

changes to this Policy, but in any event not less frequently than annually. Upon adoption of this Policy, the Board shall make an affirmative determination with respect to the independence of each Director then serving on the Board.

5. It shall be the responsibility of each Director to inform the Chairman of the Board and the Chairman of the Nominating & Governance Committee promptly and otherwise as requested of the existence of such relationships and interests which might reasonably be considered to bear on the Director's independence.

6. Any Director elected by the members who is no longer independent due to the existence of a relationship described in Article IV, Section 2(a)-(d) of the Constitution or whom the Board otherwise determines not to be independent from the Exchange under this Policy shall, pursuant to Article IV, Section 9, be deemed to have tendered his or her resignation for consideration by the Board, and such resignation shall not be effective unless and until accepted by the Board.

#### Independence Qualifications

1. In making an independence determination with respect to any Director or Director candidate, the Board shall consider the standards below with respect to relationships or interests of the Director or Director candidate with or in (a) the Exchange or its subsidiaries, (b) members, allied members, and lessor members, (c) member organizations of the Exchange ("Member Organizations") or non-member broker-dealers that engage in business involving substantial direct contact with securities customers ("Non-Member Broker-Dealers"), and (d) companies other than Member Organizations whose securities are listed on the Exchange ("Listed Companies"). The standards below relating to category (a) are the same as those that the Exchange applies to its own listed companies. The standards below relating to categories (b), (c) and (d) stem from the differing regulatory responsibilities and roles that the Exchange exercises in overseeing the organizations and companies included in those categories.

2. The term "approved person" used herein has the meaning set forth in the NYSE Constitution.

3. The term "immediate family member" with respect to any Director has the meaning set forth in the NYSE Listed Company Manual.

4. The following independence criteria shall apply:

#### Independence From the Exchange

A Director is not independent if the Director or an immediate family member of the Director has or had a relationship or interest with or in the Exchange which, if such relationship or interest existed with respect to a Listed Company, would preclude a Director of the Listed Company from being considered an independent Director of the Listed Company pursuant to Section 303A.02(a) or (b) of the Listed Company Manual.<sup>7</sup>

#### Members, Allied Members and Lessor Members

A Director is not independent if he or she is, or within the last three years was, or has an immediate family member who is, or within the last three years was, a member, allied member, lessor member or approved person.

#### Member Organizations

A Director is not independent if the Director (a) is, or within the last three years was, employed by a Member Organization, (b) has an immediate family member who is, or within the last three years was, an executive officer of a Member Organization, (c) has within the last three years received from any Member Organization more than \$100,000 per year in direct compensation, or received from Member Organizations in the aggregate an amount of direct compensation which in any one year is more than 10 percent of the Director's annual gross income for such year, excluding in each case Director and committee fees and pension or other forms of deferred compensation for prior service (provided such compensation is not contingent in any way on continued service), or (d) is affiliated, directly or indirectly, with a Member Organization.

#### Non-Member Broker-Dealers

A Director is not independent if the Director is employed by or affiliated, directly or indirectly, with a Non-Member Broker-Dealer.

#### Listed Companies

A Director is not independent if the Director is an executive officer of an issuer of securities listed on the Exchange.

5. The Exchange shall make disclosure of any charitable relationship that a listed company would be required to disclose pursuant to Listed Company Manual Section 303A.02(b)(v) and

<sup>7</sup> The relevant sections of the Listed Company Manual and commentary are available on the website at [www.nyse.com/pdfs/finalcorpgovrules.pdf](http://www.nyse.com/pdfs/finalcorpgovrules.pdf)

commentary. Gifts by the Exchange or by the NYSE Foundation shall not favor charities on which any Director serves as an executive officer or member of the board of trustees or directors or comparable governing body.

[FR Doc. E5-144 Filed 1-13-05; 8:45 am]

BILLING CODE 8010-01-P

## SMALL BUSINESS ADMINISTRATION

### Data Collection Available for Public Comments and Recommendations

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new and/or currently approved information collection.

**DATES:** Submit comments on or before March 15, 2005.

**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimates are accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Charles Ou, Senior Economist, Office of Advocacy, Small Business Administration, 409 3rd Street, SW., Suite 7800, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Charles Ou, Senior Economist, (202) 205-6966 or Curtis B. Rich, Management Analyst, (202) 205-7030.

**SUPPLEMENTARY INFORMATION:** Title: "Impact of Credit Scoring on Lending to Small Firms."

*Description of Respondents:* Senior executives in banks and thrifts who are knowledgeable about credit risk and lending practices for small businesses.

*Form No:* N/A.

*Annual Responses:* 1,200.

*Annual Burden:* 300.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

[FR Doc. 05-856 Filed 1-13-05; 8:45 am]

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## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #10005]

### State of Texas (TX-00001) (Amendment # 1)

The above numbered declaration is hereby amended to establish the incident period for this disaster as

beginning November 15, 2004, and continuing through December 4, 2004. The declaration is also amended to include Gonzales County in the State of Texas as a primary disaster area due to damages caused by severe storms, excessive rain and flooding.

