FRIDAY, JANUARY 21, 1977
PART V



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

COASTAL ZONE
MANAGEMENT RESEARCH
AND TECHNICAL
ASSISTANCE

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[15 CFR Part 933]

RESEARCH AND TECHNICAL ASSISTANCE

Eligibility, Guidelines and Procedures

The National Oceanic and Atmospheric Administration (NOAA) hereby proposes to adopt regulations pursuant to section 310 Of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.), hereinafter referred to as the "Act," for the purpose of defining procedures by which NOAA will operate the national research and technical assistance program established in subsection 310(a) of the Act and by which States can apply for and receive the research and technical assistance grants established in subsection 310(b) of the Act and for meeting other provisions of section 310.

Section 310 provides:

(a) The Secretary may conduct a program of research, study, and training to support the development and implementation of management programs. Each department. agency, and instrumentality of the executive branch of the Federal Government may assist the Secretary, on a reimbursable basis or otherwise in carrying out the purposes of this section, including, but not limited to, the furnishing of information to the extent permitted by law, the transfer of personnel with their consent and without prejudice to their position and rating, and the performance of any research, study, and training which does not interfere with the performance of the primary duties of such department, agency or instrumentality. The Secretary may enter into contracts or other a rangements with any qualified person for the purposes of carrying out this subsection.

The Secretary may make grants to coastal states to assist such states in carrying out research, studies, and training required with respect to coastal zone management. The amount of any grant made under this subsection shall not exceed 80 per centum of the cost of such research, studies, and

training.
(c) (1) The Secretary shall provide for the coordination of research, studies, and training activities under this section with any other such activities that are conducted by. or subject to the authority of, the Secretary,

(c) (2) The Secretary shall make the results of research conducted pursuant to this section available to any interested

To implement this new section, contained in Pub. L. 94–370, signed on July 26, 1976, NOAA proposes a new Part

Part 933 will enhance State efforts to develop and implement coastal zone management programs by supporting necessary research, study and training at State, regional, and national levels. Grants awarded to States will enable them to deal directly and immediately with research and training needs which arise as they develop and/or implement management programs, while the national program will address those broader research and training needs which are regional or national in scope.

The basic intent of subsections 310 (a) and (b) of the Act is to fund research, study, and training which supports the development and implementation of State coastal zone management programs. However, there is a signifi-cant difference in focus between the two subsections in that State grants pursuant to subsection 310(b) will be awarded to State coastal zone management agencies for the purpose of meeting State-specific research, study and training needs, while the national program pursuant to subsection 310(a) will work with a variety of entities and will endeavor to address needs which are regional or national in scope.

Subpart A of Part 933, entitled General, contains a discussion of the basic intent of section 310 of the Act, and definitions of the terms "Act," "Secretary," "Associate Administrator," and "person."

Subpart B of Part 933, entitled Na-tional Research and Technical Assistance Program, contains a discussion of the entities eligible for funding under subsection 310(a), the types of funding arrangements which may be utilized, and the appropriate uses of these funds. Entities eligible for funding are all those mentioned in the definition of the term 'person" in subsection 304(13) of the Act. This term includes other Federal agencies. State and local governments as well as a variety of other entities. Funding arrangements which may be used in addition to contracts include both costreimbursable and non-reimbursable arrangements with other Federal agencies as well as grants to State or other units of government or educational or nonprofit institutions, if appropriate.

Research which can be funded under this subsection includes studies, experiments, and other analyses related to State management program development and administration, but with broader application than research funded under subsection 310(b). The term "broader application" is intended to imply both a broader geographic coverage and a broader range of problems. Training which can be funded under subsection 310(a) is not limited solely to the shortterm professional skill development contemplated under subsection 310(b). It may include curriculum development, the testing of new approaches to education and training, and exploration of the relationship of coastal zone management

to other related fields.

