



July 24, 1992

Mr. Wallace E. Stickney Director Federal Emergency Management Agency Washington, D.C. 20472

The Federal agency that supports the visual, literary and performing arts to benefit all Americans

Dear Mr. Stickney,

to this executive order.

Safety of Federal and Federally Assisted or Regulated New Building Construction," 55 Fed. Reg. 835, we at the National Endowment for the Arts, have determined that this has a limited impact on our agency. Because of the nature of our agency, Executive Order 12699 affects only those Endowment grants which involve new construction Grants such as these are only available renovation. through one of our fourteen programs, the Challenge Within the Challenge program itself, the number program. of these grants are very limited, further reducing the impact this order has on the Endowment. In fact, of the approximately 20,000 grants the Endowment has awarded in the past five years, only 19 had design submissions for new construction or renovation that would have needed to adhere

After careful review of Executive Order 12699, "Seismic

To implement Executive order 12699 for those particular grants, we printed language in the guidelines to make the applicants aware that if they pursue a grant that includes new construction or renovation, they will be required to adhere to this order. We then remind the grantees again of their responsibilities in this area in the General Terms and Conditions which are distributed at the time the grant is awarded.

The Challenge program is the only program which allows for new construction to be paid for with Federal funds. other programs do not allow Endowment funds to be expended for construction. The guidelines for the Challenge grants describe the program for prospective grantees, and include an application for a Challenge grant. It is explained in the quidelines that when an applicant signs application, the applicant is assuring that they will comply with Executive Order 12699 and take any measures necessary to comply where relevant to that application. That paragraph, which can found on page 66 of the Challenge Program Guidelines, reads as follows:

All new construction supported with a Challenge grant or other Federal funds is subject to the Earthquake Hazard Reduction Act of 1977 and

Arts in Education

Challenge & Advancement

Dance

Design Arts

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International

Literature

Locals

Media Arts

Museum

Music

Opera/Musical Theater

Presenting & Commissioning

State & Regional

Theater

Visual Arts

Executive Order 12699, "Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction," and must be built in compliance with the standards of seismic safety adopted by the Arts Endowment. These standards require that grantees submit certification of seismic safety both during the planning stages and upon completion of the building. Depending upon the construction timetable, release of Federal funds may be contingent upon the receipt of the required certification(s).

Not all Challenge grantees are requesting funds for new construction, thus, these regulations do not apply to all Challenge grantees. The grantees that are using the funds for new construction are reminded again of their responsibility of adherence to Executive Order 12699 in the General Terms & Conditions for Organizational Recipients of Challenge Grants, a document that is distributed with the formal grant notification letter.

The General Terms lists the seismic safety regulations as such (it can be found on page six of the General Terms):

<u>Seismic Safety</u>. All new construction supported by an Endowment Challenge grant must satisfy federal standards of seismic safety. The federal government has determined that buildings designed and constructed according to the 1991 ICBO Uniform Building Code, the 1992 Supplement to the BOCA National Building Code, and the 1992 Amendments to the SBCC Standard Building Code satisfy the federal standards.

To satisfy this requirement, Challenge grantees will be required to submit with their final report a certification signed by a qualified architect or engineer that the building has been designed and/or constructed in accordance with one of those three codes.

I hope this will be sufficient information for your report to Congress and the President. I would like to add for your information, that our newly appointed liaison for Seismic Safety is Karen Elias, Deputy General Counsel for the Endowment. If you have any questions, please contact Ms. Elias at (202) 682-5418.

Sincerely,

Anne Imelda Radico Acting Chairman





The Federal agency that supports the visual, literary and performing arts to benefit all Americans

Dr. Arthur Zeizel
Office of Earthquakes and
Natural Hazards
Federal Emergency Management Agency
Washington, D.C. 20472

Dear Dr. Zeizel:

the following address:

This is in response to a letter sent to Karen Elias in our General Counsel's office by Gary Johnson regarding the Endowment's implementation of Executive Order 12699, "Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction."

