

7 CFR Part 1792  
Current as of January 1, 1995

**PART 1792 -- COMPLIANCE WITH OTHER FEDERAL STATUTES, REGULATIONS,  
AND EXECUTIVE ORDERS**

**Subparts A and B -- [Reserved]**

**Subpart C -- Seismic Safety of Federally Assisted New Building  
Construction**

Sec.

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Authority: 7 U.S.C. 901 et seq.; 42 U.S.C. 7701 et seq.;  
Pub. L. 103 - 354, 108 Stat. 3178 (7 U.S.C. 6941 et seq.); E.O.  
12699 (3 CFR, 1990 Comp., p. 269).

Source: 58 FR 32437, June 10, 1993, unless otherwise  
noted.

**Subparts A and B -- [Reserved]**

**Subpart C -- Seismic Safety of Federally Assisted New Building  
Construction**

**§1792.101 General.**

(a) The Earthquake Hazards Reduction Act of 1977 (42  
U.S.C. 7701 et seq.) was enacted to reduce risks to life and  
property through the establishment and maintenance of an  
effective earthquake hazards reduction program (the National

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Earthquake Hazards Reduction Program or NEHRP). The Federal Emergency Management Agency (FEMA) is designated as the agency with the primary responsibilities to plan and coordinate the NEHRP. This program includes the development and implementation of feasible design and construction methods to make structures earthquake resistant. Executive Order 12699 of January 5, 1990, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction (3 CFR, 1990 Comp., p. 269), requires that measures to assure seismic safety be imposed on federally assisted new building construction.

(b) This subpart identifies acceptable seismic standards which must be employed in new building construction funded by loans, grants, or guarantees made by the Rural Utilities Service (RUS) or the Rural Telephone Bank (RTB) or through lien accommodations or subordinations approved by RUS or RTB. This subpart implements and explains the provisions of the loan contract utilized by the RUS for both electric and telephone borrowers and by the RTB for its telephone borrowers requiring construction certifications affirming compliance with the standards set out in §1792.103 of this subpart.

(c) This subpart applies to both RUS and RTB borrowers. For the purposes of RTB borrowers, as used in this subpart, RUS means RTB and Administrator means Governor.

(d) This subpart applies to the recipients of RUS grants.

(e) This subpart applies to the federally assisted buildings for which designs are prepared on or after the effective date hereof.

#### **§1792.102 Definitions.**

As used in this subpart, the following terms have the following meaning:

Administrator -- Administrator of RUS or the Governor of the Rural Telephone Bank or his or her designee.

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Borrower -- An entity which borrows or seeks to borrow money from, or arranges financing with the assistance of RUS through guarantees, lien accommodations or lien subordinations.

Building -- Any structure, fully or partially enclosed, used or intended for sheltering persons or property.

Federally assisted -- The provision of financing assistance by RUS through loans, loan guarantees, grants, and lien accommodations and subordinations.

Grant recipient -- Any entity which receives a grant from RUS.

Lien accommodation -- The consensual sharing of the government's (RUS's) lien on property or the release of government's lien on property.

Lien subordination -- Agreement that the government's (RUS) lien on property will rank below the lien of another entity.

NEHRP -- National Earthquake Hazards Reduction Program.

REA means the Rural Electrification Administration formerly an agency of the United States Department of Agriculture and predecessor agency to RUS with respect to administering certain electric and telephone loan programs.

Registered -- A person licensed by the State(s) or Authority(ies) to perform architectural or engineering services in the State(s) where construction occurs.

RUS means the Rural Utilities Service, an agency of the United States Department of Agriculture established pursuant to Section 232 of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (Pub. L. 103 - 354, 108

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Stat. 3178), successor to REA with respect to administering certain electric and telephone programs. See 7 CFR 1700.1.

Seismic -- To do with or caused by earthquakes.

Seismic factor -- The factor used in design based on the seismic zone (Z = .4, .3, .2, etc.) or based on acceleration (Av or Aa, whichever controls) for the location of the building, and given on the seismic maps in the model codes.

