

selected by the board of any Trust involved in the loan who will serve as arbitrator of disputes concerning Interfund Loans. The arbitrator will resolve any problem promptly, and the arbitrator's decision will be binding on both Funds. The arbitrator will submit, at least annually, a written report to the boards setting forth a description of the nature of any dispute and the actions taken by the Funds to resolve the dispute.

16. Each Fund will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any transaction of it under the Credit Facility occurred, the first two years in an easily accessible place, written records of all such transactions setting forth a description of the terms of the transaction, including the amount, the maturity, and the rate of interest available at the time on short-term repurchase agreements and commercial bank borrowings, and such other information presented to the Trust's board of trustees in connection with the review required by conditions 13 and 14.

17. The Adviser will prepare and submit to the boards for review an initial special report on the "Design of a System" with respect to the operations of the Credit Facility prior to the facility commencing operations, including a report thereon of its independent public accountants. A test program of modest duration involving actual transactions may be conducted prior to submission of the initial report to the boards. An appropriate single Trust which next files its Form N-SAR after board review of the initial report will file the report with its Form N-SAR, and the other Trusts will incorporate the report by reference in their next N-SAR filings.

Thereafter, an annual report on the "Design of the System and Certain Compliance Tests" with respect to the accounting control procedures for the Credit Facility which includes an opinion of the independent public accountants will be filed for two years (measured from the commencement of the Credit Facility subsequent to the test program) with the Form N-SAR of an appropriate single Trust which next files its Form N-SAR, and the other Trusts will incorporate each such annual report by reference in their next subsequent Form N-SAR filings.

The initial "Design" report and the annual "Design and Compliance Tests" report will each be prepared in accordance with the requirements of Statement of Auditing Standards No. 70 ("SAS 70") as it may be amended or pursuant to similar auditing standards as may be adopted by the American

Institute of Certified Public Accountants from time to time, including reports of independent accountants thereon. Each SAS 70 report will include a description of the Adviser's principal procedures used to monitor compliance with the conditions to any order concerning the application. The principal procedures will include, at a minimum, procedures that are designed to achieve the following objectives: (a) The Interfund Rate being higher than the Repo Rate but lower than the Bank Loan Rate; (b) the Funds' compliance with the Interfund Loan collateral requirements; (c) the Funds' compliance with the percentage limitations on interfund borrowing and lending; (d) the Funds' allocation of interfund borrowing and lending demand in accordance with procedures established by the Funds' boards of trustees; and (e) if a Fund, at the time of its borrowing from another Fund, also has outstanding third-party borrowings, the interest rate on such interfund borrowings not exceed the interest rate on third-party borrowings. After the final annual SAS 70 report, compliance with the conditions to any order issued concerning the application will be considered by the external auditors as part of their internal accounting control procedures, performed in connection with Fund audit examinations, which form the basis, in part, of the auditors' report on internal accounting controls in Form N-SAR.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

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BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Draft Environmental Impact Statement/ Section 4(f)/106 Evaluation; Athens County, OH

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of availability.

SUMMARY: The FHWA is issuing this notice to announce the availability of a Draft Environmental Impact Statement/Section 4(f)/106 Evaluation on the proposed upgrading and relocation of existing U.S. Route 50 between the City of Athens and the Village of Coolville from a two-lane highway to a controlled access, four-lane highway. The approximate length of the improvement is 25.7 km (16 miles). The proposed

project would complete an unfinished segment of the Appalachian Highway. Comments are due February 5, 1996.

FOR FURTHER INFORMATION CONTACT: William C. Jones, Division Administrator, Federal Highway Administration, 200 North High Street, Room 328, Columbus, Ohio 43215, Telephone: (614) 469-6896.

SUPPLEMENTARY INFORMATION: Pursuant to the National Environmental Policy Act of 1969 and in accordance with the Council on Environmental Quality Regulations, 40 CFR (Sec. 1506.9) for implementing the Act, the Federal Highway Administration submitted to the U.S. Environmental Protection Agency, Office of Federal Activities the necessary information for the publication of a Notice of Availability for the Athens U.S. 50 Draft Environmental Impact Statement/Section 4(f)/106 Evaluation in the December 22, 1995, Federal Register which would establish a 45 day review period. Due to circumstances beyond FHWA's control, the Notice of Availability was not submitted to the Federal Register for publication on December 22, 1995. This notice is to document that the DEIS/Section 4(f)/106 Evaluation has been made available on/ or prior to December 22, 1995, to the involved Federal and the State of Ohio permitting and resource agencies and to the public through individual mailings, State of Ohio legal notices published in local newspapers, and through the State Clearinghouse. All of the foregoing notices established the expiration date of the review period as February 5, 1996, which is based upon an 45 day review period commencing on December 22, 1995.

The FHWA will initiate coordination with the U.S. EPA Office of Federal Activities, pursuant to 40 CFR (Sec. 1506.10(d)) to reduce the prescribed 45 day availability period to coincide with availability period as established through other availability notices.

Issued on: December 20, 1995.