In my telephone conversation with you early last week, you stated that

has been given to me. You may send any pertinent information to me at

the only information that the Endowment still needed to provide was the appointment of a Seismic Safety Coordinator—that responsibility

Challenge & Advancement

Arts in Education

Dance

Design Arts

Expansion Arts

Folk Arts

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Literature

Locals

Media Arts

Donna M. DiRicco Acting Grants Officer

National Endowment for the Arts

Nancy Hanks Center

1100 Pennsylvania Avenue, N.W.

Washington, D.C. 20506

Dilues

(202) 682-5403; FAX (202) 682-5610

Please do not hesitate to contact me if I can be of further assistance.

Museum

Music

Opera/Musical Theater

Presenting & Commissioning Donna M. DiRicco Acting Grants Officer

State & Regional

Theater

Visual Arts

cc: Larry Baden

Sincerely,

Jeanne Butler Karen Elias

The Nancy Hanks Center 1100 Pennsylvania Ave NW Washington, DC 20506 202/682-5400



NATIONAL SCIENCE FOUNDATION WASHINGTON D.C. 20550

September 2, 1992

Mr. Gary D. Johnson
Office of Earthquakes and Natural
Hazards
Federal Emergency Management Agency
Washington, D.C. 20472

Dear Mr. Johnson:

This report is in response to your request for information on the procedures the National Science Foundation (NSF) is devising to meet its responsibilities under Executive Order 12699. We appreciate the extra time we were granted to consider this matter.

In developing our approach, we have worked closely with other relevant groups at NSF, especially the Office of the General Counsel and the Division of Grants and Contracts. We believe that our approach is commensurate with NSF's modest responsibilities in this area. In reporting on our progress to date, we generally follow your suggested format.

1. NSF's Responsibilities

The Foundation's principal mission is to further the health of science and engineering in the United States. By and large, this is done through the funding of unsolicited research and educational grants to universities. NSF is affected by the executive order only in that on rare occasions we assist in the funding of new construction. Such facilities are always tied to some type of large-scale research enterprise.

2. Plans for NSF's Procedures

NSF will notify its grantees of the requirements of Executive Order 12699 through its standard documents, the Grant Policy Manual and the Grant General Conditions which are received by all grantees and their institutions. A clause will be included in these revised documents informing grantees of the requirement to consider local seismic hazards and to utilize appropriate seismic safety provisions in those cases where new buildings are to be designed and constructed using NSF funds.

Dr. S.C. Liu of the Division of Biological and Critical Systems will be designated as the NSF Seismic Safety Coordinator. Dr. Liu is a structural engineer and a Program Director in the Earthquake Hazard Mitigation Program. Dr. Liu will serve as the agency's focal point on matters related to the Executive Order. He will be responsible for collecting and making agency seismic safety information available to FEMA as required, and for reviewing NSF procedures at appropriate intervals.

3. Implementation

It is our understanding that, under the Executive Order, an agency with our level of responsibility is required to have its plan underway by January 5, 1993. We expect to be able to meet that deadline.

