

2022 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 without change 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 and exist in most of the United States, not just 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 related fatalities result from structure collapse and falling objects. Therefore, it is important in the United States and its territories to design structures according to seismic standards in order to mitigate losses from earthquakes.

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) directing 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 model building codes to establish technologically and economically feasible design and construction methods to make new and existing structures earthquake resistant. 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 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 signed by the President on January 5, 1990 and was issued to implement certain provisions of the Earthquake Hazards Reduction Act. 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 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 USDA Rural Utilities

Service (RUS or Agency) 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 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. The acknowledgment can be on the title page of the drawings included with the final plans and specifications or can be in the form of a statement from the architect or engineer responsible for the building design. The acknowledgment will include the identification and date of the model code or standard used for the design of the building project and the seismic factor for the building location.

The purpose of the 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.

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. There are no forms associated with this collection and Borrowers and Grant Recipients may include the acknowledgement in the form of a statement on the title page of the drawings included with the final plans and specifications or they may submit a letter to the Agency with the required information. Acknowledgment letters can be submitted electronically as an attachment to an email or can be submitted in hard copy. 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.

The required information is specific to each borrower and to each building construction project, so no duplication occurs. The required information 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, the 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.

This collection impacts all agency customers which vary from program to program. All but 10% of RUS electric program borrowers meet the Small Business Administration criteria for a small business. All water and telecommunications borrowers meet the SBA small business standard as they each have less than 1,500 employees. Water program borrowers are typically municipalities, towns, and public bodies. RUS makes every effort to ensure that the burden on these small entities is the minimum necessary for the agency to meet statutory requirements with respect to both large and small entities. The required information is specific to each borrower and to individual building construction projects and is provided by the architect or engineer responsible for the design of each 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 1320.9(d), the Agency published a 60-day Notice in the *Federal Register* on July 14, 2022; Docket # RUS-22-ELECTRIC-0033; Volume 87; No. 124; Page 42140. The public was given until September 12, 2022, to submit comments on the collection. Suggestions and comments are always considered by the Agency, and RD remains committed to pursuing further reductions in both the burdens placed upon our borrowers/customers and the total volume of regulations imposed. The Agency did not receive any comments.

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. In addition, the following individuals were contacted concerning the collection of information:

General Manager
Navajo Tribal Utility Authority

The borrower found that the information about 7 CFR Part 1792, subpart C – Seismic Safety of New Building Construction was readily available, that the instructions were clear and useful, and that the collection of data was not too burdensome.

General Manager of the Co-op.
Firelands Electric Cooperative

The borrower indicated that Seismic events are not an issue in this area.

Manager of Engineering Services
Capital Electric Cooperative, Inc.

The borrower felt that the seismic requirements are not challenging to meet. The requirement of a specific acknowledgement on a drawing is where the borrower saw potential challenges. The same request could, in theory, be made for any of the building disciplines (electrical, plumbing, etc.) and the cover page would quickly be cluttered. The borrower also didn't see clarity in the CFR code on how the acknowledgement statement should read, which the ambiguity between the designer and the reviewer could result in iterations or follow-up.

In summary, the borrower supports a seismic requirement for building projects but would eliminate the acknowledgement statement from the cover page.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration 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. Rural Development (RD) does support the maintenance of confidentiality when appropriate. The Agency published a Privacy Act of 1974, System of Records (SORN) in the **Federal Register** on May 14, 2019 (84 FR 21315). A copy of that document can be found at <https://www.govinfo.gov/content/pkg/FR-2019-05-14/pdf/2019-09874.pdf>.

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.

This renewal submission is for the following:

Annual hours

Regulation	Number of Respondents	Number of Responses per Respondent	Total Annual Responses	Hours Per Response	Total Burden Hours
7 CFR 1792	10	1	10	.75	8

Cost to Respondents

Staff Position	Number of Respondents	Hourly wage & Benefits	Hours Per Response	Respondent Cost
Engineer	10	\$62.57	.50	\$312.85
Clerical	10	\$23.17	.25	\$57.93
Total				\$370.78

For each of the 10 annual responses submitted by respondents, it is estimated that an engineer spends approximately thirty (30) minutes, and fifteen (15) minutes work is required by an administrative assistant. The wage rates utilized in the cost calculation are based on the Bureau of Labor Statistics, May 2021 National Occupational Employment and Wage Estimates, United States retrieved from https://www.bls.gov/oes/current/oes_nat.htm. The median hourly wage rate for Electrical Engineers (Occupation Code 17-2071) is \$48.28. The median hourly wage rate for Office and Administrative Support Workers (43-9000) is \$17.88. Benefits as a percentage of total compensation for Private trade, transportation, and utilities industry workers were 29.6% of total hourly compensation. Hourly wage and benefits for the engineer category is \$62.57 per hour. Hourly wage and benefits for clerical is \$23.17 per hour. The hourly cost calculations are summarized as follows:

Cost of Engineer time:

$$\$48.28/\text{hour} + 29.6\% \text{ benefits } (\$14.29/\text{hour}) = \$62.57/\text{hour}$$

Cost of Clerical time:

$$\$17.88/\text{hour} + 29.6 \text{ benefits } (\$5.29/\text{hour}) = \$23.17/\text{hour}.$$

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 is 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 which is \$58.01. After calculating cost of total benefits, the hourly professional rate is \$79.04.¹ The calculation of cost of annual hours required to comply with this information collection is summarized in the following charts:

Cost of Engineer time (wage and benefits):

$$\$58.01/\text{hour} + 36.25\% \text{ benefits } (\$21.03/\text{hour}) = \$79.04/\text{hour}$$

The estimated annual cost to the Federal Government is \$395.20 as illustrated below:

Collection Item	Number of Responses	Review Time	Wage and benefits per hour	Total Cost
Seismic Acknowledgement	10	0.5	\$79.04	\$395.20

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

There are no reported program changes for this submission. The number of respondents remained the same since the last renewal. This submission includes an estimate of 10 respondents and 8 burden hours.

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

There are no plans for publication of collected information.

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.

RD will display the expiration date of the OMB approval.

¹ Cost of total benefits as a percentage of total hourly compensation for Federal Government employees has been calculated by multiplying 36.25% by the hourly OPM wage in accordance with OMB Memorandum M-08 13.

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.