Memorandum

U.S. Department of Transportation
Federal Aviation Administration

Subject: ACTION: Program Guidance Letter 94-2

Date: JUL 15 1994

From: Manager, Airports Financial Assistance Division, APP-500

Reply to Attn. of:

To: PGL Distribution List

94-2.1 Cancellation of Program Guidance Letters and New PGL Index (Jim Borsari (202) 267-8822).

The following Program Guidance Letters are cancelled:

- 86-6.1 Airport Planning*
- 87-2.2 Airport Planning Documents*
- 88-4.2 Revision to OMB Circular A-102
- 88-5.2 MLS Transition Policy
- 89-5.5 Software Eligibility Under Planning Grants*
- 90-2.1 Pavement Quality Control
- 90-4.3 Auditing 5 Percent of AIP Grants
- 90-4.5 Special Condition for Pavement Quality Control
- 90-4.7 Airport Master Planning Eligibility Under System Plan Projects*
- 90-4.12 Letter of Credit
- 90-5.2 Update on Letter of Credit (LOC)
- 91-4.1 Airport Permit Applications for Storm Water Discharge**
- 92-3.1 Current FAA Advisory Circulars for AIP Projects
- 93-1.2 Provision on Leases at Laredo, TX
- 93-2.4 Suspension of the Davis-Bacon Act for Parts of Florida, Louisiana, and Hawaii
- 93-2.5 Open Bidding on Federal and Federally Funded Construction Projects
- 93-6.1 Index of Program Guidance Letters

* These were cancelled by PGL 91-1, but we inadvertently retained them in the index dated May 1993.

** This was cancelled by PGL 93-3, but we inadvertently retained them in the index dated May 1993.
These Program Guidance Letters were informational in nature or are outdated. Regions may wish to retain copies for future informational purposes.

A new PGL index, Attachment A, reflects the above changes.

94-2.2 Emergency Response Studies - (Mark Beisse (202) (267-8826).

Aircraft rescue and fire fighting (ARFF) vehicles at airports certificated under FAR Part 139 are subject to stringent response time tests. Airport impediments such as sloping terrain, poor drainage, soft soil, and similar problems may cause a delayed response which is unacceptable under the regulation.

A study (or portion of studies) to identify and evaluate capital equipment or airport improvements needed to enhance emergency response is AIP eligible provided it results in an action plan for eligible development. We have also determined the preparation or revision of that portion of a certification manual or emergency plan required under FAR Part 139 is eligible provided such work is related to physical aspects of the airport which facilitate or impede ARFF vehicles and crews. This evaluation could be done as part of a master plan, a separate ARFF response study, or as project formulation.

The cost of airport management, operations or administration related to emergency planning and certification manuals is not eligible. In addition, the conduct of ARFF training continues to be ineligible.

A specialized procedure for analyzing emergency response at military airports has recently been developed by the U.S. Army Corps of Engineers, Mobility Systems Division, Waterways Experiment Station, Vicksburg, Mississippi. The cost to apply their technique at a civil airport, make recommendations on required facilities, and formulate a plan, is expected to range between $25,000 and $50,000. The Corps may compete for this work, although procurement of professional services is to be accomplished through standard AIP procedures, i.e., qualifications-based in accordance with the AAIA and 49 CFR 18.

We urge you to discuss with sponsors at airports having serious ARFF response time or other facility-related deficiencies the eligibility of emergency response studies. Sponsors may be encouraged to undertake the studies where such problems have been identified; regions may approve such projects. When any emergency response study is complete, a copy of the final report should be transmitted to AAS-100 for evaluation of the findings.
On June 14, 1993, the Department of Transportation (DOT) published in the Federal Register, a final rule, 49 CFR Part 41, implementing the provisions of Executive Order (E.O.) 12699, "Seismic Safety of Federal and Federally-Assisted or Regulated New Building Construction," effective July 14, 1993. (Copies of both the E.O. and the final rule are in Attachments B and C respectively.) This rule applies to the design and construction of any new building for the DOT's use or ownership, as well as all grant and safety programs affecting Federally leased, assisted, or regulated buildings. The purpose of this E.O. is to reduce the risk of injury and death to building occupants, improve the capabilities of essential buildings to function during or after an earthquake, and to reduce earthquake losses of public buildings and investments.

The final rule requires any DOT Operating Administration assisting in, or guaranteeing the financing of, newly constructed buildings to ensure that any building constructed with such assistance is constructed in accord with seismic standards set out in 49 CFR 41.120. Any building constructed with Federal financial assistance after July 14, 1993, must be designed and constructed in accordance with seismic standards approved under Section 41.120 in order to be eligible for such assistance.

A certification of compliance with the seismic design and construction requirements of the rule must be obtained from the project's sponsor prior to the furnishing of Federal financial assistance to construct a building. Such statements of compliance may include, for example, the engineer's and architect's authenticated verifications of seismic design codes, standards, and practices used in the building; construction observation reports; local or state building department plan review documents; or other documents deemed appropriate by the DOT.

