



United States General Accounting Office  
Washington, DC 20548

Office of the General Counsel

B-286260

September 21, 2000

The Honorable Robert C. Smith  
Chairman  
The Honorable Max Baucus  
Ranking Minority Member  
Committee on Environment and Public Works  
United States Senate

The Honorable Bud Shuster  
Chairman  
The Honorable James L. Oberstar  
Ranking Minority Member  
Committee on Transportation and Infrastructure  
House of Representatives

Subject: Federal Emergency Management Agency: Disaster Assistance: Cerro Grande  
Fire Assistance

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 "Disaster Assistance: Cerro Grande Fire Assistance" (RIN: 3067-AD12). We received the rule on September 8, 2000. It was published in the Federal Register as an interim final rule on August 28, 2000. 65 Fed. Reg. 52260.

The interim final rule sets out the procedures for applicants to obtain assistance for injuries and property damage resulting from the Cerro Grande fire.

Enclosed is our assessment of 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 Stan Czerwinski, Associate Director for Housing and Community Development Issues. Mr. Czerwinski can be reached at (202) 512-7631.

Anthony H. Gamboa  
Acting General Counsel

Enclosure

cc: Mr. Ernest B. Abbott  
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  
"DISASTER ASSISTANCE:  
CERRO GRANDE FIRE ASSISTANCE"  
(RIN: 3067-AD12)

(i) Cost-benefit analysis

Because of the emergency nature of the interim final rule, FEMA states that it did not perform a cost-benefit analysis.

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

The final rule will not have a significant economic impact on a substantial number of small entities.

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

The final rule does not impose a mandate, as defined in title II, of over \$100 million in any one year on any state, local, or tribal government or the private sector.

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

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

The Director of FEMA has found "good cause" under 5 U.S.C. 553(d)(1) to publish this interim final rule without the opportunity for prior public comment in order to expedite the receipt and processing of Cerro Grande fire assistance applications. Section 104(f)(1) of the Cerro Grande Fire Assistance Act (Pub. L. 106-246) requires the Director of FEMA to publish interim final regulations not later than 45 days after its enactment.

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

The interim final rule contains information collections that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. FEMA requested emergency approval of the Notice of Loss information collection form, which was been approved by OMB on August 9, 2000, and assigned Control No. 3067-0280.

**Additional information collections necessary under the interim final rule, such as the Proof of Loss and Release and Certification, will be processed in accordance with OMB's normal procedure.**

**Statutory authorization for the rule**

**The interim final rule is promulgated pursuant to the authority contained in Cerro Grande Fire Assistance Act, Public Law 106-246, 114 Stat. 584.**

**Executive Order No. 12866**

**The interim final rule was reviewed by the Office of Management and Budget and found to be an "economically significant" regulatory action.**