Subpart C of Part 933, entitled Operation of the National Research and Technical Assistance Program, establishes the guidelines and procedures under which the national research and technical assistance program will be operated. Each fiscal year, NOAA's Associate Administrator for Coastal Zone Management will develop an annual plan which sets out research and training priorities. He/ she will then solicit proposals or make other arrangements, as appropriate, to accomplish the tasks described in the annual plan. Because of the variety of funding arrangements available under this subsection, application procedures will

Subpart D of Part 933, entitled State Research and Technical Assistance Grants, contains a discussion of the entities eligible for funding under subsection 310(b), the appropriate uses of these funds, and priorities which will be used to determine funding. To be eligible for grants, a State must either be making adequate progress toward the development of a management program or be administering an approved management program. The applicant for funds must be the State agency responsible for developing or administering the management program although these funds may be subcontracted to another entity.

Research which can be funded under this subsection includes studies, experiments, and other analyses of short term duration which can be expected to show results within one year's time. Such research is to be derived from State program needs and is to utilize existing materials to the extent possible. Training which can be funded under this subsection includes the education or other development of such personnel as may be needed to efficiently and effectively develop and/or administer State management programs or to administer coastal energy impact funds.

High funding priority will be given to those research, study and or training activities which most directly support management program development or implementation. Those states which are experiencing difficulty in achieving program approval or in implementing management programs will be given priority over those States which do not appear to be experiencing such difficulty.

Subpart E of Part 933, entitled Applications for State Research and Technical Assistance Grants, contains a discussion of a grantee's administrative and fiscal responsibilities, application pro-cedures for amending approved applica-

Prior to issuance of these proposed regulations, NOAA distributed widely a draft paper on section 310(b)—State Grants for Research and Technical Assistance. Comments were received questioning the requirement (in the draft paper) that States apply for research and training grants at the same time that they apply for section 305 or 306 grants, and also questioning whether research in estuarine sanctuaries, approved pursuant to section 315(1) of the Act, could be funded under subsection 310(b) of the Act.

In response to State comments that tying subsection 310(b) applications to the section 305 or 306 grant applications was unnecessarily restrictive and might not enable States to best respond to research. study and training needs as they arose, regulations permit submission of applications at any time during the fiscal year.

In response to State questions about estuarine sanctuary research, the proposed regulations provide that such reearch can be funded if it can be shown to be related to program administration.

NOAA has reviewed these proposed regulations pursuant to the National Environmental Policy Act of 1969 and has determined that promulgation of these regulations will have no significant impact on the environment.

Compliance with Executive 11821. The economic and inflationary impact of these proposed regulations has been evaluated in accordance with OMB Circular A-107 and it has been determined that no major inflationary im-

pact will result. NOAA invites public comment on these proposed regulations so that they may be modified, where necessary and legally permissible, to reflect fully the needs of the public and parties affected by provisions. Written comments should be submitted to the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Page Building 1, 3300 Whitehaven St., N.W., Washington, D.C. 20235 on or before February 21, 1977. Following the close of the comment period, and after review of comments, the Associate Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, may amend these proposed regulations to reflect necessary and permissible changes. The Associate Administrator shall then have final regulations published in the FEDERAL REGISTER.

Dated: January 17, 1977.

T. P. GLEITER, Assistant Administrator for Administration.

consideration of the foregoing. Part 933 is proposed as follows:

PART 933-RESEARCH AND TECHNICAL ASSISTANCE

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AUTHORITY: Sec. 310, Coastal Zone Management Act of 1972 (Pub. L. 92-583, 86 Stat, 1280, as amended by Pub. L. 94-370, 90 Stat. 1013).

Subpart A-General

§ 933.1 Basic purposes.

(a) This section sets forth the basic purposes for which the national research

and technical assistance program, pursuant to subsection 310(a) of the Act, will be operated, and for which State research and technical assistance grants. pursuant to subsection 310(b) of the Act, will be awarded. The basic intent of both subsections is to fund research, study, and training which supports the development and administration of State coastal zone management programs. However, there is a significant difference in focus between the two subsections in that State grants pursuant to subsection 310(b) will be awarded to State coastal zone development or management agencies for the purpose of meeting State-specific research and training needs, while the na-tional program pursuant to subsection 310(a) will work with a variety of entities and will endeavor to address needs which are regional or national in scope.

