

the potential impact on the agency's decision-making process in a particular case.

The NRC will notify the licensee that the conference will be open to public observation. Consistent with the agency's policy on open meetings, "Staff Meetings Open to Public," published September 20, 1994 (59 FR 48340), the NRC intends to announce open conferences normally at least 10 working days in advance of conferences through (1) notices posted in the Public Document Room, (2) a toll-free telephone recording at 800-952-9674, (3) a toll-free electronic bulletin board at 800-952-9676, and on the World Wide Web at the NRC Office of Enforcement homepage (www.nrc.gov/OE). In addition, the NRC normally will also issue a press release and notify appropriate State liaison officers that a predecisional enforcement conference has been scheduled and that it is open to public observation.

The public attending open conferences may observe but not participate in the conference. It is noted that the purpose of conducting open conferences is not to maximize public attendance, but rather to provide the public with opportunities to be informed of NRC activities consistent with the NRC's ability to exercise its regulatory and safety responsibilities. Therefore, members of the public will be allowed access to the NRC regional offices to attend open enforcement conferences in accordance with the "Standard Operating Procedures for Providing Security Support for NRC Hearings and Meetings," published November 1, 1991 (56 FR 56251). These procedures provide that visitors may be subject to personnel screening, that signs, banners, posters, etc., not larger than 18" be permitted, and that disruptive persons may be removed. The open conference will be terminated if disruption interferes with a successful conference. NRC's Predecisional Enforcement Conferences (whether open or closed) normally will be held at the NRC's regional offices or in NRC Headquarters Offices and not in the vicinity of the licensee's facility.

Members of the public attending open conferences will be reminded that (1) the apparent violations discussed at predecisional enforcement conferences are subject to further review and may be subject to change prior to any resulting enforcement action and (2) the statements of views or expressions of opinion made by NRC employees at predecisional enforcement conferences, or the lack thereof, are not intended to represent final determinations or beliefs.

When needed to protect the public health and safety or common defense and security, escalated enforcement action, such as the issuance of an immediately effective order, will be taken before the conference. In these cases, a conference may be held after the escalated enforcement action is taken.

VII. Exercise of Discretion

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A. Escalation of Enforcement Sanctions

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1. * * *

(e) Situations when the violation results in a substantial increase in risk, including cases in which the duration of the violation has contributed to the substantial increase;

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B. Mitigation of Enforcement Sanctions

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1. Licensee-Identified Severity Level IV Violations. The NRC, with the approval of the Regional Administrator or his or her designee, may refrain from issuing a Notice of Violation for a Severity Level IV violation that is documented in an inspection report (or official field notes for some material cases) and described therein as a Non-Cited Violation (NCV) provided that the inspection report includes a brief description of the corrective action and that the violation meets all of the following criteria:

(a) It was identified by the licensee;

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Dated at Rockville, MD, this 4th day of December, 1996.

For the Nuclear Regulatory Commission.
John C. Hoyle,

Secretary of the Commission.

[FR Doc. 96-31319 Filed 12-9-96; 8:45 am]

BILLING CODE 7590-01-P

POSTAL RATE COMMISSION

Sunshine Act Meeting

NAME OF AGENCY: Postal Rate Commission.

TIME AND DATE: 2:30 p.m. on December 9, 1996.

PLACE: Conference Room, 1333 H Street, NW., Suite 300, Washington, DC 20268.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Issues in Docket No. C96-1.

CONTACT PERSON FOR MORE INFORMATION: Margaret P. Crenshaw, Secretary, Postal Rate Commission, Suite 300, 1333 H

Street, NW., Washington, DC 20268-0001, Telephone (202) 789-6840.

Margaret P. Crenshaw,

Secretary.

[FR Doc. 96-31406 Filed 12-6-96; 10:50 am]

BILLING CODE 7710-FW-P

POSTAL SERVICE

Sunshine Act Meeting; Board of Governors

Notice of Vote to Close Meeting

At its meeting on December 2, 1996, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting scheduled for January 6, 1997, in Washington, D.C. The members will be briefed on: (1) Classroom Publication Prices; (2) a proposed filing with the Postal Rate Commission for Parcels; and (3) will consider funding approval for International Service Centers.

The meeting is expected to be attended by the following persons: Governors Alvarado, Daniels, del Junco, Dyhrkopp, Fineman, Mackie, McWherter, Rider and Winters; Postmaster General Runyon, Deputy Postmaster General Coughlin, Secretary to the Board Koerber, and General Counsel Elcano.

As to the first and second item, the Board determined that pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)] because it is likely to disclose information in connection with proceedings under Chapter 36 of title 39, United States Code (having to do with postal ratemaking, mail classification and changes in postal services), which is specifically exempted from disclosure by section 410(c) of title 39, United States Code.

The Board has determined further that pursuant to section 552b(c)(10) of title 5, United States Code, and section 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern participation of the Postal Service in a civil action or proceeding involving a determination on the record after opportunity for a hearing.