James J. Steele,

Assistant Division Administrator, Columbus/
[FR Doc. 95-31314 Filed 12-26-95; 8:45 am]

BILLING CODE 4910-22-P

Federal Railroad Administration

[FRA Docket Nos. H-94-7, RST-94-4, and SA-94-14]

National Railroad Passenger Corporation; Petition for Exemption or Waiver for Test Program and High Speed Revenue Passenger Service

In accordance with 49 CFR 211.51, notice is hereby given that the National Railroad Passenger Corporation (Amtrak) has submitted to the Federal Railroad Administration (FRA) a petition, dated December 5, 1994 for a waiver of compliance with specific requirements of certain parts of Title 49 of the Code of Federal Regulations in order to conduct a series of tests and enter one or more new high speed trainsets of advanced design into revenue service. Please note that this equipment is expected to be delivered to Amtrak beginning in the late spring of 1997.

The purpose of this notice is to identify and briefly describe the separate elements of the petition and afford an opportunity for interested parties to comment on these.

In explanation of why this petition had three docket numbers assigned to it, please consider the following tabulation:

Item	Description	Docket No.
Request 1 ...	High Cant Deficiency for Test Purposes.	H-94-7.
Request 2 ...	High Speed for Stability Tests.	H-94-7.
Request 3 ...	High Cant Deficiency for Revenue Operations.	RST-94-4.
Request 4 ...	High Speed for Revenue Service.	RST-94-4.
Request 5 ...	Request for a Procedure to Increase Speeds Beyond Presently Authorized Speeds.	RST-94-4.
Request 6 ...	Hand Brakes, Side and End Handholds and Uncoupling Levers.	SA-94-14.

It is evident from this compilation that the petition includes two separate phases: Requests 1 and 2 concern testing activities that will occur and be finished within periods of limited duration. This type of operation is assigned an "H" series docket number by FRA. Requests

3 through 5 and also 6, addressing proposed future revenue operation of the new equipment, are not temporary in nature and relief, if granted, will continue into the future.

Request 1: (Note: The tests anticipated under Requests 1 and 2 are intended to occur first, at the Transportation Technology Center in Colorado and second, if concluded successfully there, to be repeated at various locations in the Northeast Corridor.) Petitioner requests relief from compliance with § 213.57(b), Curves, elevation and speed limitations, of the Federal track safety standards which currently limits train operating speeds in the negotiation of curved track to a value producing not more than three inches of underbalance. Curve negotiation at various train speeds producing up to 12 inches of cant deficiency (underbalanced superelevation) is to be investigated to evaluate vehicle/track response characteristics in this operating regime. Amtrak states that instrumented wheelsets, accelerometers and other suitable instrumentation will figure in these tests.

Request 2: Lateral suspension performance will be examined to see if truck lateral instability (hunting) occurs within the trainset's operating speed regime up to 165 mph. In order to do this, the petitioner needs to be provided with permission to exceed the train operating speed limit of 110 mph (§ 213.9).

Request 3: Predicated upon successful completion of the cant deficiency tests described in Request 1, above, Amtrak is today asking for a permanent waiver of compliance with § 213.57(b) in order to operate the new trainsets in revenue service at curving speeds developing up to nine inches of cant deficiency.

Request 4: Amtrak wants to run the new trains in revenue service at speeds of up to 150 mph over Class 6 track. Again, and if test results are supportive, compliance with § 213.9 will have to be waived.

Request 5: Once the curving safety of the new vehicles has been established, Amtrak wants the latitude to set cant deficiency limits for other curves without further test. Agency response to this request may become a policy matter in that relief from compliance with specific sections of the track safety standards may have been provided already in response to treatment of Requests 3 and 4.

Request 6: The trainsets will not be built as individual cars which can be coupled and uncoupled in a conventional manner. Uncoupling levers will only be at the ends of the trainset. Since an entire consist will

always be handled as a single unit, intermediate cars will not be equipped with standard side or end handholds. Amtrak believes that relevant provisions of § 231.12(b),(c) & (d), Passenger-train cars with wide vestibules, should not apply. The trainsets will be provided with spring-actuated parking brakes which, it is claimed, will eliminate the need for a manually operated hand brake.

FRA is seeking information and comments on this proposed test and revenue passenger service program from interested parties. FRA will take these comments into account in arriving at a final specification of conditions governing the conduct of the entire project. Such comments may also have value in supporting FRA's responses to future requests for approval to operate trains through curves at speeds producing more than the current standard of three inches of underbalance.

All interested parties are invited to participate in this proceeding through written submission. FRA does not anticipate scheduling an opportunity for oral comment because the facts do not appear to warrant it. An opportunity to present oral comments will be provided, however, if within 45 days of the publication date of this notice, the party submits a written request for a hearing that demonstrates that his or her position cannot be properly presented by written statements.

All written communications concerning this petition should reference "FRA General Docket Nos. H-94-7/RST-94-4/SA-94-14" and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, FRA, 400 7th Street SW, Washington, DC 20590.

Comments received not later than 45 days following publication of this notice will be considered in this proceeding and in evaluating any future proposals by Amtrak or other railroad entity for similar programs. All comments received will be available for examination by interested persons at anytime during regular working hours (9 a.m.-5 p.m.), in Room 8201, Nassif Building, 400 7th Street SW, Washington, DC 20590. Issued in Washington, DC on December 21, 1995. Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation.
[FR Doc. 95-31329 Filed 12-26-95; 8:45 am]
BILLING CODE 4910-06-P

Petition for a Waiver of Compliance

In accordance with Title 49 CFR 211.9 and 211.41, notice is hereby given that