(b) Comment. Statutory Citation, Subsection 310(a):

The Secretary may conduct a program of research, study, and training to support the development and implementation of management programs. * The Secretary may enter into contracts or other arrangements with any qualified person for the purposes of carrying out this subsection.

(c) Comment, Statutory Citation, Subsection 310(b):

The Secretary may make grants to coastal states to assist such states in carrying out research, studies, and training required with respect to coastal zone management.

§ 933.2 Definitions.

(a) The term "Act" means the Coastal Zone Management Act of 1972, as amended.

(b) The term "Secretary" means the Secretary of Commerce or his/her designee. Delegations of authority from the Secretary to the Administrator, National Oceanic and Atmospheric Administration (NOAA), have been duly executed by Amendment 5 of Department of Commerce Organization Order 25-5A, dated October 13, 1976 and from the Administrator to the Associate Administrator for Coastal Zone Management, by NOAA Circular 76-82, effective October 13, 1976.

(c) The term "Associate Administrameans the Associate Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administra-

tion, U.S. Department of Commerce.
(d) The term "person" is as defined in subsection 304(13) of the Act and means "any individual; any corporation, partnership, association, or other entity organized or existing under the laws of any state; the Federal Government; any state, regional, or local government; or any entity of any such Federal, state, regional, or local government.

Subpart B-National Research and **Technical Assistance Program**

§ 933.10 General.

(a) The national research and technical assistance program established pursuant to subsection 310(a) of the Act is a program utilizing contracts and other arrangements to support regional and national research, study and training activities which assist State efforts to de-

velop and/or administer coastal zone management programs.

(1) This program will be conducted so as to complement and support work being done by States using grants under sections 305 or 306 of the Act.

(2) Research, study and training efforts will be expected to address the needs of a group of States, a region, or the entire nation or the administration of the national coastal zone management program.

(b) The national research and technical assistance program is differentiated from the interstate grant program, pursuant to section 309 of the Act, by the former's emphasis on technical research. study and training. The interstate program by contrast, focuses upon regional cooperation and coordination with particular attention directed toward the development of common or unified coastal zone policies.

§ 933.11 Eligible entities and arrangements.

(a) The Associate Administrator will enter into contracts or make other arrangements with any qualified person for the performance of work pursuant to subsection 310(a) of the Act.

(1) It should be noted that the term "person" as defined in section 933.2 includes other Federal agencies, State and local governments, as well as a variety of

other entities.

(2) For purposes of this subsection, other arrangements include both costreimbursable and non-reimbursable arrangements with other Federal agencies. Such arrangements shall include the use of the provisions of the Intergovernmental Personnel Act of 1970 (Pub. L. 91-648; Pub. L. 93-638) both for purposes of training and to provide technical assistance. Other arrangements may also include grants with State agencies or other units of government, or with educational or non-profit institutions, or contracts with persons as defined in subsection 304(13) of the Act, as appropriate and necessary to the accomplishment of national research and training needs as identified by the Associate Administrator pursuant to section 933.21 of these regulations.

§ 933.12 Use of funds.

(a) Research under subsection 310(a) shall include studies, pilot or demonstration projects, or other analyses complimenting or enhancing development and administration of the State coastal management programs, but with broader application than research funded pursuant to subsection 310(b). The term "broader application" is intended to imply both a broader geographic coverage broader range of problems.

(1) Research and studies funded under subsection 310(a) can be expected

(i) Supplement and enhance work geared towards management program development and administration;

(ii) Aid in the resolution of coastal zone management issues;

(iii) Have application to a group of states, a region, or the entire nation:

(iv) Assist in resolving issues in the administration of the national coastal zone management program; and

(v) Where appropriate, be transferable or usable beyond the study area.

(2) In contrast to State grants pursuant to subsection 310(b), these efforts will not necessarily focus on technical and site-specific studies.

(b) Training under subsection 310(a) need not be limited solely to the shortterm, professional skill development anticipated pursuant to subsection 310(b).

(1) Training may include, but is not limited to, the following.

(i) Curriculum development at the high school, college, and graduate school

(ii) Testing of new approaches to education and training;

(iii) Internships; and

(iv) Exploration of the relationship of coastal zone management to other related fields.