4. Impact on NSF's Operations

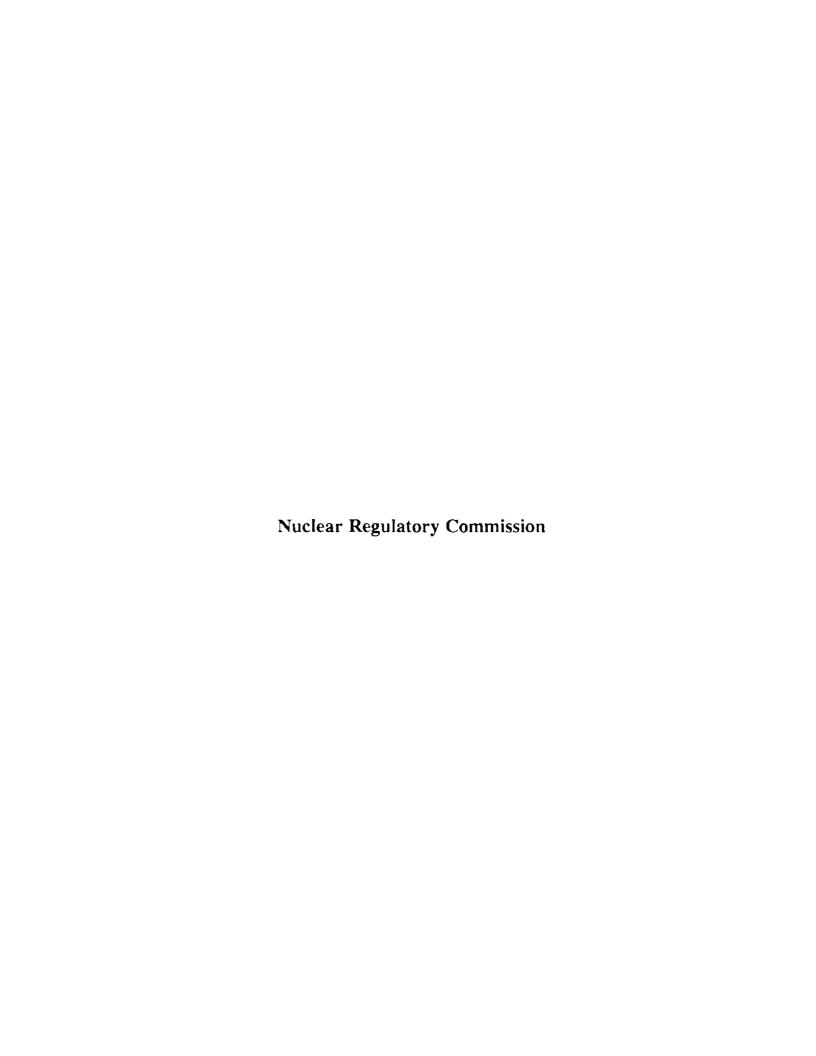
Given the limited responsibility NSF has under the executive order, we do not anticipate that our plans will have any significant budgetary impacts on the agency. Furthermore, we do not expect that the implementation of our planned approach will require any personnel changes in the agency.

I would be happy to answer any questions you might have about our plans.

Sincerely,

Dov Jaron Director

Division of Biological and Critical Systems





UNITED STATES NUCLEAR REGULATORY COMMISSION WASHINGTON, D. C. 20555

April 21, 1992

The Honorable Wallace E. Stickney Director Federal Emergency Management Agency Washington, D.C. 20472

Dear Mr. Stickney:

I am responding to your letter dated March 20, 1992, regarding Executive Order 12699, "Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction."

The Commission has determined that with respect to Federal buildings, it is not an affected agency under the implementing guidelines provided with your letter. The NRC does not have the authority to lease or construct its own buildings. All of the space we occupy is provided by the General Services Administration. We also do not assist or guarantee the financing of newly constructed Federal buildings, nor regulate the structural safety of such buildings.

The NRC does regulate certain nuclear facilities to protect public health and safety from radiological risks. In this connection, NRC already has in place appropriate seismic standards to ensure safe shutdown of such facilities.

Please inform us if we can be of further assistance in implementing this initiative.

Sincerely,

Ivan Selin



UNITED STATES NUCLEAR REGULATORY COMMISSION WASHINGTON, D. C. 20555

JUL 13 1992

Mr. Gary D. Johnson Assistant Associate Director Office of Earthquakes and Natural Hazards Federal Emergency Management Agency Washington, D.C. 20472

Dear Mr. Johnson:

This letter is in response to W. E. Stickney's letter to Chairman Selin, dated June 30, 1992, and to your request, dated June 10, 1992, for a report on NRC's progress in implementation of Executive Order 12699.