In addition, applications for economic injury loans from small businesses located in the contiguous counties of Bastrop, De Witt, Fayette, Karnes, and Lavaca in the State of Texas may be filed until the specified date at the previously designated location. All other counties contiguous to the above named primary counties have previously been declared.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is March 7, 2005 and for economic injury the deadline is October 4, 2005.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: January 6, 2005.

**Hector V. Barreto,**  
*Administrator.*

[FR Doc. 05-857 Filed 1-13-05; 8:45 am]

**BILLING CODE 8025-01-P**

## TENNESSEE VALLEY AUTHORITY

### Sunshine Act Meeting

**AGENCY HOLDING THE MEETING:** Tennessee Valley Authority (Meeting No. 1557).

**TIME AND DATE:** 9 a.m. (e.s.t.), January 18, 2005, The Pollard Technology Conference Center, 210 Badger Avenue, Oak Ridge, Tennessee.

**STATUS:** Open.

**AGENDA:** Approval of minutes of meeting held on November 30, 2004.

### New Business

#### C—Energy

C1. Contract with Porter-Walker, LLC, for industrial supplies, nonpower hand tools, and safety supplies at any TVA location.

C2. Contract with Framatome ANP for reactor pressure vessel head inspections and repairs at the Watts Bar and Sequoyah Nuclear Plants.

C3. Contract with Frham Safety Products, Inc., for health physics supplies and equipment for any TVA nuclear site.

C4. Supplement to contract with Framatome ANP, Inc., for refuel floor support services and reactor component inspections for Browns Ferry Nuclear Plant Units 2 and 3.

C5. Supplement to Contract No. 2767 with Babcock and Wilcox for pulverizer parts and technical services.

C6. Contracts with Mega Power, Inc., and Listerhill Total Maintenance Center for various plant equipment repair and machining services for any TVA location.

C7. Contract with Alstom Power, Inc., for supply of labor, materials, parts and services for maintenance and repair of Alstom (formerly Combustion Engineering) boilers in service at various TVA fossil plants.

#### E—Real Property Transactions

E1. Extension of a term recreation easement for 1 year to Boys Scouts of America, National Council, affecting approximately 354 acres of land on Kentucky Reservoir in Marshall County, Kentucky, Tract No. XGIR-906RE, S.1X.

E2. Sale of a permanent easement to Mike Proulx for the expansion of an existing sewer line easement, affecting approximately .02 acre of TVA land on Fulton Springs Substation in Jefferson County, Alabama, Tract No. XFLSS-2S.

E3. Sale of a noncommercial, nonexclusive permanent easement to Bill Kittrell for construction and maintenance of recreational water-use facilities, affecting approximately .61 acre of TVA land on Tellico Reservoir in Loudon County, Tennessee, Tract No. XTELR-248RE.

E4. Sale of a noncommercial, nonexclusive permanent easement to Kenneth and Constance Goff for construction and maintenance of recreational water-use facilities, affecting approximately .2 acre of land on Tellico Reservoir in Loudon County, Tennessee, Tract No. XTELR-247RE.

E5. Grant of a permanent easement to the town of Bryson City, North Carolina, for expansion of a waste water treatment plant, affecting approximately .87 acre of TVA land on Fontana Reservoir in Swain County, North Carolina, Tract No. XTFR-14SP.

#### F—Other

F1. Approval to file a condemnation case to acquire right to enter for a TVA power transmission line project affecting the Aspen Grove-Westhaven Transmission Line in Williamson County, Tennessee.

### Information Items

1. Approval of temporary measures relating to the transition to a new portfolio of industrial power products.

2. Approval of a grant of a permanent easement to the North Jackson Water Authority for the construction of a raw water intake structure and line, affecting approximately 6.72 acres of TVA land on Guntersville Reservoir in Jackson County, Alabama, Tract No. XTGR-174PS.

3. Approval of a grant of a permanent easement to the Benton/Decatur Counties Special Sewer District for the construction of a sewer line and outfall, affecting approximately 3.6 acres of TVA land on Kentucky Reservoir in Benton County, Tennessee, Tract No. XTGIR-151S.

4. Approval of a delegation of authority to the Executive Vice President, Fossil Power Group, to execute a 20-year contract with Synthetic Materials, Inc., for the dewatering and marketing of scrubber gypsum and approval of related easements.

5. Approval of supplements to the Electric Power Research Institute Membership Contract and Supplemental Funded Projects Agreement.

6. Approval of a public auction sale of the Natural Resources and Forestry Buildings, affecting approximately 5.8 acres of TVA land located in Norris, Tennessee, Tract Nos. XNT-18 and XNOFB-1.

7. Approval of a delegation of authority to the Chief Financial Officer, the Treasurer, or designees, to enter into agreements with financial institutions for the sale of promissory notes that distributors have issued to TVA under TVA's Distributor Financing Program.

8. Amendments to the Provisions of the TVA Savings and Deferral Retirement Plan (401(k) Plan) to provide for certain enhancements to the Plan.

9. Approval of an amendment to the Trust Agreement between the Board of Directors of the TVA Retirement System and Fidelity Management Trust Company.

10. Amendment to the Rules and Regulations of the TVA Retirement System to limit a member's contributions to the System's fixed and variable annuity funds to \$10,000 per year and shorten from 12 months to 6 months the suspension period for contributions to the System's annuity funds after taking a hardship withdrawal from the System's 401(k) Plan.

*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.