In order to comply with the requirements of 49 CFR 41 in the administration of the AIP, FAA will require airport sponsors to complete the certification set out in Attachment D. This certification must be included with the preapplication for Federal assistance. Regions may reproduce this certification locally and provide it to sponsors.

A number of questions have arisen regarding the timing of the applicability of the new rule, especially in regard to buildings for which development of detailed plans and
specification was initiated, final design was completed or substantially completed, or, in some cases, construction was completed, after the date of the E.O. but before DOT implemented its final regulations. Other questions concern the required statement of compliance, and alternatives to the acceptable model codes listed in the rule. The DOT has issued guidance for implementing this E.O., including a model reply which may be used to reply to questions by the affected grantees. A copy of DOT’s informational memorandum and model reply are included as Attachment E.

Due to the timing and long lead time involved in the design of buildings, DOT and FAA will use the following policy guidelines, on a case by case basis, to implement the final rule with respect to AIP projects:

Buildings under construction prior to July 14, 1993, are not required to meet the current seismic standard; however, builders (sponsors) are encouraged to consider incorporating the current seismic standards.

Buildings for which final design is initiated after July 14, 1993, shall be designed and constructed to current seismic standards.

Buildings for which final design is complete or substantially complete prior to July 14, 1993, are not required to meet the current seismic standards; however, builders (grantees) are encouraged to review incorporating the current standards.

Buildings where final design was initiated prior to July 14, 1993, but were not substantially complete by July 14, 1993, are required to meet current seismic standards.

A new grant may be issued to an airport sponsor or an existing grant may be amended (within statutory limits) to ensure compliance with the seismic requirements.

Although passenger facility charges are approved by the FAA, PFC revenue is considered "local money" - not Federal financial assistance. Because of this, the requirements set forth in E.O. 12699 do not pertain to projects funded solely with PFC revenues. In the interest of public safety and investment, however, we suggest that you remind airport sponsors of the guidelines and advise them that PFC funds may be used for any additional project cost related to seismic design requirements.
Establishment of Structures on Federally Obligated Paved Areas - (Mark Beisse (202) 267-8826).

We have recently received a proposal by an airport sponsor to construct an "anti-icing shelter" in conjunction with an aircraft deicing facility. The shelter would be used by an air carrier to provide shelter and prevent frost and snow accumulation while its aircraft is parked overnight.

Aircraft shelters exceed the standards for deicing facilities in Advisory Circular 150/5300-14 and are, therefore, ineligible for funding under AIP or PFC. And, while such structures provide protection from weather, housing of aircraft in hangars or shelters is not in itself an anti-icing measure. Airport sponsors, however, may wish to undertake this development without Federal participation.

This proposal has prompted us to review our longstanding policy regarding ineligible structures on Federally obligated aprons or other pavement. Consequently, we have determined that such structures may be installed subject to certain stringent criteria.

The program guidance in PGLs 92-5.1 and 93-1.4 for deicing facilities or equipment continues to be adequate for most proposals; we are now amending the eligibility criteria to provide flexibility for augmentation of the project. As a reminder, paved areas, lighting, gantries, deicing fluid collection systems, inspection houses, structural foundations, and drainage, may be individually or collectively eligible if required for minimum safety purposes. Hangars, storage buildings, or similar walls and a roof for deicing activities are normally ineligible.

An airport sponsor may construct a locally funded structure for deicing or anti-icing purposes on an AIP taxilane or apron, even if that structure would be located on an existing Federal agreement pavement. A sponsor may build more than one shelter for additional capacity. The FAA will take appropriate action to ensure sponsor compliance with the following requirements:

- Any proposed "anti-icing shelters," adjacent hangars, or related facilities must be depicted on the FAA-approved airport layout plan (ALP) prior to initiating work. The size of the structures must accommodate an appropriate range of user aircraft if limited anti-icing facilities are available. In reviewing the ALP, Airports offices should give special attention to any adverse impacts that such construction may have on taxi or runup operations at the airport.
The sponsor will establish a fee schedule for use of the structures consistent with the assurance which requires that the airport be as self-sustaining as possible. Use of the structures during fair weather and for other than deicing/anti-icing purposes will be considered in establishing the fees.

The sponsor may not operate the structures on an exclusive or near exclusive basis, and the sponsor must establish procedures for management and operation of the structure to ensure prompt access to the facility for each potential user. This may include movement of aircraft parked within the shelters to accommodate other airport users.

94-2.5 Additional Runways – (Don Samuels (202) 267-8818).

Advisory Circular 150/5300-13 was revised in 1991 relative to the criteria for justifying additional runways based on wind conditions. The AIP Handbook, Order 5100.38A, is in error in that it does not reflect the three specific crosswind components specified in the AC.

Paragraph 521.c. should be revised to read as follows:

AIP participation in runway development will be limited to a single runway at an airport unless additional runways can be justified. An additional runway may be necessary to accommodate operational demands, minimize adverse wind conditions, or overcome environmental impacts. Use criteria contained in the latest issue of AC 150/5300-13, Airport Design, to determine if the additional runway is justified.