The Nuclear Regulatory Commission's efforts on seismic safety extend to numerous licensed facilities. Significant portions of the regulations for nuclear power reactors are included in 10 CFR Part 50, Domestic Licensing of Production and Utilization Facilities, and 10 CFR Part 100, Reactor Site Criteria. The current regulations have been in place since 1973. There is an ongoing effort to revise and update those regulations to reflect both advances in technology and experience gained in the application of the earlier regulations.

In addition to reviewing the rules for power reactors, we have recently surveyed NRC's regulations and practices in other licensing activities that involve buildings. The results of that survey are detailed in the Enclosure.

For all activities, it was concluded that NRC's current practice meets or exceeds the requirements of the Executive Order. As a practical matter, this has followed from a staff practice of assuring that seismic criteria for licensed facilities at least meet Uniform Building Code (UBC) requirements.

Sincerely,

Andrew J. Murphy, Chief

ander J. Mupley

Structural & Seismic Engineering Branch

Division of Engineering

Office of Nuclear Regulatory Research

Enclosure: Assessment of NRC Seismic Practices

ENCLOSURE

ASSESSMENT OF SEISMIC RELATED NRC REGULATORY PRACTICES
IN NON-POWER REACTOR REVIEW ACTIVITIES AND ACTIONS NEEDED FOR
IMPLEMENTAION OF EXECUTIVE ORDER 12699

BACKGROUND

Executive Order 12699 (EO) was issued on January 5, 1990 to implement certain provisions of the Earthquake Hazards Reduction Act of 1977. On November 15, 1990, A. Murphy of RES requested an OGC review of the EO and solicited guidance relative to staff actions that may be needed to implement the EO. In a memorandum dated December 10, 1990, S.A. Treby of OGC discussed the highlights of his review of the EO and concluded the following key points:

- NRC is not required to adopt seismic design and construction standards for those non-Category I nuclear power plant structures which the NRC has determined need not meet Category I requirements,
- NRC must establish seismic standards for the design and construction of all buildings, for which the NRC currently regulates their design or construction,
- NRC has fulfilled its responsibility under the EO with respect to nuclear power plants,
- If NRC is required to issue seismic design requirements for new buildings as part of implementing the EO, the Backfit Rule would not apply and,
- NRC staff should undertake a review of the regulations to determine whether regulatory action is necessary with respect to seismic design and construction of buildings other than nuclear power reactors.

2. EVALUATION OF NON-POWER REACTOR RELATED SEISMIC REGULATORY ACTIVITIES

Class 104 Licenses for Medical Therapy and Research and Development Facilities:

Based on conversation with S. H. Weiss, Chief, Non-Power Reactors, Decommissioning & Environmental Project Directorate, Division of Reactor Projects-III/IV/V and Special Projects. NRR, and A. Adams of the same

Directorate, applications for non- power reactor licenses are reviewed his branch pursuant to 10 CFR 50.21 (a) and 50.21(c) provisions. Typically an applicant would discuss in his application pertinent seismological and geological information as well as the basis for proposing a g value for design of the facility. The branch staff will review the information and make decision as to its acceptability. cases where more specialized seismic and seismologic consideration are needed, the branch would refer the review to the Structural and Geosciences Branch, MRR for technical support and drafting of SER covering seismic design aspects of the application. Dr. Adams said that since the worst case accident analysis for non-power reactors is based on extremely conservative hypothesis, the consequences of the assumed accident would normally control over those from an earthquake induced accident. therefore, the staff does not impose specific seismic design requirements beyond the above described for the review of class 104 licenses, therefore, no NRC action is needed with respect to the EO implementation.

Processing of Uranium Ores in Milling Operation:

Discussions were held with John J. Surmeier, Chief; S. Wastler and D.Gillen of Technical Branch, Div. of Low Level Waste Management and Decommissioning, NMSS, about their seismic review practices related to mill tailings and with Ray Gonzales of RIV on new mill tailing practices in the area of seismic design. It was established that a major consideration in the seismic review of mill tailing operation is assurance of the stability of embankment and there are very few structures associated with the mill tailing operation. The guidance and acceptance criteria for the stability review and seismic consideration are provided in the SRP prepared by the branch and also given in Regulatory Guide 3.11, titled, "Design, Construction, and Inspection of Embankment Retention Systems for Uranium Mills." Since adequate guidance and criteria for seismic consideration are in place, there is no need for further staff action from the standpoint of implementation of the Executive Order.