As to the third term, the Board determined that pursuant to section 552b(c) (3) and (10) of title 5, United States Code; and section 410(c) (2) and (3) of title 39, United States Code; and section 7.3 (c) and (i) of title 39, Code of Federal Regulations, the meeting is

exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)].

The Board further determined that the public interest does not require that the Board's discussion of these matters be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in her opinion the meeting may properly be closed to public observation pursuant to section 552b(c)(3), (9) and (10) of title 5, United States Code; section 410(c), (2) and (3) of title 39, United States Code; and section 7.3(c), (i) and (j) of title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary of the Board, Thomas J. Koerber, at (202) 268-4800.

Thomas J. Koerber,
Secretary.

[FR Doc. 96-31443 Filed 12-6-96; 12:44 pm]

BILLING CODE 7710-12-M

Sunshine Act Meeting; Board of Governors

Amendment to Closed Meeting Agenda

Federal Register Citation of Previous Announcement: 61 FR 58431, November 14, 1996, and 61 FR 59473, November 22, 1996.

PREVIOUSLY ANNOUNCED DATE OF MEETING: December 2, 1996.

CHANGE: Addition of the following items to the closed meeting agenda:

1. Consideration of Compensation Issues.
2. Consideration of Purchasing Procedures.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Koerber, (202) 268-4800.

At its meeting on December 2, 1996, the Board of Governors of the United States Postal Service voted unanimously to add to the agenda consideration of (1) compensation issues, and (2) purchasing procedures, and that discussion on the items was closed to the public pursuant to section 552b(c)(2), (6) and (7) of title 5, United States Code; and section 7.3(b), (f) and (g) of title 39, Code of Federal Regulations, and that no earlier announcement was possible.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in her opinion the meeting

was properly closed to public observation, pursuant to section 552b(c)(2), (6) and (7) of Title 5, United States Code; and section 7.3(b), (f) and (g) of Title 39, Code of Federal Regulations.

Thomas J. Koerber,

Secretary.

[FR Doc. 96-31444 Filed 12-6-96; 12:44 pm]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-22369; No. 812-10254]

Midland National Life Insurance Company, et al.

December 4, 1996.

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

ACTION: Notice of Application for an Exemption pursuant to the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: Midland National Life Insurance Company ("Midland"), Midland National Life Separate Account A ("Separate Account A"), Midland National Life Separate Account C ("Separate Account C," together with Separate Account A, the "Midland Separate Accounts"), Investors Life Insurance Company of Nebraska ("Investors"), Investors Life Separate Account B ("Separate Account B"), and Investors Life Separate Account D ("Separate Account D," together with Separate Account B, the "Investors Separate Accounts").

RELEVANT 1940 ACT SECTIONS: Order requested pursuant to Section 17(b) granting an exemption from the provisions of Section 17(a).

SUMMARY OF APPLICATION: Applicants seek an order of exemption to the extent necessary to permit a transfer of assets and assumption of liabilities of Separate Account B by Separate Account A and of Separate Account D by Separate Account C.

FILING DATE: The application was filed on July 15, 1996, and amended on December 2, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on December 30, 1996, and must 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 may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Applicants, c/o Jack L. Briggs, Esq., Midland National Life Insurance Company, One Midland Plaza, Sioux Falls, South Dakota 57193.

FOR FURTHER INFORMATION CONTACT: Michael Koffler, Law Clerk or Kevin M. Kirchoff, Branch Chief, Office of Insurance Products (Division of Investment Management), at (202) 942-0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from the Public Reference Branch of the Commission.

Applicants' Representations

1. Midland, a South Dakota stock life insurance company, is a wholly-owned subsidiary of Sammons Enterprises, Inc.

2. Midland established the Midland Separate Accounts as separate accounts pursuant to South Dakota law. Each of the Midland Separate Accounts is a "separate account," as defined by Section 2(a)(37) of the 1940 Act, and is registered with the Commission pursuant to the 1940 Act as a unit investment trust.

3. Certain variable life insurance contracts sponsored by Midland and issued through Separate Account A are registered with the Commission pursuant to the Securities Act of 1933 (the "Securities Act"). Certain variable annuity contracts sponsored by Midland and issued through Separate Account C are registered with the Commission pursuant to the Securities Act.

4. Each of the Midland Separate Accounts is divided into ten investment divisions, each of which invests exclusively in shares of a corresponding portfolio of Variable Insurance Products Fund or Variable Insurance Products Fund II (together, the "funds"), open-end management investment companies registered with the Commission pursuant to the 1940 Act.

5. Investors, a South Dakota stock life insurance company, is a subsidiary of Midland.

6. Investors established the Investors Separate Accounts as separate accounts pursuant to South Dakota law. Each of the Investors Separate Accounts is a "separate account," as defined by Section 2(a)(37) of the 1940 Act, and is registered with the Commission