

(c) Notify the Governor and the Administrator of FmHA or its successor agency under Public Law 103-354 of action taken on each designation within 30 calendar days of the receipt of a request for approval;

(d) Consult with the Governor before the disapproval of any designation; and

(e) Publish a description in the FEDERAL REGISTER of all designated areas approved within 30 days of their approval.

§ 1948.71 [Reserved]

§ 1948.72 Industry reports.

Any person regularly engaged in any coal or uranium development activity within an area designated and approved in accordance with this subpart, shall prepare and transmit a report to the Secretary of Energy, Department of Energy, Mail Stop 8G-031, Forrestal Building, Washington, DC 20585 within 90 days after a written request to such person by the Governor of the State in which such area is located.

(a) The report shall contain:

(1) Projected levels of employment in coal or uranium development activities within the approved designated area for the next three calendar years;

(2) The projected number of new jobs to be created in coal or uranium development activities by the person within the approved designated area in each of the following three calendar years;

(3) Current or planned actions of the person in relation to the provision of housing or public facilities for such person's employees in the next three calendar years;

(4) Contracts in force whereby the person intends to provide funds to State government, local governments, and public or private nonprofit organizations for the provision of housing or public facilities for such person's employees; and

(5) The projected quantity of coal or uranium to be produced, processed, or transported by the person in each of the next three years.

(b) The Governor requesting the report will notify the Secretary of Energy of persons from whom reports have been requested.

(c) The Secretary of Energy shall provide a copy of these reports to the

Secretary of Agriculture, the appropriate Governor, and the appropriate county or local officials, and make it available for public inspection and copying in the public reading room of the Department of Energy, Room GA152, Forrestal Building, Washington, DC 20585.

§§ 1948.73-1948.77 [Reserved]

§ 1948.78 Growth management and housing planning projects.

(a) Existing plans for growth management and housing may be used to meet the planning requirements of this subpart.

(b) A reasonable effort should be made to modify existing plans for use in meeting the planning requirements of this section.

(c) The Governor shall be responsible for the coordination of planning within a State.

(d) The planning process developed with assistance under this section should begin at the local level and flow upward to the State.

(e) Planning processes developed with assistance under this section should have the maximum possible citizen involvement in the development of plans.

(f) Governors should give full consideration to local and substate priorities in the development of the State Investment Strategy for Energy Impacted Areas.

(g) Plans developed with assistance under this section should be fully coordinated with other Federal, State, substate, and local planning activities affected by the project.

(h) Planning conducted by the State include effective management activities for coordinated development of approved designated areas through the plan implementation stage.

[44 FR 35984, June 19, 1979, as amended at 48 FR 29121, June 24, 1983]

§ 1948.79 Application procedure for planning grants.

(a) Applicants may submit a preapplication for a planning grant upon designation of the area as an energy impacted area by the Governor. FmHA or its successor agency under Public Law 103-354 will not take final action on the preapplication until the

designation has been approved by the Secretary of Energy.

(b) Intergovernmental consultation should be carried out in accordance with 7 CFR part 3015 subpart V, “Intergovernmental Review of Department of Agriculture office.”

(c) Applicants shall file an original and one copy of SF 424.1, “Application for Federal Assistance (For Non-construction),” with the appropriate FmHA or its successor agency under Public Law 103-354 office. A copy should also be filed with the Governor’s office of the appropriate State. This form is available in all FmHA or its successor agency under Public Law 103-354 offices. Local governments and councils of local governments shall submit preapplications to the appropriate FmHA or its successor agency under Public Law 103-354 District Office. State governments shall apply to the appropriate FmHA or its successor agency under Public Law 103-354 State Office. The FmHA or its successor agency under Public Law 103-354 District Office will forward the preapplication with written comments within 10 working days to the appropriate State Office.

(d) All preapplications shall be accompanied by:

(1) Evidence of applicant’s legal existence;

(2) Evidence of applicant’s authority to prepare growth management and/or housing plans;

(3) A statement declaring that the planning neither duplicates nor conflicts with current activities;

(4) An original and one copy of Forms FmHA 400-1, “Equal Opportunity Agreement,” and Form FmHA or its successor agency under Public Law 103-354 400-4, “Assurance Agreement;” and

(5) A statement regarding other financial resources available to the area for this planning.

(e) District and State FmHA or its successor agency under Public Law 103-354 Offices receiving preapplications will:

(1) Determine if the area to be covered by this project is an “approved designated area” as defined in this subpart;

(2) Comply with the environmental requirements set forth in this subpart; and

(3) Prepare a Historic Preservation Assessment in accordance with part 1901, subpart F, of this chapter.