High Level Waste Repository Licensing

Regulations applicable to the high-level waste management and licensing of a high level waste repository are provided in 10 CFR Part 60. applicable seismic related design criteria are provided in Subpart E. "Technical Criteria" of Part 60. A discussion was held with R. Ballard, Chief. Geosciences and Systems Performance Branch, Division of High-Level Waste Management and it was established that his branch is developing technical positions on seismicity and faulting investigation, methods of analysis and acceptance criteria, and alternative conceptual models. also stated that the Engineering Branch of the division was developing the guidance and analysis criteria for structural response analysis of the repository due to earthquakes. The above efforts are being expended to develop detailed guidance and standards for implementation of the Subpart E technical criteria. When the tasks are completed, the division as a whole should have adequate guidance for the DOE applicant to perform its seismic/structural safety analysis. Furthermore, the criteria and requirements being developed by the division are believed to be more stringent than those intended by the Executive Order 12699: therefore, no action is needed in the areas of high-level waste management to implement the EO.

Licensing of Independent Spent Fuel Storage Installation (ISFSI) and Monitored Retrievable Storage Installation (MRS):

Regulations applicable to the high-level waste management and licensing of ISFSI and MRS are provided in 10 CFR Part 72.

Requirements to consider natural phenomena (including earthquakes) in selecting the design basis are given 10 CFR 72 Subpart E and design criteria are given in Subpart F. The criteria and requirements being developed by the division are believed to be much more stringent than those intended by the Executive Order 12699, therefore, no action is needed in the areas of high-level waste management and licensing of ISFSIs and MRSs in order to implement the EO.

On-Site Spent Fuel Storage Review:

In the area of fuel cycle safety review related to the on-site spent fuel storage, a discussion was held with K.C. Leu of the Fuel Cycle Safety Branch, Div. of Industrial and Medical Nuclear Safety. It was learned that stringent seismic design guidance and criteria similar to those of standard review plan (SRP) sections 3.7 and 3.8 imposed on power reactors are adopted and being implemented by the branch for the review of on-site fuel storage facilities. Since these criteria and guidance are not only clear and complete but also are known to be much more demanding than conventional seismic design criteria for buildings, no further action is needed from the standpoint of implementation of the Executive Order 12699.

Licensing of Plutonium Processing and Fuel Fabrication Plant:

The seismic design requirements and criteria for applicant applying for license to possess and use special nuclear material in a plutonium processing and fuel fabrication plant are provided in 10 CFR 70.22 (f). The section requires the applicant to provide information consisting of a description of plant site, a description and safety assessment of the design bases of the principle structures, systems, and components of the plant including provisions for protection against natural phenomena, e.g., earthquake. These requirements and the technical positions developed or being developed within the Fuel Cycle Safety Branch, Div. of Industrial and Medical Nuclear Safety should provide adequate guidance for applicants to implement the above cited regulation. Therefore, no further action is needed in the fuel cycle safety area from the standpoint of carrying out the Executive Order 12699.

Review of License Application for Uranium Enrichment Facilities:

The regulations which currently govern the Commission's review and evaluation of license application for a uranium enrichment facility are contained in 10 CFR Part 50. The Commission is considering the addition of new regulations (Title 10 Part 76) for uranium enrichment facilities. The

seismic design requirements and criteria for applicant applying for license for an uranium enrichment facility are provided informally ,at this time,in the staff's advanced notice of proposed rulemaking document titled, "Regulation of Uranium Enrichment Facilities," dated April 22, 1988. The document, under subsections (c) and (f), requires, in part, that: the design basis earthquake should have a mean return period of 500 years and structures, systems, and components should be designed using a suitable dynamic analysis or a suitable qualification test to demonstrate that they can withstand the seismic and other concurrent loads. This provision in conjunction with the more detailed guidance and criteria which would be formulated during the onging review of the Louisiana Energy Services, L. P.(LES) project should constitute adequate quidance for applicant to implement the staff's seismic design requirements. Therefore, no further action is needed in order to implement the objectives of the Executive Order 12699.

