

MEMORANDUM OF AGREEMENT

BETWEEN

THE TENNESSEE VALLEY AUTHORITY

AND

THE U.S. DEPARTMENT OF THE ARMY

*Ky Lock*

*B Jan 91*

SUBJECT: Kentucky Lock Addition, Tennessee River Mile 22.4

1. PURPOSE: The purpose of this Memorandum of Agreement (MOA) is to define the responsibilities of the U.S. Department of the Army (DA), acting through the U.S. Army Corps of Engineers (USACE), and the Tennessee Valley Authority (TVA) in connection with a new lock at Kentucky Dam. The scope of the project to be undertaken is to be fully described in the "Lower Cumberland and Tennessee Rivers - Kentucky Lock Addition" feasibility report. This MOA does not supersede or modify previous Memoranda of Agreement between TVA and DA, but is entered into for the sole purpose of implementing the Kentucky Lock Addition Project. Nothing in this document is intended to diminish, modify, or otherwise affect the statutory or regulatory authorities of the agencies involved.

2. AUTHORITIES:

- a. The TVA Act of 1933 (16 U.S.C. 831 et seq.)
- b. The Economy Act (31 U.S.C. 1535)
- c. 10 U.S.C. 3036(d)

3. RESPONSIBILITIES:

a. USACE will be responsible for:

(1) PROJECT FEASIBILITY REPORT. USACE will submit the "Lower Cumberland and Tennessee Rivers - Kentucky Lock Addition" feasibility report for Washington-level review and approval by the Assistant Secretary of the Army (Civil Works). TVA will work in close coordination with USACE in development and completion of the report.

(2) AUTHORIZATION AND FUNDING. In accordance with DA policies and procedures, USACE will request Congressional authorization and funding for all activities undertaken in accordance with this MOA, except as otherwise specifically provided.

(3) PROJECT DESIGN AND CONSTRUCTION. Acting through its Nashville District Office, USACE will fund and execute preconstruction engineering and design activities in accordance with USACE procedures and, following Congressional authorization and funding, construct the new Kentucky Lock. Unless otherwise required by law, all contract work undertaken by USACE shall be performed in accordance with DA procurement policies and procedures.

b. TVA will be responsible for:

(1) REVIEW AND APPROVAL. Responsibility for Kentucky Dam, including the integrity of the dam and its appurtenant lock structures, is retained by law by TVA. In order to ensure such integrity and in accordance with Section 26a of the TVA Act, TVA will review and approve the final design plans and planned construction sequencing for the new lock project. TVA may retain the services of independent experts and consultants to assist it in performing such internal review.

(2) TECHNICAL ASSISTANCE. TVA will provide technical and other assistance to USACE during design and construction on a reimbursable basis as requested by USACE. Such assistance requests and coordination procedures will be individually formalized by Interagency Agreements between TVA's Senior Executive Officer and USACE's Nashville District Engineer.

4. ENVIRONMENTAL REVIEW: USACE shall be the lead agency on environmental reviews conducted for activities undertaken pursuant to this MOA. TVA shall be a cooperating agency on such reviews.

5. COORDINATION: TVA and USACE will coordinate all activities undertaken pursuant to this MOA with each other and will provide such cooperation as is necessary to fully effectuate the purposes of this MOA. This coordination will also include appropriately scheduled joint inspections of the construction work in progress and upon completion of the new lock.

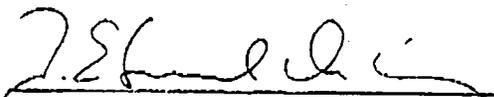
6. PUBLIC INFORMATION: USACE will be responsible for Congressional liaison in development of the project and for public announcements normal to the the solicitation and contract award process. All other public announcements are to be coordinated with TVA's Office of Communications.

7. AMENDMENT AND TERMINATION: This MOA may be modified or amended by written agreement between TVA and USACE headquarters, and may be terminated by mutual agreement of TVA and DA, or by either party upon 90-day written notice to the other. USACE will retain contract administration responsibilities for contracts awarded by USACE until such contracts are financially closed.

8. EFFECTIVE DATE: The MOA is effective the date of the latest signature shown below.

U.S. Department of the Army

Tennessee Valley Authority

  
G. Edward Dickey  
Acting Principal Deputy Assistant  
Secretary of the Army (Civil Works)

  
W. F. Willis  
Senior Executive Officer

Date: May 10, 1991

Date: JAN 15 1991

*OGC  
BSW*