

report, environmental report or other supporting document filed by an applicant or licensee, or otherwise available to the petitioner. On issues arising under the National Environmental Policy Act, the requester/petitioner shall file contentions based on the applicant's environmental report. The requester/petitioner may amend those contentions or file new contentions if there are data or conclusions in the NRC draft, or final environmental impact statement, environmental assessment, or any supplements relating thereto, that differ significantly from the data or conclusions in the applicant's documents. Otherwise, contentions may be amended or new contentions filed after the initial filing only with leave of the presiding officer.

Each contention shall be given a separate numeric or alpha designation within one of the following groups:

1. *Technical*—primarily concerns issues relating to matters discussed or referenced in the Safety Evaluation Report for the proposed action.
2. *Environmental*—primarily concerns issues relating to matters discussed or referenced in the Environmental Report for the proposed action.
3. *Emergency Planning*—primarily concerns issues relating to matters discussed or referenced in the Emergency Plan as it relates to the proposed action.
4. *Physical Security*—primarily concerns issues relating to matters discussed or referenced in the Physical Security Plan as it relates to the proposed action.
5. *Miscellaneous*—does not fall into one of the categories outlined above.

If the requester/petitioner believes a contention raises issues that cannot be classified as primarily falling into one of these categories, the requester/petitioner must set forth the contention and supporting bases, in full, separately for each category into which the requester/petitioner asserts the contention belongs with a separate designation for that category.

Requesters/petitioners should, when possible, consult with each other in preparing contentions and combine similar subject matter concerns into a joint contention, for which one of the co-sponsoring requesters/petitioners is designated the lead representative. Further, in accordance with 10 CFR 2.309(f)(3), any requester/petitioner that wishes to adopt a contention proposed by another requester/petitioner must do so, in accordance with the E-Filing rule, within ten days of the date the contention is filed, and designate a representative who shall have the

authority to act for the requester/petitioner.

As indicated below, pursuant to 10 CFR 2.310(g), any hearing would be subject to the procedures set forth in 10 CFR part 2, Subpart M.

### III. Opportunity to Provide Written Comments

Within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice. Comments received after 30 days will be considered if practicable to do so, but only those comments received on or before the due date can be assured consideration.

For further details with respect to this license transfer application, see the application dated October 19, 2007, available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly-available records will be accessible electronically from the Agency Wide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site <http://www.nrc.gov/reading-rm/adams.html>. 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 1-800-397-4209, or 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland this 24th day of January, 2008.

For the Nuclear Regulatory Commission.

**Brian W. Smith,**

*Chief, Enrichment and Conversion Branch, Fuel Facility Licensing Directorate, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.*  
[FR Doc. E8-1807 Filed 1-30-08; 8:45 am]

**BILLING CODE 7590-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-28134]

### Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

January 25, 2008.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of January 2008. A copy of each application may be obtained for a fee at the SEC's Public Reference Branch (tel. 202-551-5850). An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on February 19, 2008, and should be accompanied by proof of service on the applicant, 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 Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.

#### FOR FURTHER INFORMATION CONTACT:

Diane L. Titus at (202) 551-6810, SEC, Division of Investment Management, Office of Investment Company Regulation, 100 F Street, NE., Washington, DC 20549-4041.

#### Zacks Series Trust

[File No. 811-9549]

*Summary:* Applicant seeks an order declaring that it has ceased to be an investment company. Applicant has never made a public offering of its securities and does not propose to make a public offering or engage in business of any kind.

*Filing Dates:* The application was filed on November 8, 2007, and amended on January 11, 2008.

*Applicant's Address:* 100 N. Riverside Plaza, Suite 2200, Chicago, IL 60606.

#### Van Kampen Income Trust

[File No. 811-5273]

*Summary:* Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On June 25, 2007, applicant made a final liquidating distribution to its shareholders, based

on net asset value. Expenses of \$4,500 incurred in connection with the liquidation were paid by applicant.

*Filing Date:* The application was filed on December 14, 2007.

*Applicant's Address:* 522 Fifth Ave., New York, NY 10036.

**BlackRock S&P 500 (R) Protected Equity Fund, Inc.**

[File No. 811-9479]

*Summary:* Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On November 21, 2007, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of \$37,425 incurred in connection with the liquidation were paid by BlackRock Advisors, LLC ("BlackRock"), applicant's investment adviser. On November 28, 2007, assets of \$257,156, representing an amount due to applicant, and an offsetting liability in the same amount, representing monies advanced to applicant for distribution to shareholders by BlackRock, were transferred to BSP Liquidating Trust, resulting in applicant having no assets or liabilities as of that date.

*Filing Date:* The application was filed on December 19, 2007.

*Applicant's Address:* c/o BlackRock Advisors, LLC, 100 Bellevue Parkway, Wilmington, DE 19809.

**USAA Mutual Fund, Inc.**

[File No. 811-2429]

**USAA Tax Exempt Fund, Inc.**

[File No. 811-3333]

**USAA Investment Trust**

[File No. 811-4019]

*Summary:* Each applicant seeks an order declaring that it has ceased to be an investment company. On July 31, 2006, each applicant transferred its assets to USAA Mutual Funds Trust, based on net asset value. Expenses of \$1,680,029, \$272,077 and \$650,851, respectively, incurred in connection with the reorganizations were paid by each applicant.