(2) Training funded pursuant to subsection 310(a) will be expected to meet the needs of or be tarnsferrable to a group of States or to the nation.

(c) Subsection 310(a) funds may not be used for the following purposes:

(1) State management program activitles,

(2) Construction, (3) Land acquisition.

Subpart C-Operation of National Research and Technical Assistance Program

§ 933.20 General.

This section establishes the guidelines and procedures under which the Associate Administrator will operate the national research and technical assistance program established pursuant to subsection 310(a) of the Act. Each fiscal year, the Associate Administrator will develop an annual plan which sets out research and training priorities. He/she will then solicit proposals or make other arrangements, as appropriate, to accomplish the tasks described in the annual plan. Because of the variety of funding arrangements available to the Associate Administrator pursuant to subsection 310(a) the specific application procedures will vary depending on the nature of appropriate arrangements, and will be in accordance with prescribed procedures applicable to the Federal Government or pursuant to Department of Commerce or NOAA administrative procedures.

§ 933.21 Annual plan.

(a) The Associate Administrator will develop an annual plan for the national research and technical assistance program.

(1) This plan will indicate those isuses, subjects, and areas which he/she believes should be the subject of research, study or training in that year and will assign relative priorities to the proposed studies.

(2) Where possible, the plan will also indicate the means by which the Associate Administrator intends to accomplish such studdies (i.e., by request for proposals, transfer of funds to other Fed-

eral agencies, grants, etc.) and the timing of such actions.

(b) The priorities expressed in this plan, together with any other relevant information, will be made available to all interested parties at the beginning of each fiscal year.

(c) In order to be responsive to State. regional, and national coastal zone management issues and needs, and to avoid duplication of research being conducted by others, the plan will be developed in consultation with coastal States, other Federal agencies, and other interested parties.

(d) This plan may be revised throughout the course of a year to reflect newly emergent or unanticipated national research, study or training needs.

§ 933.22 Funding arrangements.

(a) To accomplish the national research and technical assistance program, the Associate Administrator may utilize any appropriate procedures, which may include:

(1) Competitive procurement.

(2) Sole source procurement,

(3) Grants to state agencies or other units of government, or educational or non-profit institutions, .

(4) Cooperative agreements.

(5) Cost-reimbursement of other Federal agencies, and

(6) Personnel transfers on a reimbursable or non-reimbursable basis.

(b) As a general rule, no more than ten percent of the funds available in any fiscal year shall be allocated to fund projects or proposals that are not responsive to the annual national research and technical assistance plan developed pursuant to § 933.21.

Subpart D--State Grants for Research and **Technical Assistance**

§ 933.30 General.

(a) The State research and technical assistance program, pursuant to subsection 310(b) of the Act, is a program of grants to States to support research, study and training activities which improve State capability to develop and/or administer coastal zone management programs.

(1) Research, study and training grant applications should develop from needs identified or problems experienced during program development and/or administration.

(2) Applications should be justified in terms of the usefulness of the anticipated results to basic program efforts.

(b) Because of the highly applied nature of research conducted pursuant to subsection 310(b) of the Act, it may be difficult to judge whether an activity is most appropriately funded pursuant to subsection 310(b) or pursuant to sections 305 and 306 of the Act.

(1) Generally speaking, those activities which are essential to meeting the criteria for program approval or which are integral to operating an approved program should be funded pursuant to sections 305 and 306 of the Act.

(2) Those activities which enhance or improve a State's ability to meet the ministration activities;

criteria for approval or to operate an approved program should be funded pursuant to subsection 310(b)

(3) It is anticipated that research and studies funded pursuant to section 310 (b) will be more technical in nature or more geographically specific than those activities typically funded pursuant to sections 305 and 306 of the Act.

§ 933.31 Eligible entities

To be eligible for grants pursuant to subsection 310(b), a State must either be making adequate progress toward the development of a coastal zone management program pursuant to section 305 of the Act or be operating an approved management program pursuant to section 306 of the Act.

§ 933.32 Use of funds.

