

Compliance (CoC) issued by the NRC. Based on JLS&A failure to comply with 10 CFR Part 71, Subpart H, QA Program Approval No. 0122 was withdrawn, by the immediately effective NRC Order dated July 3, 2001 (66 FR 36603, July 12, 2001).

II

The NRC issued the July 3, 2001, Order (July 2001 Order) because the NRC lacked confidence that JLS&A would continue to implement the QA Program approved by the NRC (71-0122, Revision No. 5) in accordance with 10 CFR Part 71, Subpart H, in a manner that would assure the required preparation and use of transportation packages in full conformance with the terms and conditions of an NRC CoC and with 10 CFR Part 71.

On several occasions subsequent to the July 2001 Order, JLS&A has requested, based on its proposed Near-Term Corrective Action Plan (NTCAP), interim relief from the July 2001 Order to allow shipments in U.S. Department of Transportation (DOT) specification packaging designated as 20WC. In response to JLS&A's most recent request for interim relief, and based on a showing of good cause, the NRC issued a Confirmatory Order dated May 30, 2003, (Confirmatory Order Relaxing Order (68 FR 34010, June 6, 2003)), that allowed JLS&A to make shipments through June 1, 2005, and expanded JLS&A's shipment authorization to transportation packaging as authorized by JLS&A implementation of Revision 7 of the conditionally approved QA Program Approval No. 0122. The May 30, 2003, Confirmatory Order Relaxing Order, will expire June 1, 2005, thus withdrawing JLS&A's interim Quality Assurance Program Approval. However, by letter dated April 7, 2005, JLS&A requested the Commission to rescind the Order of July 3, 2001, that withdrew JLS&A's Quality Assurance Program Approval (Docket 71-0122, EA-01-164). The staff's review of JLS&A's request will not be finished by June 1, 2005, thus perhaps unnecessarily withdrawing JLS&A's Quality Assurance Program Approval. Extending the May 30, 2003, Confirmatory Order until July 1, 2005, will maintain JLS&A's Quality Assurance Program Approval until the staff's review of JLS&A's April 7, 2005, request is complete.

III

In a consent form signed on May 31, 2005, JLS&A agreed to all of the commitments described in Section IV below. The Licensee further agreed that this Order would be effective upon the issuance of this Order and that JLS&A

waived its right to a hearing on this Order.

This Order only revises the expiration date of the May 30, 2003, Confirmatory Order Relaxing Order, and does not affect the other terms and conditions of the May 30, 2003, Confirmatory Order. Based on JLS&A's assurance that it will remain in compliance with the May 30, 2003, Confirmatory Order, which the Commission granted based on a showing of good cause, this Order is immediately effective upon issuance.

IV

Accordingly, pursuant to Sections 62, 81, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Parts 71 and 110, *it is hereby ordered, effective immediately, that the May 30, 2003, Confirmatory Order Relaxing Order, is modified as provided:*

1. That the May 30, 2003, Confirmatory Order Relaxing Order, is revised to extend the expiration date of that Order from June 1, 2005, to July 1, 2005.

The Director, Office of Enforcement, or the Director, Office of Nuclear Materials Safety and Safeguards, may in writing, relax or rescind this Order upon a demonstration by the Licensee of good cause.

V

Any person adversely affected by this Confirmatory Order, other than the Licensee, may request a hearing within 20 days of its issuance. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. Any request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011 and to JLS&A. Because of continuing disruptions in delivery of mail to United States Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to

301-415-1101 or by e-mail to hearingdocket@nrc.gov and also to the Office of the General Counsel either by means of facsimile transmission to 301-415-3725 or by e-mail to OGCMailCenter@nrc.gov. If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. A request for hearing shall not stay the immediate effectiveness of this Order.

Dated this 1st day of June, 2005.

For the Nuclear Regulatory Commission.

Michael R. Johnson,

Director, Office of Enforcement.

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NUCLEAR REGULATORY COMMISSION

[Docket No. 030-14680]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment for Merck & Co., Inc. in Rahway, NJ

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Availability.

FOR FURTHER INFORMATION CONTACT:

Betsy Ullrich, Commercial & R&D Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, Pennsylvania, 19406, telephone (610) 337-5040, fax (610) 337-5269; or by e-mail: exu@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Nuclear Regulatory Commission (NRC) is issuing a license amendment to

Merck & Co., Inc. (Merck) for Materials License No. 29-00117-06, to authorize disposal of soil contaminated with hydrogen-3 (tritium) pursuant to 10 CFR 20.2002. NRC has prepared an Environmental Assessment (EA) in support of this action in accordance with the requirements of 10 CFR Part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. The amendment will be issued following the publication of this Notice.

