

## SUPPORTING STATEMENT

OMB Control No. 0572-0099

### 7 CFR Part 1792, subpart C – Seismic Safety of New Building Construction

#### A. Justification

##### 1. Explain the circumstances that make the collection of information necessary.

This paperwork package is an extension of a currently approved collection. This package covers requirements contained in Title 7 CFR Part 1792, Subpart C, Seismic Safety of New Building Construction.

Seismic hazards present a serious threat to people and their surroundings. These hazards exist in most of the United States, not just on the West Coast. Unlike hurricanes, times and location of earthquakes cannot be predicted; most earthquakes strike without warning and, if of substantial strength, strike with great destructive forces. Most earthquake casualties' result from ground shaking that causes buildings and other structures to collapse and objects to fall on people. Therefore, it is important in the United States and its territories to design structures according to appropriate seismic standards in order to mitigate losses from an earthquake.

To reduce risks to life and property from earthquakes, Congress enacted the Earthquake Hazards Reduction Act of 1977 (Public Law 95-124, 42 U.S.C. 7701 et seq.)(amended) and directed the establishment and maintenance of an effective earthquake reduction program. As a result, the National Earthquake Hazards Reduction Program (NEHRP) was established. The objectives of the NEHRP include the development of technologically and economically feasible design and construction methods to make both new and existing structures earthquake resistant, and the development and promotion of model building codes. The Federal Emergency Management Agency (FEMA) was designated as the agency with the primary responsibility to plan and coordinate the NEHRP.

The Interagency Committee on Seismic Safety in Construction (ICSSC) was established to assist the Federal departments and agencies to develop and incorporate earthquake hazards reduction measures in their ongoing programs.

Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction, was issued to implement certain provisions of the Earthquake Hazards Reduction Act. The President signed it on January 5, 1990. The Executive Order requires all Federal agencies to ensure that any new building which is federally owned, leased, assisted, or regulated is designed and constructed in accordance with appropriate seismic design and

construction standards. The Executive Order charges the ICSSC with recommending appropriate and cost-effective seismic design and construction standards and practices. The Executive Order mandates that any new building project entering the detailed design state after January 5, 1993, be designed and constructed in accordance with the ICSSC recommended seismic standards. The ICSSC has identified several model codes that provide an acceptable level of seismic safety.

7 CFR part 1792, subpart C, identifies acceptable seismic standards which must be employed in new building construction funded by loans, grants, or guarantees made by RUS or through lien accommodations or subordinations approved by RUS. The requirements of 7 CFR part 1792, subpart C, bring the agency into compliance with E.O. 12699.

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the Agency has made of the information received from the current collection.**

For each applicable building, borrowers and grant recipients must provide to USDA Rural Utilities Service (RUS) a written acknowledgment from a registered architect or engineer responsible for the design stating that the seismic provisions pursuant to §1792.103(b) of 7 CFR part 1792, subpart C, will be used in the design of the building. This acknowledgment will include the identification and date of the model code or standard that is used for the design of the building project and the seismic factor for the building location.

The purpose of this information is: (1) to clarify the seismic safety requirements applicable to RUS borrowers and grant recipients; (2) to inform architects, engineers and contractors retained by borrowers and grant recipients of the seismic safety requirements applicable to building construction projects; (3) to facilitate understanding of the compliance with the requirements; (4) to improve the effectiveness of all RUS; and (5) to reduce risk to life and property through the use of approved building codes aimed at providing seismic safety.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses, and the basis for the decision for adopting this means of collection.**

Borrowers and Grant recipients send in a letter to the Agency with the required information. There are no forms associated with this collection. RUS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

The borrowers are still required to send the agency a written acknowledgment letter from a registered architect or engineer that includes the identification and date of the model code or standard that is to be used for the design of each building project. Currently, acknowledgment

letters can be a hard copy or an attachment to an email. The Agency continues to research alternatives to develop a system for collecting the information electronically.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

There is no duplication because the required information is specific to each borrower and to each building construction project. The information collection contained in this rule is collected and analyzed by any prudent business in the course of its operations in compliance with E.O. 12699. Due to the nature of the seismic safety requirements for building construction, this information is not the kind to be found in other available sources, for example, other Department information collections such as the “Census of Agriculture” do not include information of such a specific nature.