94-2.6 Use of Cellulose for Acoustical Insulation – (Don Samuels (202) 267-8818).

The Federal Aviation Administration (FAA) and the Naval Facilities Engineering Command contracted with Wyle Research to develop a report containing guidelines for the sound insulation of residences exposed to aircraft operations. The report has been published as document DOT/FRA/PP-92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations. Copies of the report were distributed to regions and district offices about two years ago.

It was not our intention that the report be used as a specification. Rather, it was intended to be used as a guide for the principles of noise insulation methods and practices.
Nomination of Richard F. Hohlt To Be a Member of the Board of Directors of the Student Loan Marketing Association
January 5, 1990

The President today announced his intention to nominate Richard F. Hohlt to be a member of the Board of Directors of the Student Loan Marketing Association. He would succeed Donald E. Roch.

Currently Mr. Hohlt serves as senior vice president of government affairs at the United States League of Savings Institutions in Washington, DC. Prior to this he served as executive assistant to United States Senator Richard G. Lugar. Mr. Hohlt graduated from Milliken University (B.S., 1970). He was born December 4, 1947, in Indianapolis, IN. Mr. Hohlt served in the Air Force Reserves, 1970-1976. Currently, he resides in Alexandria, VA.

Statement by Press Secretary Fitzwater on the Allocation of Disaster Relief Funds for Areas Affected by the San Francisco Earthquake and Hurricane Hugo
January 5, 1990

At the direction of the President, the Office of Management and Budget is today distributing $184.6 million from the President's Unanticipated Needs for Natural Disasters Account. On October 26, 1989, the President signed the second continuing resolution for fiscal year 1990, which provided $2.85 billion in disaster relief funds for areas affected by the San Francisco earthquake and Hurricane Hugo. Of the $2.85 billion, $250 million was made available to the President to meet, at his discretion, unanticipated needs arising from both disasters.

The funds released today will be distributed primarily in California and South Carolina and be used for a variety of purposes including school reconstruction; debris removal; transfer of patients to VA hospitals from damaged facilities; repair of damage to Federal parks, forests, wildlife refuges, and medical facilities; forest fire prevention; and stabilization of historic properties. Agencies receiving funds today include the Departments of Agriculture, Veterans Affairs, Education, Interior, and Defense and the General Services Administration. The President has previously authorized distribution of $20 million from the account for earthquake preparedness planning and research activities at the Federal Emergency Management Administration, the U.S. Geological Survey, the National Science Foundation, and the National Institute of Standards and Technology.

After distribution of the funds today, $45.4 million will remain in the President's Unanticipated Needs for Natural Disasters Account. This contingency reserve will enable the President to respond to unanticipated disaster relief needs which continue to be identified as recovery from the disasters proceeds.

Note: Background information outlining the allocation of the funds from the President's Unanticipated Needs for Natural Disasters Account was attached to this press release.

Executive Order 12699—Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction
January 5, 1990

By the authority vested in me as President by the Constitution and laws of the United States of America, and in furtherance of the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), which requires that Federal preparedness and mitigation activities are to ... include “development and promulgation of specifications, building standards, design criteria, and construction practices to achieve appropriate earthquake resistance for new ... structures,” and “an examination of alternative provisions and requirements for reducing earthquake hazards through Federal and federally financed construction, loans, loan guarantees, and licenses. ...” (42 U.S.C. 7704(f) (3), (4)), it is hereby ordered as follows:

Section 1. Requirement of Seismic Safety of New Federal and Federally Assisted or Regulated Buildings

The purposes of the Executive Order 12699 are to reduce risks to Federal and Federally assisted or regulated buildings, and to ensure that buildings are designed and constructed in accordance with applicable Federal seismic design and construction standards.

(a) Space Leased
Each Federal agency shall ensure that space leased or constructed for its use shall be designed and constructed in accordance with applicable Federal seismic design and construction standards.

(b) Buildings
Each Federal agency shall ensure that any building constructed or acquired by any Federal agency shall be designed and constructed in accordance with applicable Federal seismic design and construction standards.

(c) Seismic Design
Each Federal agency shall ensure that any building acquired or constructed by any Federal agency shall be designed in accordance with applicable Federal seismic design standards.

(d) Construction
Each Federal agency shall ensure that any building acquired or constructed by any Federal agency shall be constructed in accordance with applicable Federal seismic construction standards.

(e) Buildings Leased
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic design and construction standards.

(f) Seismic Safety
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic design and construction standards.

(g) Seismic Mitigation
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic mitigation standards.

(h) Seismic Analysis
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic analysis standards.

(i) Seismic Inspection
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic inspection standards.

(j) Seismic Testing
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic testing standards.

(k) Seismic Refurbishment
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic refurbishment standards.

(l) Seismic Retrofitting
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic retrofitting standards.

(m) Seismic Maintenance
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic maintenance standards.

(n) Seismic Monitoring
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic monitoring standards.

(o) Seismic Insurance
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic insurance standards.