II. EA Summary

The purpose of the action is to authorize the disposal of 61 cubic meters (80 cubic yards) of solid material (soil) containing 28 megabecquerels (756 microcuries) total of tritium pursuant to 10 CFR 20.2002 to an industrial landfill. The licensee provided a dose analysis to justify the disposal. The licensee performed dose assessments of the disposal of this material and determined that such disposal would result in doses of much less than 0.1 millirem in a year to a member of the public.

The NRC staff has prepared an EA in support of the license amendment. The soil was excavated and surveyed prior to the licensee requesting the license amendment. The NRC staff has reviewed the information and performed dose assessments of the disposal of the soil to an industrial landfill, based on the information submitted by the licensee. Based on its review, the staff has determined that such disposal would result in doses of much less than 1 millirem in a year to members of the public. Therefore, the staff concluded that such disposal meets the requirements of 10 CFR Part 20.2002, and a Finding of No Significant Impact is appropriate.

III. Finding of No Significant Impact

The staff has prepared the EA (summarized above) in support of the license amendment to dispose of 80 cubic yards of soil contaminated with 756 microcuries of tritium. The NRC staff has evaluated the licensee's request and has concluded that the completed action complies with the criteria of 10 CFR Part 20.2002. On the basis of the EA, the NRC has concluded that the environmental impacts from the action are expected to be insignificant and has determined not to prepare an environmental impact statement for the action.

IV. Further Information

Documents related to this action, including the application for the license amendment and supporting

documentation, are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this Notice are the Environmental Assessment [ML051570224] and the Merck & Co, Inc. amendment request dated February 23, 2004 [ML040711197]. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at (800) 397-4209 or (301) 415-4737, or by e-mail to pdr@nrc.gov.

Documents related to operations conducted under this license not specifically referenced in this Notice may not be electronically available and/or may not be publicly available. Persons who have an interest in reviewing these documents should submit a request to NRC under the Freedom of Information Act (FOIA). Instructions for submitting a FOIA request can be found on the NRC's Web site at <http://www.nrc.gov/reading-rm/foia/foia-privacy.html>.

Dated at King of Prussia, Pennsylvania, this 6th day of June, 2005.

For the Nuclear Regulatory Commission.

James P. Dwyer,

Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I.

[FR Doc. E5-3058 Filed 6-10-05; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 26906; 812-13197]

The Brazil Fund; Notice of Application

June 7, 2005.

AGENCY: Securities and Exchange Commission ("Commission").

APPLICANT: The Brazil Fund, Inc. (the "Fund").

ACTION: Notice of application for an order under sections 6(c) and 17(b) of the Investment Company Act of 1940 (the "Act") for an exemption from section 17(a) of the Act.

SUMMARY OF APPLICATION: Applicant seeks an order that would permit in-kind repurchases of shares of the Fund held by certain affiliated shareholders of the Fund.

FILING DATES: The application was filed on June 7, 2005.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on June 28, 2005, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC, 20549-0609. Applicant, Bruce Rosenblum, Esq., c/o Deutsche Investment Management Americas, Inc., 345 Park Avenue, New York, NY 10154.

FOR FURTHER INFORMATION CONTACT: Julia Kim Gilmer, Senior Counsel, at (202) 551-6871, or Janet M. Grossnickle, Branch Chief, at (202) 551-6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Desk, 100 F Street, NE., Washington, DC, 20549-0102 (tel. 202-551-5850).

Applicant's Representations

1. The Fund, a Maryland corporation, is registered under the Act as a closed-end management investment company. The Fund's investment objective is to provide long-term capital appreciation through investment in securities, primarily equity securities, of Brazilian companies. Applicant states that under normal circumstances it invests at least 70% of its net assets in Brazilian companies listed on one or more Brazilian stock exchanges or traded in over-the-counter markets organized by entities accredited by the Brazilian Securities Commission.¹ Shares of the Fund are listed and trade on the New York Stock Exchange. Deutsche Investment Management Americas Inc. (the "Investment Manager") is registered

¹ Applicant states that as of March 31, 2005, approximately 97.5% of its assets were invested in equity securities of Brazilian issuers, all of which were listed on Bolsa de Valores de Sao Paulo.