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§ 455.153 Review by the Deputy Assistant Secretary.

(a) If a State requests a public hearing pursuant to paragraph (a) of § 455.150, the Deputy Assistant Secretary, within 15 days, shall give actual notice to the State and FEDERAL REGISTER notice of the date, place, time, and procedures which shall apply to the public hearing. Any public hearing under this section shall be informal and legislative in nature.

(b) The Deputy Assistant Secretary shall concur in, concur in as modified, or issue a substitute for the recommended decision of the Support Office Director:

(1) With respect to a notice filed pursuant to paragraph (a) of § 455.150, on or before 60 days from receipt of documents under § 455.152 or the conclusion of a public hearing, whichever is later; or

(2) With respect to a notice filed pursuant to paragraph (b) of § 455.150, on or before 30 days from receipt of documents under § 455.152.

§ 455.154 Discretionary review by the Assistant Secretary.

On or before 15 days from the date of the determination under § 455.153(b), the applicant for a grant award may file an application, with a supporting statement of reasons, for discretionary review by the Assistant Secretary. If administrative review is sought pursuant to paragraph (a) of § 455.150, the Assistant Secretary shall send a notice granting or denying discretionary review within 15 days and upon granting such review, shall issue a decision no later than 60 days from the date discretionary review is granted. If administrative review is sought pursuant to paragraph (b) of § 455.150, the Assistant Secretary shall send a notice granting or denying discretionary review within 15 days and upon granting such review shall issue a decision no later than 30 days from the date discretionary review is granted. The Assistant Secretary may not issue a notice or decision under this paragraph without the concurrence of the DOE Office of General Counsel.

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§ 455.155 Finality of decision.

A decision under § 455.153 shall be final for DOE if there is no review sought under § 455.154. If there is review under § 455.154, the decision thereunder shall be final for DOE, and no appeal shall lie elsewhere in DOE.

PART 456 [RESERVED]

PART 470—APPROPRIATE TECHNOLOGY SMALL GRANTS PROGRAM

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AUTHORITY: Energy Research and Development Administration Appropriation Authorization of 1977, Pub. L. 95-39; Energy Reorganization Act of 1974, Pub. L. 93-438; Department of Energy Organization Act, Pub. L. 95-91.

SOURCE: 45 FR 8928, Feb. 8, 1980, unless otherwise noted.

EDITORIAL NOTE: The recordkeeping requirements contained in this part have been approved by the Office of Management and Budget under control number 1904-0036.

§ 470.1 Purpose and scope.

This part contains guidelines for the implementation of the appropriate technology small grants program required to be prescribed by section 112 of the Act.

§ 470.2 Definitions.

As used in this part—

Act means the Energy Research and Development Administration Appropriation Authorization of 1977, Pub. L. 95-39, 91 Stat. 180, 42 U.S.C. 5907a.

Affiliate means a concern which, either directly or indirectly, controls or has the power to control another concern, is controlled by or is within the power to control of another concern or,

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together with another concern, is controlled by or is within the power to control of a third party, taking into consideration all appropriate factors, including common ownership, common management and contractual relationships.

Concern means any business entity organized for profit (even if its ownership is in the hands of a nonprofit entity) with its principal place of business located in the United States. "Concern" includes, but is not limited to, an individual, partnership, corporation, joint venture, association or cooperative. For the purpose of making affiliation findings, any business entity, whether organized for profit or not, and any foreign business entity (i.e., any entity located outside the United States), shall be included.

DOE means the Department of Energy.

DOE-AR means the Department of Energy Assistance Regulations (10 CFR part 600).

DOE-PR means the Department of Energy Procurement Regulations (41 CFR part 9).

Indian tribe means any tribe band, nation, or other organized group or community of Indians (including any Alaska native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, Pub. L. 92-203, 85 Stat. 688, which (1) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or (2) is located on, or in proximity to, a Federal or State reservation or rancheria, acting through its tribal organization.

Local agency means an agency or instrumentality of a local government.

Local government means a local unit of government including specifically a county, municipality, city, town, township, local public authority, special district, intrastate district, council of governments, sponsor group representative organization, and other regional or intrastate government entity.

Local nonprofit organization or institution means any corporation trust, foundation, trade association, or other institution (1) which is entitled to exemption under section 501(c)(3) of the

Internal Revenue Code or (2) which is not organized for profit and no part of the net earnings of which inure to the benefit of any private shareholder or individual.

Program means the appropriate technology small grants program.

Small business means a concern, including its affiliates, which is organized for profit, is independently owned and operated, is not dominant in the field of operation in which it is submitting a proposal to DOE, and has 100 employees or less.

Standard Federal regions means the 10 standard Federal regions established by Office of Management and Budget Circular A-105, entitled "Standard Federal Regions."

State means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

State agency means an agency or instrumentality of a State government.

State government means the government of a State, or an interstate organization.

Support means financial support or award under the program by grants, cooperative agreements or contracts.

Tribal organization means the recognized governing body of an Indian tribe, or any legally established organization of Native Americans which is controlled, sanctioned, or chartered by such governing body.

§ 470.10 Establishment of program.

There is established, under direction of the Assistant Secretary for Conservation and Solar Energy of DOE, an appropriate technology small grants program for the purpose of encouraging development and demonstration of, and the dissemination of information with respect to, energy-related systems and supporting technologies appropriate to—

(a) The needs of local communities and the enhancement of community self-reliance through the use of available resources;

(b) The use of renewable resources and the conservation of non-renewable resources;

(c) The use of existing technologies applied to novel situations and uses;