Other Seismic Related NRC Review Activities:

Other review activities related to seismic safety which are not specifically discussed in above sections may arise from time to time requiring staff review and approval (e.g., a proposed addition of new structures in existing ISFSI). Such review tasks are normally handled by cognizant group(s) of the NRC staff, on a case specific basis, using pertinent regulations/guidance and additional seismic standards/criteria formulated for the tasks, where appropriate. In general, the NRC staff has the necessary organization and technical expertise to provide adequate guidance and criteria to review and eusure seismic safety of unspecified licensees activities, therefore, no further action is needed from the stand point of implementing the Executive Order 12699.

4. CONCLUSION

Based on a review of existing NRC regulations, staff technical positions, regulatory guides, standard review plans, past staff licensing practices and discussions with staff experts as mentioned above, it is concluded that no further regulatory action is necessary with respect to seismic design and construction of structures and buildings in order to fully implement the Executive Order 12699.



July 22, 1992

Mr. Wallace E. Stickney
Director, Office of Earthquakes
and Natural Hazards
Federal Emergency Management Agency
Washington, DC 20472-0001

Dear Mr. Stickney:

Your letter to Michael S. Coughlin, Deputy Postmaster General, which was received July 6, has been forwarded to me for reply. The information below is in response to your request for a report on progress by the U.S. Postal Service in implementing Executive Order 12699.

1. Introduction

As an independent agency, the U.S. Postal Service is not required to comply with the Executive Order. However, in the interest of ensuring the life safety of Postal Service employees and customers, it has agreed to voluntarily follow federal seismic standards, as adopted under the authority of the Executive Order. Our jurisdiction is limited to Postal Service projects.

Status of Agency Procedures

Postal Service seismic policy directives currently in effect have been issued by the Facilities Department in October 1987 for purpose to ensure that the design and construction of all new postal facility projects comply with the latest seismic provisions of one of the three model building codes. These seismic requirements apply to new, owned and leased, postal construction.

3. Progress on Implementation Plan

Postal Service seismic policy is implemented by Headquarters and postal field organizations responsible for contracting and project management of the design and construction of new postal facilities. Funding to implement postal seismic requirements is provided through normal funding for construction projects.



4. Impact on Agency Operations

The beneficial impacts of compliance with the Executive Order are improved life safety of Postal Service employees and customers, reduced potential for damage losses, and improved ability of facilities to remain in operation or to be returned to operation quicker after an earthquake. These benefits are more than adequate to justify the negative impact of relative increase in project cost.

I hope this information is helpful to you in completing the survey. If we can be of any further assistance, please contact me at (202) 268-3873.

Sincerely,

John N. Wiernicki

Director

Office of Design & Construction



July 17, 1992

Mr. Gary D. Johnson Assistant Associate Director Office of Earthquakes and Natural Hazards Federal Emergency Management Agency Washington, D.C. 20472

Dear Mr. Johnson:

The information below is being provided in response to your June 12, 1992 request for a report on progress by the U.S. Postal Service in implementing Executive Order 12699.

1. Introduction

As an independent agency, the U.S. Postal Service is not required to comply with the Executive Order. However, in the interest of ensuring the life safety of Postal Service employees and customers, it has agreed to voluntarily follow federal seismic standards, as adopted under the authority of the Executive Order. Our jurisdiction is limited to Postal Service projects.

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I hope this information is helpful to you in completing the survey. If we can be of any further assistance, please contact me at (202) 268-3905.

