



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

February 19, 2020

Jeffrey J. Lyash
President and Chief Executive Officer
Tennessee Valley Authority
400 W. Summit Hill Drive
Knoxville, TN 37902

Dear Mr. Lyash:

Thank you for consulting with the Council on Environmental Quality (CEQ) on amendments to the procedures of the Tennessee Valley Authority (TVA) for implementing the National Environmental Policy Act (NEPA), to be codified as part 1318 of Chapter XIII (Tennessee Valley Authority) in the Code of Federal Regulations. The CEQ regulations implementing NEPA provide that agencies, shall as necessary and in consultation with CEQ, develop agency specific procedures to implement NEPA and revise them as necessary to ensure full compliance with the purposes and provisions of NEPA. 40 C.F.R. § 1507.3.

In 2016, TVA identified the need to revise some of its NEPA procedures to more accurately address TVA's current mission, program areas, and organizational structure. TVA also found that updating the procedures is necessary to address the evolving energy market place, current communication trends, and CEQ guidance issued subsequent to the initial TVA NEPA procedures in 1980 (45 FR 54511-15, August 15, 1980). In addition, TVA identified opportunities to improve its practices and to clarify the procedures to ensure environmental compliance and improve the decision-making process.

On June 8, 2017, TVA published the proposed rule to revise its NEPA procedures in the Federal Register, initiating a 60-day public review period (82 FR 26620). In response to public requests for an extension, on July 28, 2017 (82 FR 35133) TVA extended the comment period for an additional 30 days. During this public review period, TVA received 1,572 responses, consisting of letters, emails, statements, phone calls, and web-based submissions. Of those, 61 responses contained original substantive comments from individuals, trade associations, nongovernmental organizations, local, State and Federal entities, and a tribal government.

After considering the public comments on the proposed rule, additional internal review, and consultation with CEQ, TVA made numerous changes to the proposed rule that are included in the final rule. CEQ has reviewed TVA's final NEPA Implementing Procedures to ensure conformity with CEQ NEPA regulations and policy guidance. Based on this review, CEQ concludes that the amended TVA NEPA procedures, as described in the attached Federal Register Notice, are in conformity with NEPA and the CEQ regulations implementing the procedural provisions of NEPA. The new procedures will be effective after publication of a notice of availability in the Federal Register.

Thank you for your responsiveness to our comments and recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed A. Boling", written in a cursive style.

Edward A. Boling
Associate Director for NEPA

Cc: Matthew Higdon,
Senior NEPA Compliance Specialist

ATTACHMENT