

*B. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601-611 (1988), requires that agencies, in proposing rules, consider the impact of those rules on small businesses. The rules discussed herein are only an administrative delegation and will have no impact on registered entities. Even if these rules were deemed to affect FCMs, the Commission already has established certain definitions of "small entities" to be used by the Commission in evaluating the impact of its rules on such small entities in accordance with the RFA and FCMs have been determined not to be small entities under the RFA.<sup>4</sup> Accordingly, the Chairman, on behalf of the Commission, hereby certifies, pursuant to 5 U.S.C. 605(b), that these rule amendments will not have a significant impact on a substantial number of smaller entities.

**List of Subjects in 17 CFR Part 140**

Authority delegations (Government agencies).

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act, and, in particular, sections 2a and 8a, 7 U.S.C. 4a and 12a, the Commission is amending part 140 of Chapter I of Title 17 of the Code of Federal Regulations as follows:

**PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION**

1. The authority citation for Part 140 continues to read as follows:

**Authority:** 7 U.S.C. 4a and 12a.

2. Section 140.91 is amended by redesignating paragraphs (a)(3) and (a)(4) as (a)(5) and (a)(6) and by adding new paragraphs (a)(3) and (a)(4) to read as follows:

**§ 140.91 Delegation of authority to the Director of the Division of Trading and Markets.**

(a) \* \* \*

(3) All functions reserved to the Commission in § 1.14 of this chapter;

(4) All functions reserved to the Commission in § 1.15 of this chapter;

\* \* \* \* \*

Issued in Washington, D.C. on February 7, 1995, by the Commission.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 95-3455 Filed 2-10-95; 8:45 am]

BILLING CODE 6351-01-U

**TENNESSEE VALLEY AUTHORITY****18 CFR Part 1310****Administrative Cost Recovery**

**AGENCY:** Tennessee Valley Authority (TVA).

**ACTION:** Final rule.

**SUMMARY:** This final rule amends TVA's administrative cost recovery regulations by adding a provision requiring payment to TVA of nonrefundable application processing fees to recover the costs of reviewing plans for the construction, operation, or maintenance of dams, appurtenant works, or other obstructions affecting navigation, flood control, or public lands or reservations in the Tennessee River system under Section 26a of the TVA Act; eliminating cost recovery exemptions for agricultural licenses, firewood cutting permits, permits for the nonexclusive short-term use of TVA land, conveyance or abandonment of TVA land or landrights to States, municipalities, and political subdivisions and agencies thereof, and use of TVA land for utility line crossings; authorizing the responsible land manager to establish a standard charge for each category of action rather than determining the actual administrative costs for each individual action; and increasing the range of fees for certain actions. These amendments will allow TVA to recover more of its administrative costs incurred in processing certain actions from those persons who directly benefit from the actions.

**EFFECTIVE DATE:** March 17, 1995.

**FOR FURTHER INFORMATION CONTACT:** David L. Pack, Manager of Reservoir Land Management, Tennessee Valley Authority, 17 Ridgeway Road, Norris, Tennessee 37828, (615) 632-1602.

**SUPPLEMENTARY INFORMATION:** TVA published the proposed rulemaking in the **Federal Register** on October 27 (59 FR 53948-49) and invited comments for 30 days ending November 28, 1994. No comments were received. Accordingly, TVA is promulgating this final rule as proposed.

In order to help ensure that TVA land management and permitting activities are self-sustaining to the fullest extent possible, the agency has determined that its administrative cost recovery regulations should be expanded to include a broader range of use, disposal, and permitting activities. This determination is consistent with national objectives to increase government efficiency and to recover the costs of government services from

those who most directly benefit from the services.

Persons who wish to construct dams, appurtenant works, or other obstructions in or along the Tennessee River system are required by Section 26a of the TVA Act of 1933, as amended, to obtain TVA's approval of plans for the proposed activity prior to construction. TVA's administrative cost recovery regulations previously provided for recovery of costs of actions taken by TVA to approve obstructions constructed without prior approval of plans. In order to help ensure that the agency's entire Section 26a permitting program is self-sustaining to the fullest extent possible, the amended regulations now provide for recovery of costs of processing permits for proposed obstructions as well as after-the-fact permit processing. The responsible TVA land manager has established standard permit processing fees that will be payable upon submission of a permit application and will be nonrefundable regardless of whether or not the plans are approved by TVA.

Initially, the standard application processing fee for private noncommercial Section 26a permit proposals will be \$100, and the standard fee for commercial, industrial, and public Section 26a permit application processing will be \$500. These fees are based in part upon a review of costs incurred by TVA in processing these permits. In addition, TVA examined prevailing permit application fees by conducting a comparative analysis survey of several other agencies and utilities. In adjusting application processing fees and in establishing standard fees for other applicable activities, the responsible land manager will examine average costs incurred in conducting the various activities.

The amended regulations also provide for increasing TVA's administrative fee for quota deer hunts and quota turkey hunts at Land Between The Lakes. The purpose of this fee is to recover the cost of processing applications, conducting a computerized drawing, and mailing notification of selection status. The hunting fee will increase from \$2 to a range of \$5 to \$25. This range will allow TVA to recover increasing costs of conducting the drawings and hunts, and allow a range of pricing for special hunts and drawings.

Applications received prior to March 17, 1995, will be processed under the regulations in effect at the time of receipt of the application.

**List of Subjects in 18 CFR Part 1310**

Government property, Hunting.

<sup>4</sup> 47 FR 18618-18621 (April 30, 1982).

For the reasons set out in the preamble, 18 CFR Part 1310 is revised to read as follows:

## 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.

### § 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 charge as the Vice-President of Land Management or the Manager of Power Properties (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) Conveyances pursuant to section 4(k)(d) of the Tennessee Valley

Authority Act of 1933, as amended (16 U.S.C. 831c(k)(d)).

(2) Releases of unneeded mineral right options.

(3) TVA phosphate land and mineral transactions.

(4) Permits and licenses for use of TVA land by distributors of TVA power.

(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).

### § 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.*).

**Kathryn J. Jackson,**

*Senior Vice President, Resource Group.*

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## LIBRARY OF CONGRESS

### Copyright Office

**37 CFR Parts 251, 252, 253, 254, 255, 256, 257, 258, and 259**

[Docket No. RM 93–12 and RM 94–1A]

### Copyright Arbitration Royalty Panels; Correction

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Correction to regulations.

**SUMMARY:** This document contains corrections to the former Copyright Royalty Tribunal (CRT) regulations that were reissued by the Library of Congress and the Copyright Office on December 22, 1993, and to the interim copyright arbitration rules that were published on May 9, 1994.

**EFFECTIVE DATE:** These corrections are effective February 13, 1995.

**FOR FURTHER INFORMATION CONTACT:** William Roberts, Senior Attorney,