

Pt. 1310**18 CFR Ch. XIII (4-1-14 Edition)**

(3) Inform the complainant:

(i) That a civil action can only be brought in a United States district court for the district in which the recipient is found or transacts business;

(ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that these costs must be demanded in the complaint;

(iii) That before commencing the action the complainant shall give 30 days' notice by registered mail to the Secretary, the Attorney General of the United States, TVA, and the recipient;

(iv) That the notice shall state: the alleged violation of the Act; the relief requested; the court in which the action will be brought; and whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That no action shall be brought if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

PART 1310—ADMINISTRATIVE COST RECOVERY

Sec.

1310.1 Purpose.

1310.2 Application.

1310.3 Assessment of administrative charge.

AUTHORITY: 16 U.S.C. 831-831dd; 31 U.S.C. 9701.

SOURCE: 60 FR 8196, Feb. 13, 1995, unless otherwise noted.

§ 1310.1 Purpose.

The purpose of the regulations in this part is to establish a schedule of fees to be charged in connection with the disposition and uses of, and activities affecting, real property in TVA's custody or control; approval of plans under section 26a of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831y-1); and certain other activities in order to help ensure that such activities are self-sustaining to the full extent possible.

§ 1310.2 Application.

(a) *General.* TVA will undertake the following actions only upon the condition that the applicant pay to TVA such administrative charges as the

Senior Manager of the TVA organization that administers the land or permit being considered (hereinafter "responsible land manager"), as appropriate, shall assess in accordance with §1310.3; provided, however, that the responsible land manager may waive payment where he/she determines that there is a corresponding benefit to TVA or that such waiver is otherwise in the public interest.

(1) Conveyances and abandonment of TVA land or landrights.

(2) Licenses and other uses of TVA land not involving the disposition of TVA real property or interests in real property.

(3) Actions taken to suffer the presence of unauthorized fills and structures over, on, or across TVA land or landrights, and including actions not involving the abandonment or disposal of TVA land or landrights.

(4) Actions taken to approve fills, structures, or other obstructions under section 26a of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831y-1), and TVA's regulations issued thereunder at part 1304 of this chapter.

(b) *Exemption.* An administrative charge shall not be made for the following actions:

(1) Releases of unneeded mineral right options.

(2) TVA mineral transactions.

(c) *Quota deer hunt and turkey hunt applications.* Quota deer hunt and turkey hunt permit applications will be processed by TVA if accompanied by the fee prescribed in §1310.3(d).

[60 FR 8196, Feb. 13, 1995, as amended at 72 FR 18118, Apr. 11, 2007]

§ 1310.3 Assessment of administrative charge.

(a) *Range of charges.* Except as otherwise provided herein, the responsible land manager shall assess a charge which he/she determines in his/her sole judgment to be approximately equal to the administrative costs incurred by TVA for each action including both the direct cost to TVA and applicable overheads. In determining the amount of such charge, the responsible land manager may establish a standard charge for each category of action

rather than determining the actual administrative costs for each individual action. The standard charge shall be an amount approximately equal to TVA's actual average administrative costs for the category of action. Charges shall be not less than the minimum or greater than the maximum amount specified herein, except as otherwise provided in paragraph (c) of this section.

- (1) Land transfers—\$500–\$10,000.
- (2) Use permits or licenses—\$50–\$5,000.
- (3) Actions taken to approve plans for fills, structures, or other obstructions under section 26a of the TVA Act—\$100–\$5,000.
- (4) Abandonment of transmission line easements and rights-of-way—\$100–\$1,500.

(5) Quota deer hunt or turkey hunt applications—\$5–\$25.

(b) *Basis of charge.* The administrative charge assessed by the responsible land manager shall, to the extent applicable, include the following costs:

- (1) Appraisal of the land or landrights affected;
- (2) Assessing applicable rental fees;
- (3) Compliance inspections and other field investigations;
- (4) Title and record searches;
- (5) Preparation for and conducting public auction and negotiated sales;
- (6) Mapping and surveying;
- (7) Preparation of conveyance instrument, permit, or other authorization or approval instrument;
- (8) Coordination of the proposed action within TVA and with other Federal, State, and local agencies;
- (9) Legal review; and
- (10) Administrative overheads associated with the transaction.

(c) *Assessment of charge when actual administrative costs significantly exceed established range.* When the responsible land manager determines that the actual administrative costs are expected to significantly exceed the range of costs established in paragraph (a) of this section, such manager shall not proceed with the TVA action until agreement is reached on payment of a charge calculated to cover TVA's actual administrative costs.

(d) *Quota deer hunt and turkey hunt application fees.* A fee for each person in the amount prescribed by the responsible land manager must accompany

the complete application form for a quota deer hunt and turkey hunt permit. Applications will not be processed unless accompanied by the correct fee amount. No refunds will be made to unsuccessful applicants, except that fees received after the application due date will be refunded.

(e) *Additional charges.* In addition to the charges assessed under these regulations, TVA may impose a charge in connection with environmental reviews or other environmental investigations it conducts under its policies or procedures implementing the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*).

PART 1311—INTERGOVERNMENTAL REVIEW OF TENNESSEE VALLEY AUTHORITY FEDERAL FINANCIAL ASSISTANCE AND DIRECT FEDERAL DEVELOPMENT PROGRAMS AND ACTIVITIES

Sec.

- 1311.1 What is the purpose of these regulations?
- 1311.2 What definitions apply to these regulations?
- 1311.3 What programs and activities of TVA are subject to these regulations?
- 1311.4 [Reserved]
- 1311.5 What is TVA's obligation with respect to federal interagency coordination?
- 1311.6 What procedures apply to the selection of programs and activities under these regulations?
- 1311.7 How does TVA communicate with state, regional and local officials concerning TVA's programs and activities?
- 1311.8 How does TVA provide states an opportunity to comment on proposed federal financial assistance and direct federal development?
- 1311.9 How does TVA receive and respond to comments?
- 1311.10 How does TVA make efforts to accommodate intergovernmental viewpoints?
- 1311.11 What are TVA's obligations in interstate situations?
- 1311.12 [Reserved]
- 1311.13 May TVA waive any provision of these regulations?

AUTHORITY: Tennessee Valley Authority Act of 1933, 48 Stat. 58, as amended, 16 U.S.C. 831–831dd (1976; Supp. V. 1981); E. O. 12372, July 14, 1982 (47 FR 30,959), amended April 8,