

publication of notice thereof in the **Federal Register**. The Commission notes that granting accelerated approval to this proposal will allow the Amex to immediately implement a process for allocating securities that will trade pursuant to UTP to specialist units. It is necessary to allocate the UTP securities to specialist units as soon as possible so that the specialists so appointed will have ample time to prepare for Amex's upcoming trading of securities on a UTP basis.

### III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment No. 2, including whether Amendment No. 2 is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR-Amex-2001-107 and should be submitted by May 3, 2002.

### IV. Conclusion

*It is therefore ordered*, pursuant to section 19(b)(2) of the Act,<sup>11</sup> that the proposed rule change (SR-Amex-2001-107), as amended, is hereby approved on an accelerated basis through April 5, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>12</sup>

**Jill M. Peterson,**

*Assistant Secretary.*

[FR Doc. 02-8932 Filed 4-11-02; 8:45 am]

**BILLING CODE 8010-01-P**

## SMALL BUSINESS ADMINISTRATION

### [Declaration of Disaster #3404]

#### Commonwealth of Kentucky

As a result of the President's major disaster declaration on April 4, 2002, I find that Bath, Bell, Bourbon, Boyd, Carter, Clay, Elliott, Fleming, Greenup, Harlan, Knox, Laurel, Lawrence, Letcher, Leslie, Lewis, McCreary, Menifee, Montgomery, Morgan, Nicholas, Perry, Rowan and Whitley Counties in the Commonwealth of Kentucky constitute a disaster area due to damages caused by severe storms and flooding occurring on March 17 through March 21, 2002. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on June 3, 2002 and for economic injury until the close of business on January 6, 2003 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the above location: Breathitt, Clark, Fayette, Harrison, Jackson, Johnson, Knott, Magoffin, Martin, Mason, Owsley, Pike, Powell, Pulaski, Robertson, Rockcastle, Scott, Wayne and Wolfe in the Commonwealth of Kentucky; Adams, Lawrence and Scioto counties in the State of Ohio; Campbell, Claiborne and Scott counties in the State of Tennessee; Lee and Wise counties in the Commonwealth of Virginia; and Wayne county in the State of West Virginia.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere .....	6.625
Homeowners Without Credit Available Elsewhere .....	3.312
Businesses With Credit Available Elsewhere .....	7.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere .....	3.500
Others (Including Non-Profit Organizations) With Credit Available Elsewhere .....	6.375
For Economic Injury:	
Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere .....	3.500

The number assigned to this disaster for physical damage is 340411. For economic injury the number is 9P1800

for Kentucky; 9P1900 for Ohio; 9P2000 for Tennessee; 9P2100 for Virginia; and 9P2200 for West Virginia.

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

Dated: April 5, 2002.

**S. George Camp,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 02-8861 Filed 4-11-02; 8:45 am]

**BILLING CODE 8025-01-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### [Finance Docket No. 34002]

#### Alamo North Texas Railroad Corporation—Construction and Operation Exemption—Wise County, TX

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice of availability of environmental assessment and request for comments.

**SUMMARY:** Alamo North Texas Railroad Corporation (Alamo North) has petitioned the Surface Transportation Board (Board) for authority to construct and operate a rail line approximately 2.25 miles in length in Wise County, Texas to serve a limestone quarry near Chico, Texas, which is operated by Alamo North's parent company, Martin Marietta Materials Southwest, Ltd. The Board's Section of Environmental Analysis (SEA) has prepared an environmental assessment (EA) for this project. Based on the information provided and the environmental analysis conducted to date, the EA preliminarily concludes that this proposal should not significantly affect the quality of the human environment if the recommended mitigation measures set forth in the EA are implemented. Accordingly, SEA recommends that, if the Board approves this project, Alamo North be required to implement the mitigation set forth in the EA. Copies of the EA have been served on all interested parties and will be made available to additional parties upon request. SEA will consider all comments received when making its final environmental recommendations to the Board. The Board will then consider SEA's final recommendations and the complete environmental record in making its final decision in this proceeding.

**DATES:** The EA is available for public review and comment. Comments are due by May 10, 2002.

<sup>11</sup> *Id.*

<sup>12</sup> 17 CFR 200.30-2(a)(12).

**ADDRESSES:** Comments (an original and 10 copies) regarding this EA should be submitted in writing to: Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, to the attention of Rini Ghosh.