(a) For purposes of subsection 310(b), research shall include studies, pilot or demonstartion projects, or other analyses of short term duration which can be expected to show results within one year's time. Such research or studies shall be derived from State coastal zone management program development and/or administration needs and shall utilize existing materials to the extent possible.

(1) Such research and studies will tend to focus more on technical and sitespecific issues rather than on institu-

tional and managerial issues.

(2) Research and studies related to the coastal energy impact program, established pursuant to section 308 of the Act. may be funded pursuant to subsection 310(b) of the Act if such research and studies are clearly related to a State's ongoing management program efforts and if such research and studies are not otherwise fundable pursuant to section 308 or sections 305 and 306 of the Act.

(3) Research and studies related to or conducted within an estuarine sanctuary established pursuant to section 315(1) of the Act may be funded under subsection 310(b) if such research and studies can be shown to be related to program administration, and otherwise meet the criteria set forth in these regulations.

(b) For purposes of subsection 310(b), training shall refer to the education or other development of such personnel as may be needed to efficiently and effectively develop and/or administer State coastal zone management programs or to administer coastal energy impact funds.

(1) In general, such training should be of short term duration and should be directed toward the development of specific job-related skills.

(2) Such training may be for, but not limited to, the following types of expertise at both the State and local levels: permit reviewers and inspectors, law enforcement officers, natural resource managers, economists, fiscal officers, planners, and persons with specialized training in the natural sciences.

(c) Grants issued pursuant to subsection 310(b) of the Act may not be used for the following purposes:

(1) Basic and/or long-term research

or education efforts;

(2) State management program ad-

(3) Construction;

(4) Land acquisition: or

(5) Permanent equipment acquisitions, unless susch acquisitions can also be used for program development and/or administration purposes.

§ 933.33 Funding priorities.

(a) The Associate Administrator will not establish priorities between nor allocate funds specifically to research and study activities on the one hand or training activities on the other.

(b) Highest funding priority will be given to those research and/or training activities which directly support program development and/or administration.

(c) Those States which are experiencing difficulty in achieving program approval or in implementing management programs will be given priority over States which do not appear to be experiencing such difficulty.

(d) Lower funding priority will be

given to the following:

(1) Activities which have a continuing funding dimension and a long time frame for completion: and

(2) Institutional and/or management studies more appropriately funded pursuant to sections 305 and 306 of the Act:

Subpart E—Application for State Research and Technical Assistance Grants

§ 933.50 General.

(a) The purpose of this section is to define the procedures by which grantees apply for and administer grants under the Act and to provide guidelines regarding the content of applications for State research and technical assistance grants pursuant to subsection 310(b) of the Act. These procedures shall be used and interpreted in conjunction with the Grants Management Manual for Grants under the Coastal Zone Management Act, hereinafter referred to as the "Manual. The Manual incorporates a wide range of Federal requirements, including those established by the Office of Management and Budget, the General Services Administration, the Department of the Treasury, the General Accounting Office. and the Department of Commerce.

(b) Applications for grants under subsection 310(b) of the Act will be accepted by the Associate Administrator at any time during the fiscal year provided that they contain the information

required pursuant to § 933.52.

(c) States are encouraged to submit applications for grants under subsection 310(b) at the same time that they submit applications for grants under sections 305 or 306 in order to enable the Associate Administrator to review more comprehensively State management program efforts and to expedite processing at both the State and Federal levels.

(d) States may submit more than one subsection 310(b) application per year if research or technical assistance needs arise that were not anticipated at the time of first application for subsection 310(b) funds.

(e) An application need not contain both research and training elements.

(f) Grants shall not exceed eighty per

centum of the total cost of the proposed research and/or training. Federal funds received from other sources cannot be used to match subsection 310(b) grants. Match provided by the applicant may consist of cash or in-kind services as provided in the Manual.

(g) Costs claimed as charges to the grant project must be beneficial and necessary to the objectives of the grant project. As used herein the terms "costs" and "grant project" pertain to both the Federal grant and the matching share. The allowability of costs will be determined in accordance with the provisions of FMC 74-4: Cost Principles Applicable to Grants and Contracts with State and Local Governments.

(h) Grants shall be made for a maximum of one year's duration.

§ 933.51 Applicant responsibility.