(p) Seismic Planning
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic planning standards.

(q) Seismic Training
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic training standards.

(r) Seismic Research
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic research standards.

(s) Seismic Equipment
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic equipment standards.

(t) Seismic Software
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic software standards.

(u) Seismic Codes
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic codes standards.

(v) Seismic Standards
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic standards.

(w) Seismic Regulations
Each Federal agency shall ensure that any building leased or constructed for any Federal agency shall be designed and constructed in accordance with applicable Federal seismic regulations standards.
Sec. 5. Reporting. The Federal Emergency Management Agency shall request, from each agency affected by this order, information on the status of its procedures, progress in its implementation plan, and the impact of this order on its operations. The FEMA shall include an assessment of the execution of this order in its annual report to the Congress on the National Earthquake Hazards Reduction Program.

Sec. 6. Judicial Review. Nothing in this order is intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

George Bush
The White House,
January 5, 1990.

[Filed with the Office of the Federal Register, 12:08 p.m., January 8, 1990]
DEPARTMENT OF TRANSPORTATION
Office of the Secretary
49 CFR Part 41
[Docket No. 48599]

Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The U.S. Department of Transportation is implementing the provisions of Executive Order (E.O.) 12699, "Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction," which calls for Federal agencies to use appropriate seismic design and construction standards in design and construction of Federally owned, leased, assisted, and regulated new buildings.

This document offers guidelines (including maps defining the seismic groundshaking hazard nationwide) which represent the state-of-the-art in seismic design, have been widely reviewed, and are currently being incorporated into national and local building codes.

An earthquake is the oscillatory, sometimes violent movement of the Earth's surface that follows a release of energy in the Earth's crust. This energy...
can be generated by a sudden
dislocation of segments of the crust, by
volcanic eruption, and even by
manned explosions. Seismic hazards
that may be induced by earthquakes
include ground shaking, surface
faulting, liquefaction, landslides, lateral
spreading, seismites, and tsunami.
Seismic risk is a measure of potential
losses due to the expected seismic
hazards in a given area. Therefore, an
unpopular area has a lower seismic
risk than an urban area exposed to the
same seismic hazards. Similarly, poorly
constructed buildings are exposed to
greater seismic risk than well
constructed ones in the same location.

Although in the United States most
earthquakes occur in areas bordering
the Pacific Ocean, history shows that other
areas are also susceptible to
seismic hazard. On August 31, 1990 an
earthquake estimated at 7.5 on the
Richter scale shook Charleston, South
Carolina, causing extensive damage and
killing an estimated 60 to 100 people.
On the basis of geologic and geophysical
studies, it appears that quakes of this
magnitude are possible at geologically
similar locations along the eastern
seaboard. In the winter of 1811–1812, the
New Madrid seismic zone, located in the
Central U.S., produced three of the
largest earthquakes known to have
occurred in North America. This area is
regarded by seismologists as the most
hazardous zone east of the Rocky
Mountains and it remains seismically
active. The Loma Prieta earthquake that
hit the San Francisco/Oakland area on
October 17, 1989 measured 7.1 on the
Richter scale and killed 64 people. The
shock caused an estimated $7.1 billion
in damage, and caused failure in key
transportation links including the San
Francisco-Oakland Bay Bridge and a 1½
mile long section of Interstate 880 in
Oakland.

On the West Coast of the U.S. most
people have experienced earthquakes,
and recognize that major earthquakes
will occur. The absence of large-
magnitude earthquakes in the Central
and Eastern United States since the
Charleston earthquake in 1886 has resulted in
a lack of awareness on the part of the
general public of the existence of an
earthquake threat in these areas.

Nevertheless, the examples above
illustrate why seismic hazard is more
than a West Coast issue. Forty-six states
as well as many U.S. territories and
possessions are at risk from earthquakes.

Ground shaking is the seismic hazard
that affects all buildings in an area
impatiently by an earthquake.
(Liquefaction, landslides, and other
seismic hazards are generally localized
disturbances.) Because of the universal
effect of ground shaking, it is the hazard
that is addressed in greatest detail by
building codes.

The ground shaking hazard is
generally represented on maps. The
United States Geological Survey (USGS)
has developed national maps of ground
shaking hazard that present equal levels
of expected horizontal acceleration due
ground shaking. These maps are
published in the Commentary to the 1991
NEHRP Recommended Provisions.
On these maps, the plotted acceleration
at any location represents a 90 percent
probability that it will not be exceeded in
50 years. These maps have become
the basis for the hazard maps included
in up-to-date seismic design guidelines
and codes. Similar maps are being
developed for select areas at a larger
scale that portray other seismic hazards.
These illustrate significant variation
that can be expected due to multiple
seismic hazards within a local region.

The derivation of the ground shaking
maps considered, for each location, a
number of factors. These included
historical seismicity, proximity to
known faults, and results of geological
investigations. Because of the
complexity of these factors, the
development of the maps required a
great deal of professional judgement and
expertise.

