

temperature curve. Because of these test results, the licensee in a letter dated June 15, 1994, requested an exemption to use 30-minute fire barriers for outdoor applications in lieu of the 1-hour-rated fire barriers previously approved; however, the licensee withdrew the exemption request by letter dated June 28, 1996.

In a letter dated July 31, 1997, as supplemented on July 2, October 27, and December 9, 1998, the licensee requested an exemption from the requirements pertaining to the 3-hour-rated fire barriers required by Section III.G.2.a, Appendix R to 10 CFR Part 50, for fire zones 79 (partial), 80 (partial), 82, 84 (partial), 85 (partial), 88 (partial), 89 (partial), 91, 92, 105, and 117 in the turbine building. The licensee requested that the NRC approve the following fire protection schemes as alternatives to the protection required by Section III.G.2 of Appendix R to 10 CFR Part 50: (1) Separation of cables and equipment and associated circuits of redundant post-fire safe-shutdown trains within the turbine building fire zones 79 (partial), 80 (partial), 82, 84 (partial), 85 (partial), 88 (partial), 91, 92, and 105 between column lines A and E-1<sup>1</sup> by a fire barrier having a minimum 1-hour fire resistive rating; (2) separation of cables and equipment and associated circuits of redundant post-fire safe-shutdown trains within the turbine building fire zones 79 (partial), 84 (partial), 88 (partial), and 89 (partial) between column lines E-1 and Jc by a fire barrier having a minimum 25-minute fire resistive rating; and (3) separation of cables and equipment and associated circuits of redundant post-fire safe-shutdown trains within the turbine building above the turbine operating deck, fire zone 117, by a fire barrier having a minimum 25-minute fire resistive rating. This request is based on the following: (1) for the turbine building between column lines A and E-1, automatic fixed water suppression

<sup>1</sup> What is referred to as column line E-1 is actually a boundary plane formed by walls below grade. This boundary plane is defined by FPL's submittal dated July 2, 1998, Figures 4 and 5, and discussed on pages 3 and 4 of the attachment to the July 2, 1998, transmittal letter. In the submittal, column line E-1 is defined by those post-fire safe shutdown circuits located above the condensate pump pit, up to the underside of the 42' elevation operating deck. This protection results in 1-hour rated fire barriers until a distance of over 20' is obtained from the postulated pool fire at the 18' elevation and a distance of approximately 9'-6" from the edge of the checker plate flooring above the condensate pump pit. For those areas where the condensate pump pit extends to the east, the 1-hour fire barriers will follow the outline of the pit, augmenting the distance referenced above. The remainder of the post-fire shutdown circuits between column lines E and J will be protected by 25-minute rated fire barriers.

systems would be provided for the major fire hazards (combustible sources) and the turbine lube oil equipment, and automatic wet pipe sprinkler protection would be provided for area coverage, including the turbine lube oil distribution piping locations as described in the enclosed safety evaluation; and (2) for the turbine building between column lines E-1 and J, an automatic wet pipe sprinkler protection would be provided.

### III

The underlying purpose of Section III.G.2.a, Appendix R to 10 CFR Part 50, is to provide reasonable assurance that one safe-shutdown train and associated circuits used to achieve and maintain safe-shutdown are free of fire damage.

On the basis of the staff's supporting safety evaluation of the licensee's submittals, the staff concludes that the exemption from the requirements of Section III.G.2.a of Appendix R to 10 CFR Part 50, for fire zones 79 (partial), 80 (partial), 82, 84 (partial), 85 (partial), 88 (partial), 89 (partial), 91, 92, 105, and 117 as requested by the licensee, provides an adequate level of fire safety and presents no undue risk to public health and safety. In addition, the staff concludes that the underlying purpose of the rule is achieved.

### IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not present an undue risk to public health and safety, and is consistent with the common defense and security. In addition, the Commission has determined that special circumstances are present in that application of the regulation is not necessary to achieve the underlying purpose of the rule. Therefore, the Commission hereby grants Florida Power and Light Company an exemption from the requirements of Section III.G.2.a of Appendix R to 10 CFR Part 50, as requested in its previously-referenced submittals, for fire zones 79 (partial), 80 (partial), 82, 84 (partial), 85 (partial), 88 (partial), 89 (partial), 91, 92, 105, and 117.

Pursuant to 10 CFR 51.32, the Commission has determined that granting this exemption for fire zones 79 (partial), 80 (partial), 82, 84 (partial), 85 (partial), 88 (partial), 89 (partial), 91, 92, 105, and 117, will not have a significant effect on the quality of the human environment (63 FR 65619).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 5th day of May 1999.

For the Nuclear Regulatory Commission.

**John A. Zwolinski,**

*Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

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## OFFICE OF MANAGEMENT AND BUDGET

### Audits of States, Local Governments, and Non-Profit Organizations; Circular A-133 Compliance Supplement

**AGENCY:** Office of Management and Budget.

**ACTION:** Notice of availability of the 1999 Circular A-133 Compliance Supplement.

**SUMMARY:** On June 10, 1998 (63 FR 31814), the Office of Management and Budget (OMB) issued a notice of availability of the 1998 Circular A-133 Compliance Supplement. The notice also offered interested parties an opportunity to comment on the 1998 Circular A-133 Compliance Supplement. OMB received comments from 10 different respondents. These comments were very technical in nature and did not result in any substantive changes to the Supplement. The 1999 Supplement has been updated to add 35 additional programs, updated for program changes, makes technical corrections, and makes changes reflected in the public comment letters. A list of changes to the 1999 Supplement can be found at Appendix 5 of the supplement. Due to its length, the 1999 Supplement is not included in this Notice. See **ADDRESSES** for information about how to obtain a copy. OMB intends to annually review, revise and/or update this supplement.

This notice also offers interested parties an opportunity to comment on the 1999 Supplement.

**DATES:** The 1999 Supplement will apply to audits of fiscal years beginning after June 30, 1998 and supersedes the 1998 Supplement. All comments on the 1999 Supplement should be in writing and must be received by October 31, 1999. Late comments will be considered to the extent practicable.

**ADDRESSES:** Copies of the 1999 Supplement may be purchased at any Government Printing Office (GPO) bookstore (stock no. 041-001-00522-6). The main GPO bookstore is located at 710 North Capitol Street, NW, Washington, DC 20401, (202) 512-0132. A copy may also be obtained under the Grants Management heading from the OMB home page on the Internet which

is located at <http://www.whitehouse.gov/OMB>.

Comments on the 1999 Supplement should be mailed to the Office of Management and Budget, Office of Federal Financial Management, Financial Standards, Reporting and Management Integrity Branch, Room 6025, New Executive Office Building, Washington, DC 20503. Where possible, comments should reference the applicable page numbers. When comments of five pages or less are sent in by facsimile (fax), they should be faxed to (202) 395-4915. Electronic mail comments may be submitted to [tramsey@omb.eop.gov](mailto:tramsey@omb.eop.gov). Please include the full body of the electronic mail comments in the text of the message and not as an attachment. Please include the name, title, organization, postal address, phone number, and E-mail address in the text of the message.

**FOR FURTHER INFORMATION CONTACT:** Recipients should contact their cognizant or oversight agency for audit, or Federal awarding agency, as may be appropriate in the circumstances. Subrecipients should contact their pass through entity. Federal agencies should contact Terrill W. Ramsey, Office of Management and Budget, Office of Federal Financial Management, Financial Standards, Reporting and Management Integrity Branch, telephone (202) 395-3993.

