

**NUCLEAR REGULATORY COMMISSION**

**Applications for Licenses To Export Nuclear Material**

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application", please take notice that the Nuclear Regulatory Commission has received the following application for an export license. Copies of the application are on file in the Nuclear Regulatory

Commission's Public Document Room located at 2120 L Street, N.W., Washington, D.C..

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear

Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

In its review of the applications for licenses to export nuclear grade graphite and heavy water as defined in 10 CFR Part 110 and noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the material to be exported. The information concerning the application follows.

**NRC EXPORT LICENSE APPLICATION**

Name of applicant, Date of application, Date received, application No.	Description of items to be exported	Country of destination
Aldrich Chemical Co., 03/15/99, 03/18/99, XMAT0397 .....	Heavy Water to Canada for upgrading and return to U.S. ...	Canada.

Dated this 22nd day of April 1999 at Rockville, Maryland.

For the Nuclear Regulatory Commission.

**Ronald D. Hauber,**

*Director, Division of Nonproliferation, Exports and Multilateral Relations, Office of International Programs.*

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working in licensed activities for a period of at least 5 years.

As the basis for the request, the petitioner states that the NRC notified the owner of the Seabrook Station, in a letter dated March 16, 1999, that an NRC investigation documented in Office of Investigation Report No. 1-98-005 concluded that (1) an electrician was terminated as a result of raising a safety concern and (2) a false record was created.

The Petitioner's request for enforcement action is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request for enforcement action has been referred to the Director of the Office of Enforcement. As provided by section 2.206, appropriate action will be taken on this petition within a reasonable time.

The Petitioner's request to attend the upcoming predecisional enforcement conference with the licensee is not considered to be a request for enforcement action pursuant to 10 CFR 2.206, and it is denied. As stated in Section V of the Commission's "General Statement of Policy and Procedures for NRC Enforcement Actions" (Enforcement Policy), predecisional enforcement conferences are a meeting between the NRC staff and the licensee. As stated in the Enforcement Policy, these meetings will normally be closed to public observation when the enforcement action being contemplated by the NRC staff is based on the findings of an OI investigation report that has not been publically disclosed or when the enforcement action being contemplated may be taken against an individual. I find no reason in this case to make an exception to the Commission's stated policy of keeping these types of meetings closed to public observation.

A copy of the petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, DC 20555-0001.

Dated at Rockville, Maryland, this 20th day of April, 1999.

For the Nuclear Regulatory Commission.

**James Lieberman,**

*Director, Office of Enforcement.*

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**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-443; License No. NPF-86]

**North Atlantic Energy Service Corporation, et al. Receipt of Petition for Director's Decision Under 10 CFR 2.206**

Notice is hereby given that by Petition dated March 31, 1999, David A. Lochbaum (Petitioner), acting on behalf of the Union of Concerned Scientists (UCS), has requested that the U.S. Nuclear Regulatory Commission (NRC) take action with regard to the Seabrook Station, Unit No. 1, operated by North Atlantic Energy Service Corporation. Petitioner requests three specific actions: (1) That the NRC take enforcement action against individuals alleged to have unlawfully discriminated against a contract electrician in violation of 10 CFR 50.7; (2) that the NRC take enforcement action against individuals alleged to have created a false record in violation of 10 CFR 50.9; and (3) that the Petitioner be granted permission to attend an upcoming predecisional enforcement conference between the NRC and the licensee on these matters. The Petitioner specifically requested that the NRC ban any individuals who engaged in wrongdoing in the above matters from

**RAILROAD RETIREMENT BOARD**

**Proposed Collection; Comment Request**

**SUMMARY:** In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

*Comments are invited on:* (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

*Title and Purpose of Information Collection:* Request for Review of Part B Medicare Claim; OMB 3220-0100 Under Section 7(d) of the Railroad Retirement Act (RRA), the RRB administers the

Medicare program for persons covered by the railroad retirement system.

The RRB utilizes Forms G-790 and G-791 to provide railroad retirement beneficiaries who are claimants for Part B Medicare benefits with the means for requesting the United Healthcare Insurance Company, the RRB's current Medicare carrier, to review claims determinations or to hold hearings on the review determinations. Completion is required to obtain a benefit. One response is requested of each respondent.

The RRB proposes no changes to RRB Forms G-790 and G-791. The completion time for both the G-790 and the G-791 is estimated at 15 minutes.

**ADDITIONAL INFORMATION OR COMMENTS:** To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611-2092. Written comments should be received within 60 days of this notice.