**FOR FURTHER INFORMATION CONTACT:** Rini Ghosh, (202) 565-1539 (TDD for the hearing impaired (1-800-877-8339). To obtain a copy of the EA, contact Da-2-Da Legal Copy Service, Suite 405, 1925 K Street, NW., Washington, DC 20006, phone (202) 293-7776 or visit the Board's website at "www.stb.dot.gov".

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 02-8939 Filed 4-11-02; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Finance Docket No. 34060]

#### Midwest Generation, LLC—Exemption from 49 U.S.C. 10901—for Construction in Will County, IL

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice of availability of environmental assessment and request for comments.

**SUMMARY:** Midwest Generation, LLC (Midwest) has petitioned the Surface Transportation Board (Board) for authority to construct a rail line approximately 4,007 feet in length in Will County, Illinois to provide an alternate route for rail access to the Joliet Generating Station in Joliet, Illinois. The Board's Section of Environmental Analysis (SEA) has prepared an environmental assessment (EA) for this project. Based on the information provided and the environmental analysis conducted to date, the EA preliminarily concludes that this proposal should not significantly affect the quality of the human environment if the recommended mitigation measures set forth in the EA are implemented.

Accordingly, SEA recommends that, if the Board approves this project, Midwest be required to implement the mitigation set forth in the EA. Copies of the EA have been served on all interested parties and will be made available to additional parties upon request. SEA will consider all comments received when making its final environmental recommendations to the

Board. The Board will then consider SEA's final recommendations and the complete environmental record in making its final decision in this proceeding.

**DATES:** The EA is available for public review and comment. Comments are due by May 10, 2002.

**ADDRESSES:** Comments (an original and 10 copies) regarding this EA should be submitted in writing to: Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423, to the attention of Rini Ghosh.

**FOR FURTHER INFORMATION CONTACT:** Rini Ghosh, (202) 565-1539 (TDD for the hearing impaired (1-800-877-8339)). To obtain a copy of the EA, contact Da-2-Da Legal Copy Service, Suite 405, 1925 K Street, NW, Washington, DC 20006, phone (202) 293-7776 or visit the Board's website at "www.stb.dot.gov".

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 02-8940 Filed 4-11-02; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-565 (Sub-No. 8X)] and [STB Docket No. AB-55 (Sub-No. 608X)]

#### New York Central Lines, LLC—Abandonment Exemption—in Delaware County, OH and CSX Transportation, Inc.—Discontinuance of Service Exemption—in Delaware County, OH

New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT) have filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* for NYC to abandon and CSXT to discontinue service over approximately 1.5 miles of railroad from milepost QED 114.1 to milepost QED 115.6 in Delaware, Delaware County, OH.<sup>1</sup> The line traverses United States Postal Service Zip Code 43015.

<sup>1</sup> Pursuant to Board authorization in 1998, CSX Corporation, CSXT's parent company, and Norfolk Southern Corporation jointly acquired control of Conrail Inc., and its wholly owned subsidiary, Consolidated Rail Corporation (Conrail). As a result of that acquisition, certain assets of Conrail have been assigned to NYC, a wholly owned subsidiary of Conrail, to be exclusively operated by CSXT pursuant to an operating agreement. The line to be abandoned is included among the property being operated by CSXT pursuant to the NYC operating agreement.

NYC and CSXT have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) overhead traffic will be diverted to another CSXT rail line with the construction of a track connection;<sup>2</sup> (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to these exemptions, any employee adversely affected by the abandonment or discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, these exemptions will be effective on May 14, 2002,<sup>3</sup> unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>4</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>5</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 22, 2002. Petitions to reopen or requests for

<sup>2</sup> CSXT states that this track connection has not yet been constructed and that it is negotiating an agreement with the city of Delaware and the Ohio Rail Development Commission (ORDC) wherein the ORDC would contribute funds for the construction of the connection track in exchange for the closure of the five grade crossings on the line. CSXT states that it will petition the Board for approval of the construction of the connection track, which at this point is likely to be constructed on CSXT property.

<sup>3</sup> CSXT states that the proposed consummation date of this abandonment is March 22, 2003, because this line is utilized for overhead traffic, and it does not intend to consummate the abandonment until such time as the connection track construction is complete.

<sup>4</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>5</sup> Each offer of financial assistance must be accompanied by the filing fee, which as of April 8, 2002, is set at \$1,100. *See* 49 CFR 1002.2(f)(25).