The ground shaking maps described
above quantify the significant variation
in the expected hazard nationwide. The
maps are the basis which allows a single
building code to be applicable
nationwide. The design, detailing, and
construction requirements are varied
according to the expected hazard as
presented in the maps. Thus, a single
design provision results in stringent
requirements in a high hazard area and
less stringent requirements in a low
hazard area.

**Seismic Design**

Unlike hurricanes, large earthquakes
cannot be predicted; they strike without
warning with great destructive force.
Most casualties occur from the ground
shaking that can cause buildings and
other structures to collapse and objects
to fall. Related ground failure hazards
also can cause serious losses in local
areas. For these reasons, buildings and
other structures need to be designed to
resist earthquake forces.

The importance of using sound
engineering and construction practices
in design and construction is evident
when the effects of two very similar
earthquakes are compared: the 1971 San
Fernando, California earthquake and the
1972 Managua, Nicaragua earthquake,
with magnitudes of 8.6 and 8.2
respectively. Both earthquakes occurred
at times of day when most people were
at home, and both affected a population
of approximately 1 million. The San
Fernando quake affected an area
with much new construction that had
been designed under a building code
that included earthquake requirements.
This quake caused 58 deaths and $550
million in economic losses. The
Managua quake affected a city where
few buildings had been designed using
modern requirements. This event
costed over 5,000 deaths and an
economic loss comparable to the annual
gross national product of the entire
country. Studies of structural
performance in earthquakes indicate
that severe damages and collapses of
buildings almost always are the
consequence of inadequate design or
construction. The successful
performance of buildings designed and
constructed in accord with modern
seismic standards show that effects of
severe earthquakes can be resisted
economically.

In California, where the perception of
earthquake hazards has been high, up-
to-date seismic preparedness and
mitigating practices are regularly
adopted and enforced, particularly in
the form of seismic design and
construction provisions in building
codes. However, in the Central and
Eastern United States recognition of
earthquake hazards is more recent. In
the past, the model building codes used
in the Central and Eastern United States
have tended to lag behind the West
Coast in adoption of modern seismic
design and construction provisions.
However, in 1991 these model code
organizations incorporated the NEHRP
Recommended Provisions into their
1992 editions, bringing the seismic
requirements of their model codes up to
date with the most current information
available. State and local regulatory
authorities may adopt, modify, and
enforce these model code provisions to
achieve seismic safety in new building
construction in their jurisdictions.

The impact of an earthquake includes
not only immediate destruction of life
and property, but also potential dangers
to critical facilities and services,
including hospitals, fire stations, police
stations and emergency operating
centers. Functions of these critical
facilities may be crippled leading to
further losses from lack of these services
in a time of great need. Modern seismic
standards require a higher level of
seismic design an safety for these
facilities in order to support their
functionality following an earthquake.
the NEHRP recommended provisions before they can be considered to be appropriate for implementing the Order.

copy of the recommendation can be found in ICSSC RP 2.1-A, "Guidelines and Procedures for Implementation of the Executive Order on Seismic Safety of New Building Construction," which includes additional ICSSC consensus guidance for implementation. ICSSC RP 2.1-A is available from the U.S. Department of Commerce, National Institute of Standards and Technology, Building and Fire Research Laboratory, Gaithersburg, MD 20899.

The NEHRP recommended provisions are not a standard or model code, but constitute a resource document that may be used to develop effective seismic standards and building codes. The primary function of the NEHRP recommended provisions is to provide the minimum criteria considered to be appropriate for implementing the Order. The provisions have been extensively reviewed and balloted by a building community to provide a key source for the development of seismic provisions for national standards, model building codes, and building regulations for state and local governments in seismic areas. An updated version of the NEHRP recommended provisions is prepared every three years by the BSSC.

The most recent edition available is 1991. A non-technical explanation of the background, objective, and methods related to the NEHRP recommended provisions is prepared every year by the BSSC.

The purpose of the NEHRP recommended provisions is to provide a comprehensive and consistent position on code requirements for earthquake loads that will reflect technology, design practices and national codes and standards. The Southern Building Code Congress (SBCC) participated in a similar cooperative effort. As a result of these efforts, the 1992 versions of the BOCA National Building Code and the SBCC Standard Building Code have incorporated the NEHRP recommended provisions into their seismic requirements. The NEHRP Recommended Provisions are also being considered by the American Society of Civil Engineers (ASCE) for adoption into the National Standard ASCE 7-88, "Minimum Design Loads for Buildings and Other Structures."

Section 3(a) of the Order requires implementation actions to "consider the seismic hazards in various areas of the country to be as shown in the most recent edition of the American National Standards Institute Standard A58, Minimum Design Loads for Buildings and Other Structures, or subsequent maps adopted for Federal use in accord with this order." The cited standard map is now available as ASCE 7. This map is based on the Nationwide Maps of horizontal ground acceleration developed by the USGS that also serve as the base for the design maps included with the NEHRP Recommended Provisions. The ICSSC has recommended the use of standards and codes equivalent to the NEHRP Recommended Provisions. Therefore, the NEHRP maps are considered appropriate for Federal use in implementing the Executive Order.

