# FEDERAL EMERGENCY MANAGEMENT AGENCY

#### 44 CFR Part 152

RIN 3067-AC31

#### The Arson Prevention Act of 1994— State Grants

**AGENCY:** The United States Fire Administration, FEMA.

**ACTION:** Final rule.

**SUMMARY:** This final rule identifies the eligibility criteria and procedures for States or consortia of States to apply for arson related grants, and it details the evaluation criteria and anti-arson goals the awards are targeted to support.

**EFFECTIVE DATE:** This final rule is effective March 31, 1995.

## FOR FURTHER INFORMATION CONTACT: Kenneth J. Kuntz, United States Fire Administration, 16825 South Seton Avenue, Emmitsburg, MD 21727, (301) 447–1271, facsimile (301) 447–1102.

SUPPLEMENTARY INFORMATION: The Arson Prevention Act of 1994 (Pub. L. 103–254) amends the Fire Prevention and Control Act of 1974 (15 U.S.C. 2220) to make available competitive grants to States or consortia of States, for programs relating to arson research, prevention, and control. Accordingly, FEMA is publishing this final rule to indicate how it will administer the grant program.

FEMA published the proposed rule in the **Federal Register** on Tuesday, September 20, 1994, 59 FR 48277. Comments were invited until November 4, 1994. No comments were received. Therefore, FEMA is publishing the final rule as initially proposed, with minor technical changes.

#### **National Environmental Policy Act**

This final rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

# **Regulatory Flexibility Act**

I certify that this final rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., because the final rule will relate to the procedures that FEMA will use to administer the statutorily mandated grant program, and will have no direct effect on small business or governmental entities. The final rule will not: (1) Affect adversely the availability of grants to small entities; (2) have significant secondary or

incidental effects on a substantial number of small entities; nor (3) create an additional burden on small entities. Accordingly, no regulatory flexibility analysis will be prepared.

## **Paperwork Reduction Act**

This final rule does not involve any collection of information for the purposes of the Paperwork Reduction Act.

# **Executive Order 12866, Regulatory Planning and Review**

Promulgation of this final rule is required by statute, 15 U.S.C. 2221 et seq., which also specifies the regulatory approach taken in the final rule. To the extent possible under the statutory requirements of 15 U.S.C. 2221, this final rule adheres to the principles of regulation as set forth in this Executive Order. This final rule has not been reviewed by the Office of Management and Budget under the provisions of E.O. 12866.

#### **Executive Order 12612, Federalism**

The final rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

# **Executive Order 12778, Civil Justice Reform**

The final rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

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

Administrative practice and procedure, Firefighters, Arson prevention, Grant programs, Reporting and record keeping requirements.

Accordingly, 44 CFR Part 152 is added to read as follows:

# PART 152—STATE GRANTS FOR ARSON RESEARCH, PREVENTION, AND CONTROL

## Subpart A-Purpose, Scope, Definitions

Sec.

152.1 Purpose.

152.2 Scope.

152.3 Definitions.

### Subpart B—Competitive State Grants

152.4 Grant goals.

152.5 State qualification criteria.

152.6 Grant application procedures.

152.7 Available funds and application submission.

152.8 Competitive evaluation criteria.

152.9 Reporting requirements.

## Subpart C—Administration

152.10 Extensions.

152.11 Technical assistance.

152.12 Consultation and cooperation.

152.13 Audits.

152.14 Penalties.

**Authority:** 15 U.S.C. 2221; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

# Subpart A—Purpose, Scope, Definitions

#### §152.1 Purpose.

This part establishes the uniform administrative rules under which States or consortia of States will request consideration for competitive arson research, prevention and control grant award(s), and details the associated administrative procedures which will be required of applicants and recipients.

#### §152.2 Scope.

This part applies to all States or consortia of States requesting competitive consideration of their respective proposals, and all those States or consortia of States actually awarded arson grants under this authority.

#### §152.3 Definitions.

Administrative costs means those actual expenses incurred by a grantee to oversee and execute the specific administrative provisions of the grant award, including as appropriate the provision of grant related monitoring services and reporting requirements, and the nominal purchase of necessary equipment and expendable supplies to support the administration of the grant.

Administrator means the Administrator of the United States Fire Administration.

*Grantee* means the State, consortia of States, or State and consortia of States identified as recipients of grant awards under this part.

Prevention and control means the aggressive intervention strategies, methods, and materials developed or relied upon to minimize the occurrence and effects of arson.

Program costs means the actually incurred expenses related to the development, delivery, training, research or other activities proposed and subsequently authorized by the grant award and other appropriate controls.

Reporting methodology is the means by which a jurisdiction provides arson data to the National Fire Incident Reporting System (NFIRS) or the Uniform Crime Reporting (UCR) programs.

Research means the application of conventional scientific and statistical methods to assess a particular issue, application methodology, intervention or mitigation strategy in an effort to advance the collective scientific body of