**5. If the collection of information impacts small businesses or other small entities (item 5 of OMB Form 83-1), describe any methods used to minimize burden.**

RUS believes that the burden on both large and small entities is the minimum necessary since the information is available from the architect or engineer responsible for the design of the building project.

**6. Describe the consequences to Federal program or policy activities if the collection is not conducted or conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

This information is collected only before the submission of preliminary plans for the design of a building project; and therefore, could not be collected less frequently and meet the mandated requirements of E.O. 12699.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

**a. Requiring respondents to report information more than quarterly.**

There are no requirements to report more than quarterly.

**b. Requiring written responses in less than 30 days.**

There are no requirements to respond in less than 30 days.

**c. Requiring more than an original and two copies.**

There are no requirements for more than an original and two copies.

**d. Requiring respondents to retain records for more than 3 years.**

There are no requirements for the respondent to retain records for more than 3 years.

**e. That is not designed to produce valid and reliable results that can be generalized to the universe of study.**

This collection is not a survey.

**f. Requiring use of statistical sampling which has not been reviewed and approved by OMB.**

There is no requirement for statistical sampling.

**g. Requiring a pledge of confidentiality.**

There is no pledge of confidentiality required.

**h. Requiring submission of proprietary trade secrets.**

There is no requirement for submission of proprietary trade secrets.

**8. If applicable, identify the date and page number of publication in the Federal Register of the agency's notice soliciting comments on the information collection. Summarize public comments received and describe actions taken by the agency in response to these comments. Describe efforts to consult with persons outside the Agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, reporting format (if any), and on data elements to be recorded, disclosed, or reported.**

As required by 5 CFR 1320.8(d), a 60-day Notice to request comments was published on December 1, 2009, vol 229, No. 74, page 62734. No comments were received.

The Agency maintains close contact with borrowers through the RUS general field representatives and a headquarters staff. RUS also conducts seminars for borrowers. Suggestions and comments are always considered by the Agency.

**9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.**

Payments or gifts are not provided to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or Agency policy.**

This information collection does not require confidentiality.

**11. Provide additional justification for any question of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private.**

This information collection includes no questions of a sensitive nature.

**12. Provide estimates of the hour burden of the collection of information.**

A breakdown of the reporting requirements by section is indicated on the attached spreadsheet. The following is a summary of this information collection.

<b>Regulation</b>	<b>Number of Respondents</b>	<b>Total Annual Responses</b>	<b>Hours Per Response</b>	<b>Total Hours</b>
7 CFR 1792	1,000	1,000	.75	750

The cost to the public is estimated at \$25,000 per year. The \$45.00 wage class per hour is attributed to 30 minutes for an Architect/Engineer at a rate of \$42.00 per hour and 15 minutes for clerical work at \$16.00 per hour per each item collected.

**13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.**

**a. Total capital and start-up cost component (annualized over its expected useful life); and**

There are no capital and start-up costs involved with this collection.

**b. Total operation and maintenance and purchase of services component.**

There are no purchase of services components involved with this collection.

**14. Provide estimates of annualized cost to the Federal Government.**

The cost to the Federal Government is based on the time it takes for an engineer to review the requested information and to log the information into an established database. The wage used was based on the salary of a RUS Engineer equivalent to a GS 13, step 5.

The estimated annual cost to the Federal Government is as follows:

<b>Collection Item</b>	<b>Number of Responses</b>	<b>Review Time</b>	<b>Wage per hour</b>	<b>Total Cost</b>
Seismic Acknowledgement	1,000	0.5	\$48.00	\$24,000

**15. Explain the reasons for any program changes or adjustments reported in items 13 or 14 of the OMB Form 83-1.**

This is an extension of a previously approved collection, there are no changes.

**16. For collection of information whose results will be published, outline plans for tabulation and publication.**

This collection of information is not intended for statistical use.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

None requested.

**18. Explain each exception to the certification statement identified in item 19 on OMB 83-1.**

There are no exceptions to the certification statement.

**B. Collection of Information Employing Statistical Methods.**

This collection does not employ statistical methods.