 Versions of the NEHRP maps have been adopted along with the NEHRP Recommended Provisions into the BOCA National and SBCC Standard building codes. The seismic zone map in the 1991 International Conference of Building Officials (ICBO) Uniform Building Code is also based on one of the USGS maps of horizontal ground acceleration. The ICBO map should be used with the ICBO code. It is not appropriate to use the NEHRP maps with the ICBO Uniform Building Code, because the design requirements of building codes are keyed to the numerical values of the map they reference. This rule applies only to new construction. All buildings owned, leased, constructed, assisted through such methods as loans, grants or guarantees of loans, or regulated by DOT must conform to the requirements of the new rule. Under the Earthquake Hazard Reduction Act, 49 U.S.C. 7701 et seq., the Department of Transportation is independently responsible for ensuring that appropriate seismic design and construction standards are applied to new construction under its purview. In the Department of Transportation the DOT Operating Administrations will further implement this rule, where necessary. Section 41.110 states the general purpose of the rule. The rule applies to buildings. A building means any "structure, fully or partially enclosed, used or intended for sheltering persons and property. "New building" is not defined. However, it is commonly accepted construction practice in this country, as expressed in the model codes, to treat additions as new buildings. Therefore, this rule should be interpreted to apply to additions to existing buildings as well as to new buildings.

Section 41.115 states that the rule applies to buildings leased for DOT occupancy. The 1988 NEHRP Recommended Provisions required that the entire building meet the most stringent requirements of any use that occupies 15 percent or more of the total building area. It is therefore reasonable to require that seismic safety provisions apply to buildings in which 15 percent or more of the total space will be leased for DOT use.

Section 41.117 provides that any buildings constructed with DOT financial assistance must be designed and constructed in accordance with approved seismic standards.

Section 41.119 provides that buildings regulated by DOT are subject to the rule.

Finally, § 41.125 provides that nothing in this rule is intended to create any right or benefit against DOT, its Operating Administrations, its officers or any person.

Reference

The following materials are referenced in 49 CFR part 41. Each of the following model codes has been found to provide a level of seismic safety substantially equivalent to that provided by use of the 1988 NEHRP Recommended Provisions: The 1991 International Conference of Building Officials (ICBO) Uniform Building Code; the 1992 Supplement to the Building Officials and Code Administrators International (BOCA) National Building Code; and the 1992 Amendments to the Southern Building Code Congress (SBCC) Standard Building Code. Revisions of these model codes that are substantially equivalent to or exceed the then current or immediately preceding edition of the NEHRP Recommended Provisions, as it is updated, can be approved by a DOT Operating Administration to meet the requirements of this part.

Regulatory Evaluation

The rule is not considered to be major under Executive Order 12291, but is
required prior to the furnishing of such assistance. Such statements of compliance may include the engineer’s and architect’s authenticated verifications of seismic design codes, standards, and practices used in the design and construction of the building, construction observation reports, local or state building department plan review documents, or other documents deemed appropriate by the DOT Operating Administration.

§ 41.119 DOT regulated buildings.

(a) Each DOT Operating Administration with responsibility for regulating the structural safety of buildings and additions to existing buildings will ensure that each DOT regulated building is designed and constructed in accord with seismic design and construction standards as provided by this part.

(b) This section pertains to all new building projects for which development of detailed plans and specifications begin after July 14, 1993.

(c) Any building for which a DOT Operating Administration responsible for regulating the structural safety must comply with the seismic design and construction standards in this part.

(d) For DOT regulated buildings a certificate of compliance with the seismic design and construction requirements of this part is required prior to the acceptance of the building. Such statements of compliance may include the engineer’s and architect’s authenticated verification of seismic design codes, standards, and practices used in the design and construction of the building, construction observation reports, local or state building department plan review documents, or other documents deemed appropriate by the DOT Operating Administration.

§ 41.120 Acceptable model codes.

(a) This section describes the standards that must be used to meet the seismic design and construction requirements of this part.

(b) (1) The following are model codes which have been found to provide a level of seismic safety substantially equivalent to that provided by use of the 1988 National Earthquake Hazards Reduction Program (NEHRP) Recommended Provisions (Copies are available from the Office of Earthquakes and Natural Hazards, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472):


(2) Versions of the NEHRP seismic maps have been adopted along with the NEHRP Recommended Provisions into the BOCA National and SBCC Standard building codes. The seismic zone map in the ICBO Uniform Building Code is also based on one of the USGS maps of horizontal ground acceleration. However, the ICBO map should be used only with the ICBO code. Also, it is not appropriate to use the NEHRP maps with the ICBO Uniform Building Code, because the design requirements of building codes are keyed to the numerical values of the map they reference.

(c) Revisions to the model codes listed in paragraph (b) of this section that are substantially equivalent to or exceed the then current or immediately preceding edition of the NEHRP recommended provisions, as it is updated, may be approved by a DOT Operating Administration to meet the requirements in this part.