**Jacob J. Lew,**

*Director.*

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-27018]

### Filings Under the Public Utility Holding company Act of 1935, as amended ("Act")

May 10, 1999.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments is/are available for public inspection through the Commission's Branch of public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s)

should submit their views in writing by June 2, 1999, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549-0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if offered, and will receive a copy of any notice or order issued in the matter. After June 2, 1999, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

#### **New Century Energies, Inc. (70-9493)**

New Century Energies, Inc. ("NCE"), a registered holding company, and its wholly owned nonutility subsidiary, NC Enterprises, Inc. ("Enterprises"), 1225 17th Street, Denver, Colorado 80202-5533, have filed an application under sections 9(a)(1) and 10 of the Act and rule 54 under the Act.

New Century Energies has three public-utility subsidiaries, Public Service Company of Colorado ("PSC"), Southwestern Public Service Company and Cheyenne Light, Fuel and Power Company. Together, these subsidiaries serve approximately 1.6 million electric customers in parts of Colorado, Texas, New Mexico, Wyoming, Oklahoma and Kansas and approximately one million gas customers in parts of Colorado and Wyoming.

NCE also engages through subsidiaries in various nonutility businesses. Enterprises serves as the intermediate holding company for most of NCE's nonutility interests.

Enterprises, through a new wholly owned subsidiary to be named New Century O&M Services, Inc. ("NCO&M"), or one or more additional subsidiaries of either Enterprises or NCO&M, requests authorization to bid on and acquire facilities, systems and related equipment, tools and inventories owned by the Federal government on military enclaves which are used exclusively in connection with the delivery and distribution of electricity, natural gas, water (including potable water and hot and chilled water), steam and other energy products; and to collect, treat, process and dispose of solid and liquid wastes (collectively, "Military Base Assets"). NCO&M proposes to bid on assets when offered for sale by the federal government in accordance with military base

privatization efforts of the Department of Defense ("DOD").<sup>1</sup>

NCO&M requests authorization to invest up to \$150 million in Military Base Assets in one or more transactions from time to time through December 31, 2003. NCE and, to the extent not exempt by rules 52 and/or 45(b), as applicable, Enterprises and NCO&M, will issue debt and equity securities and guarantees for the purpose of financing the acquisition and operation of any Military Base Assets in accordance with the order of the Commission dated April 7, 1999.<sup>2</sup>

Generally, NCO&M would acquire Military Base Assets for cash or under the terms of a long-term services agreement with DOD (or a military department of DOD). Under the services agreements, NCO&M may agree to credit some or all of the stated purchase price for any Military Base Assets against future payments for essential services provided by NCO&M.

Initially, NCO&M proposes to bid on and, if successful, acquire the particular Military Base Assets described below. The applicants request the Commission to reserve jurisdiction over the acquisition of any additional Military Base Assets by NCO&M pending completion of the record in this proceeding.<sup>3</sup>

Specifically, NCO&M proposes to submit a bid in response to a request for proposals by the U.S. department of the Army to acquire the electrical and natural gas distribution facilities that are located at Fort Carson Post ("Fort Carson"), near Colorado Springs, Colorado (Fort Carson Military Base Assets).<sup>4</sup> Fort Carson covers an area of more than 137,000 acres and includes approximately 1,860 buildings. The total daytime population of the base (active military personnel, their dependents and civilian workers) is estimated at 25,000. The electrical

<sup>1</sup> DOD has undertaken its current efforts in response to legislation, 10 U.S.C.A. § 2688 (1998), granting the Secretary of a military department authority to sell electric, gas, water and other military base distribution systems to private parties, with a view to achieving cost reductions in essential services on military bases and a significant improvement and upgrading of the systems by qualified parties.

<sup>2</sup> *New Century Energies, Inc., Holding Co.* Act Release No. 27000. The order authorizes NCE to issue common stock, short-term and long-term debt and guarantees in specified amounts and, to the extent not exempt, to engage in intra-system financing, from time to time through December 31, 2001.

<sup>3</sup> The applicants undertake to file a post-effective amendment in this proceeding describing other Military Base Assets that NCO&M may seek to acquire in the future.

<sup>4</sup> The Department of the Army also invited proposals or the purchase of the water system at Fort Carson. NCO&M's bid does not cover the water system.