighters Grant Program under the authority of the Federal Fire Prevention and Control Act of 1947 (15 U.S.C. 2201 *et seq.*).

We use the information included in grant application packages to evaluate the eligibility and merits of each request for funding. The supplementary information augments the screening and referral forms used by the grants administration program to determine if applicants meet basic eligibility requirements.

The information collected will be used to evaluate each of the 20,000 to 25,000 anticipated applications objectively to verify eligibility and to determine which of the proposed projects most closely address the established program priorities and which applicants have the greatest needs. The information will also be used to determine which projects offer the highest benefits for the costs incurred and the information will be used to ensure that FEMA’s responsibilities mandated in the legislation are fulfilled accurately and efficiently. FEMA will also use the information to ensure that funds are distributed to volunteer and career departments; and to urban, suburban, and rural fire departments, as mandated by Congress. We also will use the information to assure an equitable distribution geographically, using States as the geographic unit.

#### Executive Order 13132, Federalism

This Executive Order sets forth principles and criteria that agencies must adhere to in formulating and implementing policies that have federalism implications, that is, regulations that have substantial direct effects on the States, or on the distribution of power and responsibilities among the various levels of government. Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States, and to the extent practicable, must consult with State and local officials before implementing any such action.

We have reviewed this final rule under the threshold criteria of Executive Order 13132, Federalism. We have determined that the rule does not have federalism implications as defined by the Executive Order. The rule sets out our administrative procedures for making grants available for fire departments to enhance their ability to protect the health and safety of the public and that of their firefighting personnel facing fire and fire-related hazards. The rule does not significantly affect the rights, roles, and responsibilities of States, and involves no preemption of State law, nor does it limit State policymaking discretion.

The Office of Management and Budget has reviewed the final rule under Executive Order 13132.

#### Congressional Review of Agency Rulemaking

We have sent this final rule to the Congress and to the General Accounting Office under the Congressional Review of Agency Rulemaking Act, 5 U.S.C. 801 *et seq.* The rule is a “major rule” within the meaning of that Act. It will result in an annual effect on the economy of \$100,000,000 or more. The rule sets out our administrative procedures for making grants available for eligible applicants, *i.e.*, fire departments, to enhance their ability to protect the health and safety of the public as well as that of the firefighting personnel facing fire and fire-related hazards.

In compliance with section 808(2) of the Congressional Review of Agency Rulemaking Act, 5 U.S.C. 808(2), for good cause we find that notice and public procedure on this final rule are impractical, unnecessary, or contrary to the public interest.

#### Unfunded Mandates Reform Act

The rule is not an unfunded Federal mandate within the meaning of the Unfunded Mandates Reform Act of

1995, 2 U.S.C. 1501 *et seq.*, and any enforceable duties that we impose are a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

#### List of Subjects in 44 CFR Part 152

Fire prevention, Grant programs—firefighters assistance.

Accordingly, we revise Part 152 of 44 CFR, Chapter I, to read as follows:

#### PART 152—ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM

Sec.

152.1 Purpose and eligible uses of grant funds.

152.2 Definitions.

152.3 Availability of funds.

152.4 Roles and responsibilities.

152.5 Review process and evaluation criteria.

152.6 Application review and award process.

152.7 Grant payment, reporting and other requirements.

152.8 Application submission and deadline.

152.9 Reconsideration.

**Authority:** Federal Fire Protection and Control Act, 15 U.S.C. 2201 *et seq.*

#### § 152.1 Purpose and eligible uses of grant funds.

(a) This competitive grant program will provide funding directly to fire departments of a State for the purpose of enhancing departments’ abilities to protect the health and safety of the public, as well as that of firefighting personnel, facing fire and fire-related hazards. Eligible applicants can submit only one application per application period. Departments that submit multiple applications in one application period will have each of their applications deemed ineligible.

(b) Eligible applicants are fire departments or fire departments of a State which is defined as an agency or organization that has a “formally recognized arrangement” with a State, local or tribal authority (city, county, parish, fire district, township, town, or other non-Federal governing body) to provide fire suppression services within a fixed geographical area. A fire department can apply for assistance for its emergency medical services unit provided the unit falls organizationally under the auspices of the fire department. A municipality or fire district may submit an application on behalf of a fire department when the fire department lacks the legal status to do so, *e.g.*, where the fire department falls within the auspices of the municipality. When a municipality or fire district submits an application on behalf of a fire department, the fire department is