

leakage paths, but rather leakage paths out of containment isolation valves through valve diaphragms. The potential leakage paths are small or restrictive and are through cracks or tears in valve diaphragms. The leakage path for a significant leak to occur requires a sequence of events for which the probability of occurrence is low. The proposed test, with water as the test medium and with a zero leakage acceptance criterion, is conservative enough to provide reasonable assurance of no significant increase in risk to health and safety of the public when compared to testing with air. In addition, seismic support of the systems, missile protection, and, for P-70, the isolation valve seal water system all provide additional assurance that the risk of a significant leak is minimal.

To justify granting an exemption to the requirements of 10 CFR Part 50, Appendix J, a licensee must show that the requirements of 10 CFR 50.12(a)(1) are met. The licensee stated that its exemption requests meet the requirements of 10 CFR 50.12(a)(1), for the following reasons:

*Criteria for Granting Exemptions are Met per 10 CFR 50.12(a)(1)*

1. The requested exemptions and the activities which would be allowed thereunder are authorized by law.

If the criteria established in 10 CFR 50.12(a) are satisfied, as they are in this case, and if no other prohibition of law exists to preclude the activities which would be authorized by the requested exemption, and there is no such prohibition, the Commission is authorized by law to grant this exemption request.

2. The requested exemption will not present undue risk to the public.

As stated in 10 CFR 50, Appendix J, the purpose of primary containment leak rate testing is to assure that leakage through primary containment and systems and components penetrating primary containment shall not exceed the allowable leakage rate values as specified by the Technical Specifications or associated bases and to ensure that the proper maintenance and repairs are made during the service life of the containment and systems and components penetrating primary containment. The requested exemption is consistent with this intent for those penetrations in that alternate means of ensuring leakage remains acceptably low will be performed as proposed herein.

3. The requested exemption will not endanger the common defense and security.

The common defense and security are not in any way compromised by this exemption request.

In addition, the licensee must show that at least one of the special circumstances, as defined in 10 CFR 50.12(a)(2) is present. One of the special circumstances that a licensee may show

to exist is that the application of the regulation in the particular circumstance is not necessary to achieve the underlying purposes of the rule. The purposes of the rule, as stated in Section I of 10 CFR 50, Appendix J, are to ensure that: (1) Leakage through the primary reactor containment and systems and components penetrating containment shall not exceed allowable values, and (2) periodic surveillance of reactor containment penetrations and isolation valves is performed so that proper maintenance and repairs are made. The staff has reviewed the licensee's proposal and has concluded that the proposed alternative tests will confirm the integrity of the subject pathways. Therefore, application of the regulation in this particular circumstance is not necessary to achieve the underlying purpose of the rule.

#### IV

Sections III.C and III.D.3 of 10 CFR Part 50, Appendix J, require that Type C local leak rate periodic tests shall be performed during reactor shutdown for refueling, or other convenient intervals, but in no case at intervals greater than 2 years.

The licensee proposes exemptions to these sections which would provide relief from the requirement to perform the Type C containment leak rate tests of certain valves in accordance with the requirements of Sections III.C and III.D of 10 CFR Part 50, Appendix J.

The Commission has determined that, pursuant to 10 CFR 50.12(a)(1), this exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. The Commission further determined that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present justifying the exemption; namely, that the application of the regulation is not necessary to achieve the underlying purpose of the rule.

Therefore the Commission hereby grants the following exemption:

The requirement of 10 CFR Part 50, Appendix J, to pressurize the valves in penetrations P-70 and P-99 with air or nitrogen is not necessary. Instead, the test pressure medium may be water.

Pursuant to 10 CFR 51.32, the Commission has determined that granting these exemptions will not have a significant impact on the human environment (60 FR 63549).

Dated at Rockville, Maryland, this 11th day of December 1995.

For the Nuclear Regulatory Commission.

Jack W. Roe,

*Director, Division of Reactor Projects—III/IV,  
Office of Nuclear Reactor Regulation.*

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#### [Docket No. 50-395]

#### **South Carolina Electric & Gas Company, South Carolina Public Service Authority, Virgil C. Summer Nuclear Station, Unit No. 1; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-12, issued to South Carolina Electric & Gas Company and South Carolina Public Service Authority (the licensee), for operation of the Virgil C. Summer Nuclear Station, Unit No. 1, located in Fairfield County, South Carolina.

#### Environmental Assessment

##### *Identification of the Proposed Action*

The proposed action would support the licensee's plan to implement the revised 10 CFR Part 20, "Standards for Protection Against Radiation." Also, the licensee proposed several editorial changes to improve the clarity of the Technical Specifications (TS). The majority of the licensee's proposal meets the eligibility criteria for categorical exclusion set forth in 10 CFR

51.22(c)(9). However, one aspect of the licensee's proposal changes requirements with respect to use of a facility component located outside the restricted area as defined in 10 CFR Part 20. Specifically, requirements for use of the settling ponds will be changed by the proposed amendment.