(f) District FmHA or its successor agency under Public Law 103-354 Offices receiving preapplications will also provide written comments reflecting planning grant selection criteria listed in this subpart.

(g) The FmHA or its successor agency under Public Law 103-354 District Office will forward the original of the preapplication and accompanying documents including those described in paragraphs (e)(1) through (e)(3) and (f) of this section to the appropriate FmHA or its successor agency under Public Law 103-354 State Director within 10 working days of receipt of the preapplication.

(h) Upon receipt of a preapplication, the FmHA or its successor agency under Public Law 103-354 State Office will:

(1) Review and evaluate the preapplication and accompanying documents;

(2) Consult with the Governor of the appropriate State concerning the Governor’s priorities and recommended funding level for the project; and

(3) Respond to the applicant within 30 days of the date of receipt of the preapplication using Form AD-622, “Notice of Preapplication Review Action,” indicating the action taken on the preapplication.

(i) Upon notification that the applicant is eligible to compete with other applicants for funding, a SF 424.1 may be submitted to the FmHA or its successor agency under Public Law 103-354 State Office by all applicants.

(j) The FmHA or its successor agency under Public Law 103-354 State Office will send evidence of the applicant’s legal existence and authority to the USDA Regional Office of General Counsel (OGC) and request that a legal determination be made of the applicant’s legal existence and authority to prepare growth management and/or housing plans in those cases where an application (SF 424.1) is requested.

(k) Upon receipt of an application on SF 424.1 by the FmHA or its successor

agency under Public Law 103-354 State Office, a docket will be prepared which will include the following:

- (1) Form SF 424.1;
- (2) Form AD-622;
- (3) Any comments received in accordance with 7 CFR part 3015 subpart V, "Intergovernmental Review of Department of Agriculture Programs and Activities". See FmHA Instruction 1940-J, available in any FmHA or its successor agency under Public Law 103-354 office.
- (4) SF 424.1;
- (5) Evidence of the applicant's legal existence and authority to prepare growth management and/or housing plans;
- (6) OGC legal determinations;
- (7) Grant agreement and scope of work;
- (8) Form FmHA or its successor agency under Public Law 103-354 440-1, "Request for Obligation of Funds;"
- (9) Form FmHA or its successor agency under Public Law 103-354 400-1;
- (10) Form FmHA or its successor agency under Public Law 103-354 400-4;
- (11) Historic Preservation Assessment;
- (12) District, where appropriate, and State FmHA or its successor agency under Public Law 103-354 written comments, assessments, and analysis of the proposed projects in accordance with the grant selection criteria; and
- (13) All certificates and statements accompanying the pre-application and/or application.

[44 FR 35984, June 19, 1979, as amended at 48 FR 29121, June 24, 1983; 49 FR 3764, Jan. 30, 1984; 55 FR 13503 and 13504, Apr. 11, 1990]

§ 1948.80 Planning grant selection criteria.

The following criteria will be used in the selection of planning grant recipients:

- (a) Planning assistance which could be used for the purpose of the proposed planning process is not available from other sources on a timely basis (Mandatory);
- (b) The increase in the number of new employees and the percentage of increase in employment in coal and/or uranium development activities in the year of designation within the ap-

proved designated area (years projected will be averaged and treated equally);

- (c) The need for planning in relation to the financial resources available for such planning;
- (d) The planning priorities and recommended funding level of the Governor(s) of the appropriate State(s);
- (e) The appropriateness of the proposed planning activity for meeting the planning needs of the area, including but not limited to the building of planning capacity and the local priority for the project;
- (f) The inadequacy of existing plans for mitigating the effects of coal and/or uranium development activities; and
- (g) The nature of comments and recommendation received in accordance with 7 CFR part 3015 subpart V, "Intergovernmental Review of Department of Agriculture Programs and Activities" (See FmHA Instruction 1940-J, available in any FmHA or its successor agency under Public Law 103-354 office.

[44 FR 35984, June 19, 1979, as amended at 48 FR 29121, June 24, 1983]

§ 1948.81 State Investment Strategy for Energy Impacted Areas.

- (a) The State Investment Strategy for Energy Impacted Areas should be a dynamic document updated as each plan or group of plans is submitted to FmHA or its successor agency under Public Law 103-354 for approval.
- (b) The Governor shall consult with the FmHA or its successor agency under Public Law 103-354 State Director when developing or updating a State Investment Strategy for Energy Impacted Areas.
- (c) The State Investment Strategy for Energy Impacted Areas will include but is not limited to:
 - (1) A list of projects in order of priority;
 - (2) The Governor's recommended level of and method of funding for each project through completion of the project identified in the plans submitted and incorporated into the State Investment Strategy for Energy Impacted Areas;
 - (3) Methods of coordinating assistance with other State and Federal development programs;