

## REPLY FROM TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY,  
OFFICE OF THE BOARD OF DIRECTORS,  
Knoxville, Tenn., March 11, 1965.

Hon. JOHN E. MOSS,  
*Chairman, Foreign Operations and Government Information Subcommittee,  
Committee on Government Operations, House of Representatives.*

DEAR MR. MOSS: This is in response to your letter of February 12, 1965, concerning section 3 of the Administrative Procedure Act of 1946.

Before answering the specific questions raised in your letter, we should like to explain that TVA engages in very few activities of the type to which the Administrative Procedure Act is directed. The only area in which TVA exercises regulatory authority with respect to members of the general public is in the administration of section 26a of the Tennessee Valley Authority Act. Under this section, the TVA Board reviews and approves plans for the construction, operation, and maintenance of structures across, along, or in the Tennessee River or its tributaries which would affect navigation, flood control, or public lands or reservations. TVA's procedures for the administration of section 26a were published in the Federal Register and are included in the Code of Federal Regulations (18 C.F.R. 301.2-301.3).

TVA has also issued regulations giving effect to title VI of the Civil Rights Act of 1964. These regulations were published in the Federal Register of January 9, 1965 (30 F.R. 311).

The answers to your specific questions are as follows:

1. Title 5, United States Code, chapter 1002 applies to all the functions of TVA, except those within the specific exceptions stated in that section. There are no TVA divisions, bureaus, branches, or other units to which section 1002 does not apply.
2. (a) A description of TVA's central and field organization is included in the U.S. Government Organization Manual, which is published annually by the office of the Federal Register as a special edition of the Federal Register.  
(b) Same as 2(a) above.  
(c) TVA has not published such substantive rules.  
(d) The limited amount of such material which TVA issues is published in the Federal Register and in the Code of Federal Regulations. Changes or revisions are published in the same manner.  
(e) TVA does not issue rules addressed to and served upon named persons.
3. TVA's procedure for making available the information described in question 3 is stated in 18 CFR 301.1, a copy of which is enclosed.
4. TVA has not had a case such as that described in question 4.
5. TVA has not had a case which involved the situation described in question 5.
6. TVA's procedure for making available the information described in question 6 is stated in 18 CFR 301.1, a copy of which is enclosed.
7. The limitations which are placed upon the availability of TVA's records and files to the general public are stated in 18 CFR 301.1, a copy of which is enclosed.
8. Many of TVA's procurement contracts contain a disputes provision which establishes a procedure whereby the contractor and TVA may resolve any controversy through successive appeals to the contracting officer and to the TVA General Manager or his representative. The entire procedure is stated in the disputes provision which is included in each contract to which it is to apply. This procedure is not published in the Federal Register since, in our opinion, it is not the type of procedure contemplated by section 3(a) of the Administrative Procedure Act.
9. TVA has not had a case which involved the situation described in question 9.
10. TVA makes internal publication of an administrative release system which contains a large number of TVA policies, procedures and rules to guide the official actions expected of TVA employees. Also, many TVA offices and divisions issue instructions to guide the employees of that office or division. These documents are not published in the Federal Register because they relate solely to TVA's internal management. A copy of the TVA administrative release system is available at TVA's Washington office. We would be glad to make it available for examination by a member of your staff, if you so desire.