The proposed action is in accordance with the licensee's application for amendment dated February 21, 1995, as revised on August 31, 1995, and December 4, 1995.

##### *The Need for the Proposed Action*

The proposed action is needed to update the license to incorporate the revised requirements of 10 CFR Part 20 (i.e., the need for the proposed action was created by a change in the regulatory requirements).

##### *Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the proposed action and concludes that the proposed revision to the radioactive material quantity in the settling ponds will not change the types

and will conservatively lower the amount of effluents that can be released. Therefore, it will not cause an increase in individual or cumulative occupational radiation exposures. The new settling pond limit is based on that quantity which would not exceed the effluent concentrations of 10 CFR Part 20, Appendix B, Table 2, Column 2, at the nearest potable water supply if an uncontrolled release of settling pond inventory should occur. The effluent concentration limits in 10 CFR Part 20, Appendix B, Table 2, are more conservative than the current limits in the licensee's TS. Thus the change proposed by the licensee results in a net decrease in the maximum quantity of radioactive material permitted in the settling ponds.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

#### *Alternatives to the Proposed Action*

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

#### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Virgil C. Summer Nuclear Station, Unit No. 1.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on October 26, 1995 the staff consulted with the South Carolina State official, Mr. Virgil Autry of the Bureau of Solid

and Hazardous Waste Management, Department of Health and Environmental Control, regarding the environmental impact of the proposed action. The State official had no comments.

#### *Finding of No Significant Impact*

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated February 21, 1995, as supplemented by letters dated August 31, 1995, and December 4, 1995, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Fairfield County Library, 300 Washington Street, Winnsboro, SC.

Dated at Rockville, Maryland, this 19th day of December 1995.

For the Nuclear Regulatory Commission,  
Frederick J. Hebdon,  
*Director, Project Directorate II-3, Division of  
Reactor Projects—I/II Office of Nuclear  
Reactor Regulation.*

[FR Doc. 95-31253 Filed 12-22-95; 8:45 am]

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#### **[Docket No. 50-245]**

#### **Northeast Utilities, Millstone Nuclear Power Station, Unit 1; Issuance of Director's Decision Under 10 CFR 2.206**

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has taken action with regard to a Petition dated January 8, 1995, by Mr. Anthony J. Ross. The Petition pertains to Millstone Nuclear Power Station, Unit 1.

In the Petition, the Petitioner raised concerns regarding the Millstone station site paging and site siren evacuation alarm system at Millstone Unit 1. The Petitioner requested that the U.S. Nuclear Regulatory Commission (NRC) institute at least three sanctions against his department manager and institute sanctions against the Petitioner's coworker and maintenance first-line supervisor for engaging in deliberate misconduct in violation of 10 CFR 50.5. As grounds for this request, the Petitioner alleged that on numerous occasions since January 1994, his department manager had instructed the

Petitioner's coworkers to shut off or turn down the volume on the site paging and site siren evacuation alarm system in the Unit 1 maintenance shop, and the Petitioner's first-line supervisor and coworker had complied with this request, in violation of Technical Specification 6.8.1 and NUREG-0654.

The Director of the Office of Nuclear Reactor Regulation has determined to deny the Petition. The reasons for this denial are explained in the "Director's Decision Pursuant to 10 CFR 2.206" (DD-95-23), the complete text of which follows this notice and is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Learning Resources Center, Three Rivers Community-Technical College, 574 New London Turnpike, Norwich, CT 06360.

A copy of the Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance unless the Commission, on its own motion, institutes a review of the Decision in that time.

Dated at Rockville, Maryland, this 19th day of December 1995.

For the Nuclear Regulatory Commission,  
William T. Russell,

*Director, Office of Nuclear Reactor  
Regulation.*

[FR Doc. 95-31255 Filed 12-22-95; 8:45 am]

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## **SECURITIES AND EXCHANGE COMMISSION**

**[Rel. No. IC-21605; File No. 812-9334]**

### **New England Variable Life Insurance Company, et al.**

December 18, 1995.

**AGENCY:** Securities and Exchange Commission (the "SEC" or the "Commission").

**ACTION:** Notice of application for an order of approval under the Investment Company Act of 1940 (the "1940 Act").

**APPLICANTS:** New England Variable Life Insurance Company ("NEVLICO"), New England Variable Annuity Separate Account ("NEVLICO Account"), New England Mutual Life Insurance Company ("New England"), The New