**Chuck Mierzwa,**

*Clearance Officer.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-41322; International Series Release No. 1192; File No. SR-Amex-98-49]

### Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment Nos. 1 and 2 Thereto by the American Stock Exchange LLC. Relating to Listing Additional Series of World Equity Benchmark Shares™

April 22, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on December 23, 1998, the American Stock Exchange LLC ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change. The Exchange submitted Amendment No. 1 to its proposal on February 24, 1999,<sup>3</sup> and

Amendment No. 2 on April 9, 1999.<sup>4</sup> The proposal rule change, as amended, is described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade under Amex Rules 1000A *et seq.* Index Fund Shares based on the following MSCI Indices: Brazil, Greece, Indonesia (Free), South Korea, Portugal, South Africa, Taiwan, Thailand (Free), Turkey, United States and EMU. The MSCI EMU Index is comprised of companies from countries participating in the EMU.<sup>5</sup>

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

In Securities Exchange Act Release No. 36947,<sup>6</sup> the Commission approved Amex's listing and trading of Index Fund Shares under Amex Rules 1000A

Amex Rules 127 and 190, analogized the minimum number of shares per Creation Unit for the proposed WEBS to the number needed for Portfolio Depository Receipts and Index Fund Shares, and described the Exchange's prospectus delivery requirements. See Restated 19b-4 Filing marked Amendment No. 1 ("Amendment No. 1").

<sup>4</sup>In Amendment No. 2, the Exchange provided a description of the methodology used to calculate the MSCI Indices, discussed the requirements of Amex Rule 411 and the disclosure of the procedure for making purchases and redemption of WEBS, revised its tracking error discussion, and lowered the minimum number of shares needed for Creation Unit. See Letter from Michael Cavalier, Associate General Counsel, Legal & Regulatory Policy, Amex, to Katherine England, Assistant Director, Division of Market Regulation ("Division"), Commission, dated April 8, 1999 ("Amendment No. 2").

<sup>5</sup>See Amendment No. 1, *supra* note 3.

<sup>6</sup>Securities Exchange Act Release No. 36947 (March 8, 1996), 61 FR 10606 (March 14, 1996).

*et seq.* Index Fund Shares are shares issued by an open-end management investment company that seek to provide investment results that correspond generally to the price and yield performance of a specified foreign or domestic equity market index.

The first Index Fund Shares listed on the Exchange were seventeen series of World Equity Benchmark Shares™ ("WEBS™") issued by Foreign Fund, Inc. (now WEBS Index Fund, Inc.) ("Fund"), based on the following Morgan Stanley Capital International ("MSCI") indices: Australia, Austria, Belgium, Canada, France, Germany, Hong Kong, Italy, Japan, Malaysia, Mexico (Free), Netherlands, Singapore (Free), Spain, Sweden, Switzerland and the United Kingdom.<sup>7</sup> These WEBS Index Series, which the Commission specifically approved for Amex listing and trading in Securities Exchange Act Release No. 36947,<sup>8</sup> have been trading on the Amex since March 18, 1996.

The Exchange proposes to list additional WEBS Index Series based on the following MSCI indices: MSCI Brazil Index, MSCI Greece Index, MSCI Indonesia (Free) Index, MSCI South Korea Index, MSCI Portugal Index, MSCI South Africa Index, MSCI Taiwan Index, MSCI Thailand (Free) Index, MSCI Turkey Index, MSCI United States Index and MSCI EMU Index.<sup>9</sup> Descriptions of the eleven specific indices referenced above have been prepared by the Fund and are available in the public file.

The MSCI EMU Index is comprised of stocks of companies from countries participating in the EMU. Currently, eleven countries are participating in the EMU: Austria, Belgium, Finland, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, Portugal and Spain. The MSCI EMU is currently comprised of stocks of companies from ten of these EMU countries (*e.g.*, all of the EMU countries except Luxembourg). MSCI has advised that it may, in accordance with its methodology, change the composition of MSCI EMU in the future, such changes could include adding stock(s) of companies from Luxembourg or from any other

<sup>7</sup>"World Equity Benchmark Shares" and "WEBS" are service marks of Morgan Stanley Group, Inc. "MSCI" and "MSCI Indices" are service marks of Morgan Stanley & Co. Incorporated.

<sup>8</sup>See Securities Exchange Act Release No. 36947, *supra* note 6.

<sup>9</sup>The Fund has filed with the Commission an Application for Orders under Sections 6(c) and 17(b) of the Investment Company Act of 1940 ("1940 Act") as amended, for the purpose of exempting the eleven additional WEBS Index Series referenced herein from various provisions of the 1940 Act and rules thereunder (File No. 812-10756).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup>In Amendment No. 1, the Exchange generally added a new Morgan Stanley Capital International ("MSCI") Index based on the European Economic and Monetary Union ("EMU"), added references to