

Exchange's proposal, among other things, to exclude from the definition of public arbitrator attorneys, accountants, and other professionals whose firms have derived 10 percent or more of their annual revenue, in the last two years, from clients involved in the activities defined as non-public is reasonably designed to reduce a perception of bias by Exchange arbitration panel members. The Exchange's proposal to expand the definition of "immediate family member" in PCX Rule 12.8(d) and PCXE Rule 12.9(d) to include parents, stepparents, children, or stepchildren, as well as any member of the arbitrator's household is also consistent with the Act.

The Commission believes that the Exchange's proposal to exclude from the definition of public arbitrator attorneys, accountants, and other professionals whose firms derived 10 percent or more of their annual revenue, in the last two years, from clients involved in the activities defined in the definition of non-public arbitrator is reasonably designed to reduce a perception of bias by Exchange arbitration panel members. The Perino Report recommended that the NASD and NYSE consider an expansion of the definition of "immediate family member" to include parents and children, even if the parent or child do not share the same home or receive substantial support from a non-public arbitrator.<sup>12</sup> The PCX has considered this same issue and has determined to expand the term as was recommended in the Perino Report with regard to the arbitration rules of the NASD and the NYSE. The Commission believes it is reasonable for the PCX to further expand the definition of non-public arbitrator by including stepparents and step children as well as parents, children, and any household member in the definition of immediate family member. The Perino Report noted, generally, that "no classification rule could ever precisely define public and non-public arbitrators; there will always be classification questions at the margins about which reasonable people will differ."<sup>13</sup> Thus, the Commission believes that the PCX's amendments to the definition of public arbitrator, including the 10 percent threshold and definition of "immediate family member" are consistent with the Act.

The PCX has represented that the proposed amendments to PCX Rule 12 and PCXE Rule 12 would substantially conform its arbitration rules relating to arbitrator classification, challenges, and disclosure to the existing arbitration

rules of the NASD, which the Commission has already approved. As such, the Commission believes that the proposed amendments to PCX Rule 12 and PCXE Rule 12 are necessary and appropriate to provide consistency with respect to arbitration rules and procedures to the public and ensure that arbitrations are fair and neutral. The Commission believes that granting accelerated approval of the proposed rule changes would facilitate the accomplishment of these objectives. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,<sup>14</sup> for approving the proposed rule change prior to the thirtieth day of publication of notice thereof in the **Federal Register**.

#### V. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,<sup>15</sup> that the proposed rule change (SR-PCX-2004-80) as amended, is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>16</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

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#### DEPARTMENT OF STATE

##### [Public Notice 4909]

#### Culturally Significant Objects Imported for Exhibition Determinations: "Retratos: 2,000 Years of Latin American Portraits"

**ACTION:** Notice; correction.

**SUMMARY:** On November 2, 2004, Notice was published in the **Federal Register** (volume 69, number 211, 63566) pertaining to the exhibition "Retratos: 2,000 Years of Latin American Portraits." The referenced Notice is hereby corrected to include the San Diego Museum of Art, San Diego, California, as an exhibition venue from on or about April 16, 2005 to on or about June 12, 2005.

**FOR FURTHER INFORMATION CONTACT:** For further information contact Wolodymyr R. Sulzynsky, the Office of the Legal Adviser, Department of State, (telephone: 202/453-8050). The address is: Department of State, SA-44, and 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

<sup>14</sup> 15 U.S.C. 78s(b)(2).

<sup>15</sup> *Id.*

<sup>16</sup> 17 CFR 200.30-3(a)(12).

Dated: November 17, 2004.

**C. Miller Crouch,**

*Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.*

[FR Doc. 04-26293 Filed 11-26-04; 8:45 am]

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#### TENNESSEE VALLEY AUTHORITY

##### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** Tennessee Valley Authority (Meeting No. 1556).

**TIME AND DATE:** 9 a.m. (c.s.t.), November 30, 2004, Lucille N. Galin Municipal Auditorium, 204 Second Avenue, NE., Cullman, Alabama.

**STATUS:** Open.

##### Agenda

Approval of minutes of meeting held on October 27, 2004.

##### New Business

###### A—Budget and Financing

A1. Retention of Net Power Proceeds and Nonpower Proceeds and Payments to the United States Treasury.

A2. Approval of tax-equivalent payments for Fiscal Year 2004 and estimated payments for Fiscal Year 2005.

###### B—Purchase Awards

B1. Contracts with Siemens Information and Communications Networks, Inc.; SBC Global Services, Inc.; Northrop Grumman Information Technology; and Henkels & McCoy, Inc., for telecommunications network equipment.

B2. Contract with CDW-Government, Inc., to furnish a Microsoft Enterprise Agreement that provides standard software, including upgrades and support, for both personal computers and enterprise servers.

B3. Supplement to contract with Cigna Healthcare of Tennessee for a health maintenance organization medical plan option.

B4. Contract with Connecticut General Life Insurance Company for dental benefit services.

###### C—Energy

C1. Delegation of authority to the Executive Vice President, Fossil Power Group, to enter into a contract with Burlington Northern & Santa Fe Railway for transportation of coal from Wyoming to Memphis, Tennessee.

C2. Delegation of authority to the Executive Vice President, Fossil Power Group, to enter into two term coal supply contracts with Arch Coal Sales

<sup>12</sup> See *Id.*

<sup>13</sup> See *Id.*

Company, Inc., for coal to supply various TVA fossil plants.

C3. Delegation of authority to the Executive Vice President, Fossil Power Group, to enter into a term contract with Massey Utility Sales Company for coal to supply various TVA fossil plants.