State -- Each of the 50 States of the United States, the District of Columbia, and territories and possessions of the United States which are authorized to receive loans, loan guarantees, or grants from RUS.

[58 FR 32437, June 10, 1993, as amended at 59 FR 66440, Dec. 27, 1994]

**§1792.103 Design and construction standards for seismic safety.**

(a) Borrowers and grant recipients of grants must utilize in the design and construction of federally assisted buildings, the seismic provisions of the most recent edition of those standards and practices that are substantially equivalent to or exceed the seismic safety level in the most recent or immediately preceding edition of the NEHRP Recommended Provisions for the Development of Seismic Regulation for New Buildings. The NEHRP Recommended Provisions are updated triennially.

(b) Each of the following model codes has been found to provide a level of seismic safety substantially equivalent to that provided by the use of the 1988 NEHRP Recommended Provisions and appropriate for federally assisted new building construction:

(1) 1991 International Conference of Building Officials (ICBO) Uniform Building Code;

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(2) 1992 Supplement to the Building Officials and Code Administration, International, Inc. (BOCA) National Building Code; and

(3) 1992 Amendments to the Southern Building Code Congress (SBCC) Standard Building Code.

(c) The model codes identified in §1792.103(b) can be obtained from the following organizations:

(1) ICBO Uniform Building Code. International Conference of Building Officials, Austin Regional Office, 9300 Jollyville Road, suite 101, Austin, Texas 78759 - 7455.

(2) BOCA National Building Code. Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478 - 5795.

(3) SBCC Standard Building Code. Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213 - 1206.

(d) The NEHRP Recommended Provisions for the Development of Seismic Regulations for New Building is available from the Office of Earthquakes and Natural Hazards, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472.

**§1792.104 Seismic safety certifications.**

Borrowers and grant recipients must with respect to federally assisted buildings:

(a) Provide to RUS a written acknowledgement from a registered architect or engineer responsible for the design of such building project stating that the seismic provisions of one of the model codes listed in §1792.103(b) of this subpart will be used in the design and construction of the building project. This written acknowledgement must include a description of the building project, estimated costs, approximate square footage,

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the seismic factor for the building location, and the identification and date of the Model Code to be used in the seismic design of the building. The written acknowledgement must be received by RUS prior to the preparation of preliminary plans and specifications for the building.

(b) Include on the final plans and specifications, which are otherwise required to be submitted to RUS, the identification and date of the model code that was used for the seismic design of the building project and the seismic factor for the building location. The plans and specifications must be dated, signed, and sealed by the registered architect or engineer.

(c) Provide to RUS, upon completion of construction, the written certification of the architect or engineer responsible for the design of the project that the building project was designed to meet and that the completed construction meets the seismic requirements set forth in the model code identified in the written acknowledgement required in paragraph (a) of this section. This certification must include the following information:

- (1) Project designation and project owner's name;
- (2) Name of architectural/engineering firm;
- (3) Name and registration no. (for the State in which the building project is located) of the certifying architect or engineer;
- (4) Purpose and location of the facility;
- (5) Seismic factor for the building location;
- (6) The code identity and the date of the model code used for the design and construction of the building project(s);
- (7) Total square footage of the building project;

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(8) Total cost of the building project; and

(9) Estimated cost of the structural systems affected by the requirements of this subpart.

(d) The written acknowledgement required by paragraph (a) of this section, the plans and specifications referred to in paragraph (b) of this section, and the written certification required by paragraph (c) of this section are to be submitted to the appropriate Director of the Regional Electric Division, Power Supply Division, Regional Telephone Division, or Rural Development Assistance Staff. When plans and specifications are not otherwise required to be submitted to the RUS Washington's offices, the data required to be included on the plans and specifications by paragraph (b) of this section must be submitted in letter form to the appropriate Director prior to the release of the plans and specifications for construction purposes.

(The information and recordkeeping requirements of this section have been approved by the Office of Management and Budget (OMB) under the control number 0572-0099.) \_

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