

Tennessee Valley Authority

§ 1304.107

§ 1304.105 Determination of application.

(a) The Division of Land and Forest Resources conducts preliminary investigations, coordinates the processing of applications within TVA; notifies the applicant if preparation and review of an environmental statement are required under NEPA and of what additional information must be submitted to TVA by applicant so that TVA may comply with the requirements of that statute and related legal requirements, and complete its review of the application; and arranges for notification to the Environmental Protection Agency of applications that request approval of plans for structures which may result in a discharge into navigable waters of the United States and are certified in accordance with the requirements of § 1304.103(b).

(b) Hearings concerning approval of applications are conducted (in accordance with § 1304.107) (1) when requested by the applicant, (2) when TVA deems that a hearing is necessary or appropriate in determining any issue presented by the application, (3) when required under applicable provisions of the FWPCA.

(c) Upon completion of the investigation, coordination of the review of water quality aspects of the application under the FWPCA, completion of review under NEPA if required, and hearing or hearings, if any, the Director approves or disapproves the application on the basis of the application and supporting documents the report of investigation, the transcript of the hearing or hearings, if any be held, the recommendations of other agencies, the intent of this part, and the applicable provisions of the TVA Act, the FWPCA, NEPA, and other applicable laws or regulations. In his discretion the Director may refer any application and supporting materials to the Board for its approval or disapproval.

(d) Promptly following determination, the Director or the Board, as the case may be, furnishes a written copy of the decision to the applicant and to any parties of record pursuant to § 1304.107. In the case of applications initially approved or disapproved by the Board, written requests for reconsideration may be made to the Board in

the same manner as provided for appeals under § 1304.106(a).

[42 FR 65148, Dec. 30, 1977, as amended at 44 FR 23066, Apr. 18, 1979. Redesignated at 44 FR 30682, May 29, 1979]

§ 1304.106 Appeals.

(a) If the Director disapproves an application, the applicant may, by written request addressed to the Board of Directors, Tennessee Valley Authority, Knoxville, Tenn. 37902, and mailed within thirty (30) days after receipt of notification of such disapproval, obtain review by the Board of the determination of the Director disapproving the application.

(b) A party of record to any hearing before the Director who is aggrieved or adversely affected by any determination of the Director approving an application, may obtain review by the Board of such determination by written request addressed and mailed as provided in paragraph (a) of this section.

(c) Requests for review shall specify the reasons why it is contended that the Director's determination is in error.

(d) Following receipt of a request for review, the Board will review the material on which the Director's decision was based and may conduct or cause to be conducted such investigation of the application as the Board deems necessary or desirable. The applicant and the person requesting review may submit additional written material in support of his position to the Board within thirty (30) days after receipt by TVA of the request for review. Based on the review, investigation, and written submissions provided for in this paragraph, the Board shall render its decision approving or disapproving the application.

(e) The Board will furnish a written copy of its decision in any review proceeding under this section to the applicant and to all parties of record promptly following determination of the matter.

[36 FR 20424, Oct. 22, 1971; 36 FR 22901, Dec. 2, 1971, as amended at 42 FR 65148, Dec. 30, 1977. Redesignated at 44 FR 30682, May 29, 1979]

§ 1304.107 Conduct of hearings.

(a) If a hearing is to be held for any of the reasons described in § 1304.105(b)