(d) State, county, local, or other jurisdictional building ordinances adopting and enforcing the model codes, listed in paragraph (b) of this section, in their entirety, without significant revisions or changes in the direction of less seismic safety, meet the requirements in this part. For ordinances that do not adopt the model codes listed in paragraph (b) of this section, substantial equivalency of the ordinances to the seismic safety level contained in the NEHRP recommended provisions must be determined by the DOT Operating Administration before the ordinances may be used to meet the requirements of this part.

(e) DOT Operating Administrations that, as of January 5, 1990, required seismic safety levels higher than those imposed by this part in new building construction programs will continue to maintain such levels in force.

(f) Emergencies. Nothing in this part applies to assistance provided for emergency work or for assistance essential to save lives and protect property and public health and safety performed pursuant to sections 402, 403, 502, and 503 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5170a, 5170b, 5192, and 5193, or for temporary housing assistance programs and individual and family grants performed pursuant to Sections 408 and 411 of the Stafford Act, 42 U.S.C. 5174 and 5178. However, this part applies to other provisions of the Stafford Act after a Presidentially declared major disaster or emergency when assistance actions involve new construction or total replacement of a building.

§ 41.125 Judicial review.

Nothing in this part is intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the DOT, its Operating Administrations, its officers, or any person.

Issued this 26th day of May 1993 at Washington, D.C.

Federico Pena, Secretary of Transportation.

[FR Doc. 93-13867 Filed 6-11-93; 8:45 am]

BILLING CODE 4110-62-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 920407-2158; L.D. 030293A]

Atlantic Tuna Fisheries; Bluefin Tuna

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Announcement of fishing category quota overharvests/underharvests for the 1992 fishing season and adjustments to the 1993 quota.

SUMMARY: NMFS announces that the domestic western Atlantic bluefin tuna fishing category quotas have either been overharvested or underharvested during the 1992 fishing season. Additionally, NMFS also announces that it is taking action, pursuant to authority in implementing regulations at 50 CFR 285.22(f), to allocate tonnage from the 1992 and 1993 reserve to cover the 1992 overharvest in the General and Harpoon categories.

These actions result in a base 1993 category quota breakdown as follows: General category—573 metric tons (mt); Harpoon category—53 mt; Purse Seine category—302 mt; Incidental Catch category—southern longline subcategory quota of 54 mt, northern longline...
CERTIFICATION OF COMPLIANCE WITH THE SEISMIC DESIGN AND CONSTRUCTION REQUIREMENTS OF 49 CFR Part 41

The undersigned Sponsor’s Authorized Representative certifies that the Sponsor will comply with the requirements set forth in 49 CFR Part 41 in the design and construction of the building(s) to be financed with the assistance of the Federal Aviation Administration.

Compliance will be met by adhering to at least one of the following accepted standards:

a. Model codes found to provide a level of seismic safety substantially equivalent to that provided by use of the 1988 National Earthquake Hazards Reduction Program (NEHRP) including:


b. Revisions to the model codes listed above that are substantially equivalent or exceed the then current or immediately preceding edition of the NEHRP recommended provisions, as it is updated, may be approved by the DOT Operating Administration to meet the requirements of 49 CFR Part 41.

c. State, county, local, or other jurisdictional building ordinances adopting and enforcing the model codes, listed above, in their entirety, without significant revisions or changes in the direction of less seismic safety, meet the requirement of 49 CFR Part 41.

Signed ___________ Dated ________________
Sponsor's Authorized Representative

Canceled
DRAFT LETTER TO CONTRACTORS, LESSORS, AND GRANTEES

Dear __________

On June 14 the Department of Transportation (DOT) published a final rule in the Federal Register (implementing Executive Order (E.O.) 12699), “Seismic Safety of Federal and Federally-Assisted or Regulated New Building Construction”, effective July 14, 1993 (A copy of the final rule, which is to be codified in 49 CFR Part 41, is attached).

The rule applies to new DOT owned buildings and additions to buildings; new buildings to be leased for DOT occupancy; new buildings and additions to existing buildings built with DOT assistance through Federal grants or loans or guarantees; and to DOT regulated buildings.

**DOT Owned or Leased Buildings**

49 CFR 41.110 (new DOT owned buildings and additions to buildings) and 41.115 (new buildings to be leased for DOT occupancy) apply to building projects for which an agreement covering development of detailed plans and specifications is effective after January 5, 1990, which is the date of issuance of E. O. 12699. Section 4(b) of the E. O. specifically gave the Federal agencies 3 years to produce regulations to comply with the Order.

It will not be possible to apply the new rule in full to all DOT owned and leased buildings for which development of detailed plans and specifications was initiated after January 5, 1990 because much of the building construction has been completed... On the other hand DOT is required to reduce risk to lives of the building occupants, improve the capabilities of essential buildings to function during or after an earthquake, and to reduce earthquake losses. Thus, according to the state of construction completion, DOT will apply the requirements of the new rule as much as possible to building projects contracted after January 5, 1990.