(a) The application shall designate the entity to receive and administer grants pursuant to subsection 310(b). The applicant for such grants must be that entity designated by the Governor pursuant to 15 CFR 920.52 where a State is developing a coastal management program or that entity designated by the Governor pursuant to 15 CFR 923.62 where a coastal State is administering an approved management program. This entity may, in turn, pass through funds to, or subcontract with, other entities.

(b) The grantee will be administratively and fiscally responsible for all aspects of the grant, including any subcontracts made by the grantee.

§ 933.52 Application procedure.

(a) All applications are subject to the provisions of OMB Circular A-95 (revised).

(b) The Form SF-424, Application for Federal Assistance (Non-Construction Programs), constitutes the formal application and must be submitted sixty days prior to the desired grant beginning date. The application must be accompanied by evidence of compliance with requirements of OMB Circular A-95, including the resolution of any problems raised about the proposed project. The Associate Administrator will not accept applications that are substantially deficient in adherence to A-95 requirements.

in adherence to A-95 requirements. (c) In Part IV, Program Narrative, of the Form SF-424, the applicant shall respond to the following requirements:

(1) A description of the work program to be undertaken during the grant period. This work program shall include:

(i) A precise description of each major research or study task to be undertaken, including an explanation of the need for this task, how it will be accomplished, what existing material it builds on, what results are expected, and how these results will be used in the management program.

(ii) A precise description of each major training task to be undertaken, including an explanation of the need for this training, how it will be accomplished, what existing efforts it builds on, who will benefit from it, and how these benefits will relate to the management program.

(iii) For each task, identify any "Other Entities," as defined in the "Manual," that will be allocated responsibility for carrying out all or portions of the task, and indicate the estimated cost of any subcontract for each allocation. Identify, if any, that portion of the task that will be carried out under contract with consultants and indicate the estimated cost of such contract(s). Where all or part of the work is to be subcontracted, the extent and nature of grantee supervision should be indicated.

(iv) For each task indicate the estimated total cost. Also indicate the estimated total months of effort, if any, allocated to the task from the applicant's

staff.

(2) The sum of all tasks in subparagraph (1) above should equal the total

estimated grant project cost.

(3) Using two categories, Professional and Clerical, indicate the total number of personnel in each category on the applicant's staff that will be assigned to the grant project. Also indicate the number assigned full-time and the number assigned less than full-time in the two categories. Additionally, indicate the number of new positions created in the two categories as a result of the grant project. Indicate total personnel costs. § 933.53 Approval of applications.

(a) An application for a state research, study and/or training grant which complies with the policies and requirements of the Act and the guidance contained in this subpart shall be approved by the Associate Administrator, assuming available funding.

(b) Should an application be found deficient, the Associate Administrator will notify the applicant in writing as to the manner in which the application fails to conform to the requirements of the Act or this subpart. Conferences may be held on these matters. Corrections to the application will provide the basis for resubmittal of the application for further consideration and review.

(c) The Associate Administrator may, upon finding extenuating circumstances relating to application for State research, study and/or training grants, waive appropriate administrative requirements contained herein.

§ 933.54 Amendments.

(a) Amendments to an approved application must be submitted to the Associate Administrator prior to initiation of the contemplated change. Requests for substantial changes should be discussed with the Associate Administrator well in advance. While all amendments must be approved in writing by the NOAA Grants Officer, approval may be presumed for minor amendments if the grantee has not been notified of objections within thirty (30) working days of the date of postmark of the request.

§ 933.55 Copies of products.

(a) In order to insure the ability of the Associate Administrator to make the results of research conducted pursuant to this subsection available to any interested person, grantees shall supply the Associate Administrator with five (5) copies of any products, reports, studies, etc. financed in whole or in part by subsection 310(b) monies. Such products shall be received by the Associate Administrator no later than three months after the expiration date of the grant.

(b) Comment. Statutory Citation, subsection 310(c) (2):

The Secretary shall make the results of research conducted pursuant to this section available to any interested person.

(1) At least one of the copies received by the Associate Administrator shall be transmitted to the National Technical Information Service for purposes of assuring general availability to interested parties.

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