

(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 approved 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