*Filing Dates:* The applications were filed on December 14, 2007.

*Applicants' Address:* 9800 Fredericksburg Rd., A-3-W, San Antonio, TX 78288.

**Sit Mutual Funds Trust**

[File No. 811-21447]

*Summary:* Applicant seeks an order declaring that it has ceased to be an investment company. On July 31, 2007, applicant transferred its assets to Sit Tax-Free Income Fund, a series of Sit Mutual Funds II, Inc., based on net asset

value. Expenses of \$22,795 incurred in connection with the reorganization were paid by Sit Investment Associates, Inc., applicant's investment adviser.

*Filing Dates:* The application was filed on November 8, 2007, and amended on January 7, 2008.

*Applicant's Address:* Sit Mutual Funds, 3300 IDS Center, 80 South 8th St., Minneapolis, MN 55402.

**Mezzacappa Long/Short Fund, LLC**

[File No. 811-21469]

*Summary:* Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant is not presently making a public offering of its securities and does not propose to make a public offering. Applicant will continue to engage in its regular business activities and will operate in reliance on section 3(c)(7) of the Act.

*Filing Dates:* The application was filed on November 21, 2007 and amended on December 21, 2007.

*Applicant's Address:* 630 Fifth Ave., New York, NY 10111.

**MDT Funds**

[File No. 811-21141]

*Summary:* Applicant seeks an order declaring that it has ceased to be an investment company. On November 17, 2006 and December 8, 2006, applicant transferred its assets to corresponding series of Federated MDT Series, based on net asset value. Expenses of approximately \$1,358,297 incurred in connection with the reorganization were paid by Federated Investors, Inc., the parent of the surviving fund.

*Filing Dates:* The application was filed on November 13, 2007, and amended on December 21, 2007.

*Applicant's Address:* Federated Investors Tower, 5800 Corporate Dr., Pittsburgh, PA 15237-7010.

**The Jhaveri Trust**

[File No. 811-8974]

*Summary:* Applicant seeks an order declaring that it has ceased to be an investment company. Applicant is not currently making a public offering of its securities and does not propose to make a public offering. Applicant has fewer than one hundred beneficial owners and will continue to operate as a private investment vehicle in reliance on section 3(c)(1) of the Act.

*Filing Dates:* The application was filed on December 29, 2006, and amended on March 5, 2007, and January 24, 2008.

*Applicant's Address:* 27881 Clemens Rd., Westlake, OH 44145.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E8-1687 Filed 1-30-08; 8:45 am]

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**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-57199; File No. SR-NASD-2005-114]

**Self-Regulatory Organizations; National Association of Securities Dealers, Inc. (n/k/a Financial Industry Regulatory Authority, Inc.); Notice of Filing of Proposed Rule Change and Amendment Nos. 1, 2, 3 and 4 Relating to the Regulation of Compensation, Fees and Expenses in Public Offerings of Real Estate Investment Trusts and Direct Participation Programs**

January 25, 2008.

On September 28, 2005, 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> the National Association of Securities Dealers, Inc. ("NASD")<sup>3</sup> filed with the Securities and Exchange Commission ("SEC" or "Commission") proposed amendments to NASD Rule 2810. On June 12, 2006, NASD filed Amendment No. 1 to the proposed rule change.<sup>4</sup> The proposed rule change was published for comment in the **Federal Register** on July 17, 2006 ("Original Proposal"),<sup>5</sup> and the Commission received six comments, which are discussed below in section II.<sup>6</sup> On April 16, 2007, NASD filed

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

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

<sup>3</sup> On July 26, 2007, the Commission approved a proposed rule change filed by NASD to amend NASD's Certificate of Incorporation to reflect its name change to Financial Industry Regulatory Authority, Inc., or FINRA, in connection with the consolidation of the member firm regulatory functions of NASD and NYSE Regulation, Inc. See Exchange Act Release No. 56146 (July 26, 2007), 72 FR 42190 (Aug. 1, 2007).

<sup>4</sup> Amendment No. 1 replaced and superseded the original rule filing.

<sup>5</sup> See Securities Exchange Act Release No. 54118 (July 10, 2006), 71 FR 40569 (July 17, 2006) (SR-NASD-2005-114).

<sup>6</sup> See letters from the Committee on Federal Regulation of Securities of the American Bar Association (Keith F. Higgins), dated Aug. 22, 2006 ("ABA Committee"); North American Securities Administrators Association (Patricia D. Struck), dated Aug. 11, 2006 ("NASAA"); Dominion Investor Services, Inc. (Kevin P. Takacs), dated Aug. 7, 2006; Investment Program Association (Rosemarie Thurston), dated Aug. 7, 2006 ("IPA"); the Securities Division of Office of the Secretary of the Commonwealth of Massachusetts (Bryan Lantagne), dated Aug. 4, 2006 ("Massachusetts Securities Division"); and Cambridge Legacy Group (Frank Akridge, Jr.), dated Aug. 4, 2006.