

REQUEST FOR RECORDS DISPOSITION AUTHORITY <i>(See Instructions on reverse)</i>		LEAVE BLANK	
TO GENERAL SERVICES ADMINISTRATION NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408		JOB NO NCL-40-85-2	DATE RECEIVED 9-26-85
1 FROM <i>(Agency or establishment)</i> Department of Commerce		NOTIFICATION TO AGENCY	
2 MAJOR SUBDIVISION Office of the Secretary		In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10. If no records are proposed for disposal, the signature of the Archivist is not required.	
3 MINOR SUBDIVISION Office of the Administrative Law Judge			
4 NAME OF PERSON WITH WHOM TO CONFER Daniel J. Rooney	5 TELEPHONE EXT 377-3630	DATE 4-18-86	ARCHIVIST OF THE UNITED STATES <i>Frank A. Bunk</i>
6 CERTIFICATE OF AGENCY REPRESENTATIVE			

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records, that the records proposed for disposal in this Request of _____ page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified, and that written concurrence from the General Accounting Office, if required under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies, is attached

A GAO concurrence is attached, or is unnecessary

B DATE	C SIGNATURE OF AGENCY REPRESENTATIVE	D TITLE	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARS USE ONLY)
8/30/85	<i>Daniel J. Rooney</i>	Department Records Management Officer		
7 ITEM NO	8 DESCRIPTION OF ITEM <i>(With Inclusive Dates or Retention Periods)</i>			
	<p>The Office of Administrative Law Judge was transferred from the National Oceanic and Atmospheric Administration on August 1, 1982 and established by Department Organization Order 20-19 as a Departmental Office under the Office of the Secretary. The Administrative Law Judge reports to the Assistant Secretary for Administration and serves as the presiding officer at Departmental hearings held under Section 5 of the Administrative Procedure Act (5 USC 554).</p>			

7. ITEM NO	8 DESCRIPTION OF ITEM <i>(With Inclusive Dates or Retention Periods)</i>	9 GRS OR SUPERSEDED JOB CITATION	OF 10 ACTION TAKEN <i>(NARS USE ONLY)</i>
1.	<p><u>Civil Penalty Case Files.</u> Files of civil penalty cases adjudicated by the Administrative Law Judge presiding at Department hearings on violations of various fisheries and marine acts and other legislation the Department is charged to enforce. Files include transcripts of hearings, orders, notices of violations and assessments, settlement agreements, and similar documents.</p> <p>Destroy when 7 years after final resolution of case.</p>		
2.	<p><u>Program Subject Correspondence Files.</u> General correspondence relating to the policies, procedures, functions, and responsibilities of the office. Subjects include boundary delimitations, appeal procedures, and similar matters.</p> <p>Destroy when 7 years old.</p>		
3.	<p><u>Administrative Subject Files.</u> Files consisting of office copies of documents relating to internal housekeeping activities of the office, such as personnel, budget, time and attendance, travel, procurement and similar routine matters that do not relate to the functions for which the office exists.</p> <p>Destroy when 2 years old.</p>	GRS 23/1	

APPRAISAL REPORT ON RECORDS DISPOSITION REQUEST

JOB NUMBER
NC1-40-85-2

SECTION I - ACTION TAKEN

- 1. **APPROVED FOR DISPOSAL** The records described under all items of the schedule, except those that may be listed in blocks 2, 3, and 4 of this section, are disposable because they do not have sufficient value for purposes of historical or other research, functional documentation, or the protection of individual rights to warrant permanent retention by the Federal Government
- 2. **APPROVED FOR PERMANENT RETENTION** The records described under the following item or items have been appraised by the National Archives and Records Service (NARS) and are designated for permanent retention by the Federal Government. The agency will offer these records to NARS as specified in the schedule
- 3. **DISPOSITION NOT APPROVED** The records described under the following item or items are not approved for disposition. See Section III of this form for explanation
- 4. **WITHDRAWN** The records described under the following item or items have been withdrawn at the request of the agency

SECTION II - RECOMMENDATION/CONCURRENCES

	TITLE	SIGNATURE	DATE
APPRaisal	APPRaiser	<i>Richard E Wood</i>	4/16/86
	DIRECTOR, RECORDS DISPOSITION DIVISION	<i>Kenneth F. Rossman</i>	4/16/86
CONCURRENCES	Director, NNF	<i>Daniel H. Feggy</i>	4-17-86

SECTION III - APPRAISER'S COMMENTS

This job consists of a schedule for records of the Office of Administrative Law Judge, Department of Commerce. Included are administrative and program subject correspondence files and civil penalty case files, none of which warrant archival retention because of previous publication or their facilitative nature.

H.W. 1/31/86

January 31, 1986

TO: NIR

FROM: Dick Wood

SUBJECT: Proposed Federal Register Notice for Job No. NC1-40-85-2

Department of Commerce, Office of the Secretary, Administrative Law
Judge. Subject files and civil penalty files.

This notice was published in the Federal Register February 14, 1986.
At the end of the comment period there were no requests for copies and
no comments received.

Dick Wood 4/16/86

National Archives



Washington, DC 20408

Date 1/29/86
Reply to
Attn of NNFN(S) *fu*
Subject NC1-40-85-2
To NNFN

I agree with the NIR recommendations; these records need be kept no longer than the requested disposition period.

NNF:

I agree and will recommend your concurrence when the job comes through.

JMBurch NNFN 1-29-86

January 29, 1986

NIR: I concur.

DT
DTGoggin, NNF

OK-NNFN
JMBurch 4-17-86

National Archives



Washington, DC 20408

HW 1/21/86

Date January 21, 1986
Reply to Attn of William H. Davis NIR-C
Subject Appraisal of Records covered by Job number NC1-40-85-2
To Director, NIR *HW 1/21*

This job consists of a request for disposition authority for previously unscheduled records of the Department of Commerce (DOC). The records themselves relate to the legal and administrative functions of the Office of the Administrative Law Judge to hear cases involving, most frequently, the National Oceanic and Atmospheric Administration (NOAA), the International Trade Administration, and the Patent and Trademark Office. The series consist of the following.

1) Civil Penalty Case Files, 1984-present, arranged alphabetically by case name, consist of closed and active cases adjudicated by the Administrative Law Judge on violations of fisheries and marine acts. Decisions in the more significant of the cases are published in publications such as NOAA's Ocean Resources and Wildlife Reporter. Files include transcripts, orders, notices, settlements, agreements, testimony, exhibits, and petitions. Proposal is to destroy the records seven years after the final resolution of all cases.

2) Program Subject Correspondence Files, 1979-present, arranged chronologically by date, consist of general correspondence relating to the policies, procedures, functions, and responsibilities of the office. The most numerous subjects found include boundary delimitations, appeal procedures, legal authorities, petitions, statute of limitations, and similar matters. Proposal is to destroy records after seven years.

3) Administrative Subject Files, 1979-present, arranged alphabetically by subject, consist of office copies of documents relating to internal housekeeping activities of the office, such as personnel, budget, time and attendance, travel, procurement and similar routine matters that do not relate to the functions for which the office exists. This series is in agreement with the General Records Schedule 23/1. Proposal is to destroy records after two years.

Both the staff of the Office of the Administrative Law Judge and the DOC Records Officer concurred that the proposed retention periods are sufficient to cover any further action on the cases. Examination of the records indicate that they lack long term value for legal, evidential, and informational purposes. They also do not have enduring historic value for archival purposes. I recommend the approval of this job, and would appreciate NNF's comments on this appraisal.

William H. Davis

William H. Davis

Records Appraisal and Disposition Division