C4. Delegation of authority to the Executive Vice President, Fossil Power Group, to enter into a term coal contract with Thunder Basin Coal Company LLC for Powder River Basin coal to supply various TVA fossil plants through transportation terminals or direct delivery to the plants.

C5. Contracts with Voith Siemens Hydro Power Generation, Inc., and General Electric Company to provide turbines, mechanical equipment, and engineering and field services to support the completion of TVA's Hydro Modernization Program and to support other RSO&E hydro projects as needed.

#### *E—Real Property Transactions*

E1. Sale of a permanent easement affecting approximately 14.79 acres of land, Tract No. XJCCJC-1E, and a nonexclusive road easement affecting approximately .58 acre of land, Tract No. XJCCJC-2AR, to the Johnson City Power Board for commercial and light industrial development in Washington County, Tennessee.

E2. Grant of a permanent easement to the State of Tennessee for a highway and bridge improvement project affecting approximately 6.8 acres of land on Boone Dam Reservation in Sullivan County, Tennessee, Tract No. XTBR-23H.

E3. Sale of a 30-year term commercial recreation easement, with conditional options to renew for two additional 30-year terms, affecting approximately 235 acres of land on Cherokee Reservoir in Hamblen and Grainger Counties, Tennessee, Tract No. XCK-587RE.

#### *F—Other*

F1. Approval to file condemnation cases to acquire easements, rights-of-way, and right to enter for TVA power transmission line projects affecting the Pickwick-South Jackson Tap to East Savannah Transmission Line in Hardin County, Tennessee, and the Waynesboro-Clifton City Transmission Line in Wayne County, Tennessee.

#### **Information Items**

1. Approval of revisions to Competitive Indexed Rate arrangements among North Georgia EMC, Shaw Industries, and TVA.

2. Approval of a request by the city of Scottsboro, Alabama, for land allocation changes to the 2001 Guntersville Reservoir Land Management Plan,

affecting Tract Nos. XGR-108PT2, XGR-109PT2, and XGR-110PT2, in Jackson County, Alabama.

3. Approval of Alliance Capital Management L.P. as a new investment manager for the TVA Retirement System and the management agreement between the System and the new investment manager.

4. Amendments to Rules and Regulations of the TVA Retirement System to provide a new method for calculating TVA contributions to the System and to establish procedures for a reserve account.

5. Amendments to the Rules and Regulations of the TVA Retirement System and to the Provisions of the TVA Savings and Deferral Retirement Plan (401(k) Plan) to provide credit for certain lump-sum payments made in lieu of base wage or salary increases for the purposes of calculating pension benefits.

6. Approval of the TVA contribution to the TVA Retirement System for Fiscal Year 2005.

7. Approval of a public auction sale of the Knoxville Office Complex East Tower, Tract No. XKOC-4, and associated easements, Tract Nos. XKOC-5E and -6E.

*For more information:* Please call TVA Media Relations at (865) 632-6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898-2999. People who plan to attend the meeting and have special needs should call (865) 632-6000. Anyone who wishes to comment on any of the agenda in writing may send their comments to: TVA Board of Directors, Board Agenda Comments, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Dated: November 23, 2004.

**Maureen H. Dunn,**

*General Counsel and Secretary.*

[FR Doc. 04-26423 Filed 11-24-04; 2:24 pm]

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Highway Administration**

#### **Environmental Impact Statement: Arkansas River Valley Intermodal Facilities, Russellville, AR (Pope County)**

**AGENCY:** Federal Highway Administration, DOT.

**ACTION:** Notice of intent to prepare an EIS.

**SUMMARY:** The Federal Highway Administration (FHWA) in a joint venture with the Arkansas State

Highway and Transportation Department (AHTD) and the River Valley Regional Intermodal Facilities Authority (RVRIFA) is issuing this notice to advise the public of its intent to prepare an Environmental Impact Statement (EIS) to develop a regional intermodal facility in the Arkansas River Valley. This project is intended to improve regional and national transportation, to serve existing industry, and to provide services necessary to promote economic development in the six-county Arkansas River Valley region (Conway, Johnson, Logan, Perry, Pope, and Yell Counties).

**FOR FURTHER INFORMATION CONTACT:** Mr. Randal Looney, Environmental Specialist, 501-324-6430.

**ADDRESSES:** Federal Highway Administration "Arkansas Division Office, 700 West Capitol Avenue, Room 3130, Little Rock, AR 72201-3298.

**SUPPLEMENTARY INFORMATION:** The Arkansas River Valley Intermodal Facilities project would include local roadway access to Interstate (I-40) highway connections via State Highway 7 and access to the Dardanelle Russellville Railroad development. A slackwater harbor along the McClellan-Kerr Arkansas River Navigation System (MKARNS), which would connect the intermodal facilities to the U.S. Inland Waterway System, would be constructed. Additional services at the intermodal facility would include on-site rail/truck transfers, truck/water transfers, rail/water transfers, freight tracking, a foreign trade sub-zone, warehousing, distribution, consolidation, just-in-time inventory services, and material storage capabilities.

There are currently three public ports/terminals along the Arkansas segment of the MKARNS located in Pine Bluff, Little Rock, and Fort Smith. There are no public use facilities within 30 miles of the study area, however there are three private docks within 30 miles of the study area including the following: Pine Bluff Sand & Gravel, the Port of Dardanelle; and Oakley Port.

With this notice of intent, FHWA, AHTD, and RVRIFA are initiating the National Environmental Policy Act (NEPA) process for the Arkansas River Valley Intermodal Facilities project to study the potential transportation improvements in the region. As part of the NEPA process, the purpose and need will be developed with regional and national needs and goals in mind.

The NEPA process to support this intermodal facility was initiated by the development of an Environmental Assessment (EA) with a defined purpose