**Buildings Built with Federal Assistance or Regulated by DOT**

49 CFR 41.117 (buildings built with Federal assistance) and 41.119 (DOT regulated buildings) require that these buildings be designed and constructed in accordance with current standards if constructed with Federal assistance after July 14, 1993. Due to the timing of the final rule and the long lead time involved
in the design of buildings, DOT will use the following policy guidelines, on a case by case basis, to implement the final rule:

Buildings under construction prior to July 14, 1993 are not required to meet the current seismic standard; however, builders (grantees) are encouraged to consider incorporating the current seismic standards.

Buildings for which final design is initiated after July 14, 1993 shall be designed and constructed to current seismic standards.

Buildings for which final design is complete or substantially complete prior to July 14, 1993 are not required to meet the current seismic standards; however, builders (grantees) are encouraged to review incorporating the current standards.

Buildings where final design was initiated prior to July 14, 1993 but were not substantially complete by July 14, 1993 are required to meet current seismic standards.

General Information

All contractors, lessors, and grantees are reminded that Federal law, 42 USC 7705b, requires the President to adopt, not later than December 1, 1994, standards for enhancing the seismic safety of existing buildings. It is expected that rule making on the applicability of these standards will be initiated soon. Under it agencies will begin a process of identifying seismicly vulnerable buildings and estimate the cost of retrofit, followed by retrofit construction.

Retrofit construction is much more expensive than new construction. Thus it is usually more efficient and desirable to incorporate seismic standards into new buildings to the maximum extent possible than to retrofit existing buildings. We encourage all parties to consider seriously whether it would be more efficient to build-in seismic safety at the design and construction phase rather than at the much more costly reconstruction phase.

A certification of compliance with seismic standards is required for all construction governed by 49 CFR Part 41. The contents of the certification is stated in the regulation. The certification may be in the form of an engineer's or architect's signed or stamped verification that the engineer or architect has complied with the applicable seismic code. For Federally owned or leased buildings a form of certification or statement of compliance will be required prior to acceptance of the building and no contract or lease will be entered into without receipt of such certification or statement of compliance. For buildings constructed with Federal assistance from DOT, the regulation requires that the recipient of a grant provide assurance that it will obtain a certificate of
compliance with seismic design and construction requirements before accepting delivery of any building financed with such financial assistance.

In regard to a definition of "building" E.O. 12699, Section 1, states that a "building" means any structure, fully or partially enclosed, used or intended for sheltering persons or property. Regarding further definition of the term "building" we refer to the Interagency Committee on Seismic Safety in Construction (ICSSC) RP-2.1A recommendation that no buildings be considered exempt from E.O. 12699 and from the implementing regulation (49 CFR Part 41) except those buildings which are specifically exempted by the National Earthquake Hazards Reduction Program (NEHRP). Thus one and two story family dwellings in seismic risk zones 0 and 1 are exempted from the DOT seismic safety program. For the sake of uniformity ICSSC recommends that agencies should not make further unilateral exemptions. We also refer to accepted construction practice as expressed in the acceptable model codes as identified in 49 CFR 41.120.

For a locality which has not adopted any of the three acceptable model codes, it is assumed that engineers and architects in that locality are familiar with the model code which is common to that part of the country, e.g. architects and engineers in Alabama will be familiar with the Southern Building Code Congress (SBCC) Standard Building Code; those in the Northeast will be familiar with the Building Officials and Code Administrators International (BOCA) National Building Code, and those in the West will be familiar with the International Conference of Building Officials (ICBO) Uniform Building Code. If a locality does not wish to adopt any of the three model codes, such locality may pay for and submit to (the Operating Administration) a study establishing the equivalence of the design of their project to the design requirements of one of the model codes to comply with the seismic safety rule.

PLarsen:69161:8/12/93
Seismic memo
An earthquake is the oscillatory, sometimes violent movement of the Earth's surface that follows a release of energy in the Earth's crust. This energy...
INFORMATION: Mobile Aircraft Rescue and
Firefighting Training Simulators

Manager, Airport Safety and
Compliance Branch, AAS-310

All Regions
Attn: Airport Certification Inspectors
AMA-620

This is to inform you that we have determined that the
training received using the R2 mobile propane fire simulator
meets the requirements of 139.319(j)(3) for Index A and B
certificated airports. The following conditions must also
be met for the training to be valid:

1. The on-site instructor in charge of the training
must also be the one to sign the individual trainee's
training certificate;

2. The on-site instructor in charge of the training
would be required to hold credentials in accordance with the
criteria established under NFPA 1003, Airport Fire Fighter
Professional Qualifications, and NFPA 1041, Fire Service
Professional Qualifications; and

3. The operator of the fire scenario control center
would be required to hold some form of operator's training
certificate issued by the manufacturer of the device and
would be subject to annual recertification by that
manufacturer.

If you have any questions regarding this, please contact the
headquarters specialist assigned to your region, Bert
Ruggles or me.

Benedict D. Castellano

AAS-310: BDCastellano: 78728: 8/30/93
cc: ARP-11B: AAS-1/2/300/310:
APP-500: No control
MW (Train.doc)