Donald W. Evick

USPS Seismic Safety Coordinator

Design Division

Office of Design & Construction

cc: Mr. Coughlin





U.S. SMALL BUSINESS ADMINISTRATION WASHINGTON, D.C. 20416

APR 2 0 1992

Honorable Wallace E. Stickney Director Federal Emergency Management Agency Washington, DC 20472

Dear Mr. Stickney:

Thank you for your recent letter concerning Executive Order 12699 which deals with seismic safety requirements for new Federal building construction.

As you requested, I am writing to notify you of my appointment of the Small Business Administration's Seismic Safety Coordinator. She is Janice E. Wolfe, Deputy to the Associate Deputy Administrator for Finance, Investment and Procurement, and she can be reached at (202) 205-6552.

Please let me know if I can be of any further assistance to you on this important matter.

Sincerely,

Patricia Saiki Administrator



U.S. SMALL BUSINESS ADMINISTRATION WASHINGTON, D.C. 20416



JUL 3 1 1992

Mr. Wallace E. Stickney
Director
Federal Emergency Management Agency
Washington, D.C. 20472

Dear Mr. Stickney:

Per my letter of July 10, 1992, I am writing in my capacity as the Small Business Administration's (SBA) Seismic Safety Coordinator to report the status of SBA's implementation of Executive Order 12699, which deals with Seismic Safety in construction.

SBA's Guaranteed Loan Program and Disaster Assistance Program are affected by this Order as they provide, inter alia, financial assistance to small business concerns for the construction of buildings. In order to comply with the Order, the affected SBA program offices, in conjunction with the SBA Office of the General Counsel, have been working on amendments to appropriate Agency Standard Operating Procedures (SOP).

In particular, the Office of Financial Assistance, which is responsible for our 7(a) General Business Loan program, is currently drafting explanatory language for SBA field staff and a compliance certification which will be inserted in SBA's loan authorization form establishing the required minimum seismic safety standards to which borrowers will be held. Upon finalization of this language, the Disaster Loan Program will promulgate a similar provision and certification for inclusion in its SOP. Overall, SBA fully expects to meet the January 1993 deadline for implementing this Order.

Once again, I apologize for the delay in reporting back to you on our progress. Thank you for your patience.

Sincerely,

Janice E. Wolfe

Deputy Associate Deputy Administrator for Finance, Investment and Procurement





SMITHSONIAN INSTITUTION
Washington, D.C. 20560
U.S.A.

April 7, 1992

Honorable Wallace E. Stickney Director Federal Emergency Management Agency Washington, D. C. 20472

Dear Mr. Stickney:

Secretary Adams has assigned me to respond to your letter of March 20th, concerning appointment of a Seismic Safety Coordinator for the Smithsonian Institution.

We are designating Mr. Thomas P. Myers as Seismic Coordinator. Mr. Myers is also the Smithsonian representative on the Interagency Committee on Seismic Safety in Construction (ICSSC).

His address follows:

Mr. Thomas P. Myers, P.E. Smithsonian Institution Office of Design & Construction 955 L'Enfant Plaza, Suite 3230 Washington, D. C. 20024

Phone: 202-287-3374, FAX: 202-287-3018

We believe this satisfies all the information you requested, and look forward to working with the FEMA staff on this important subject.

Sincerely yours,

Richard L. Siegle, P.E.

Director of Facilities Services

SMITHSONIAN INSTITUTION

Office of Design & Construction 955 L'Enfant Plaza Suite 3230 Washington, D.C. 20024

July 2, 1992

Mr. Gary D. Johnson Assistant Associate Director Office of Earthquakes and Natural Hazards Federal Emergency Management Agency Washington, D.C. 20472

Dear Mr. Johnson,

Attached is the Smithsonian Institution 1992 Progress Report to FEMA on Executive Order 12699. If you have any questions, please call me at 202-287-3355.

Sincerely,

Thomas P. Myers, P.E. Seismic Safety Coordinator

Hiomas Pllyers, PE