

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

LEAVE BLANK

JOB NO.

NI-476-90-2

DATE RECEIVED

11-17-89

TO: GENERAL SERVICES ADMINISTRATION
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408

1. FROM (Agency or establishment)
U.S. Department of Commerce

2. MAJOR SUBDIVISION
Bureau of Export Administration

3. MINOR SUBDIVISION
Office of Technology and Policy Analysis

4. NAME OF PERSON WITH WHOM TO CONFER
Richard Usrey

5. TELEPHONE EXT.
377-5653

NOTIFICATION TO AGENCY
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disposal request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.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.

DATE
3/11/91

ARCHIVIST OF THE UNITED STATES
[Signature]

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 9 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 8-30-89	C. SIGNATURE OF AGENCY REPRESENTATIVE <i>Sherry M. Cage</i> Sherry M. Cage	D. TITLE Departmental Records Management Officer
--------------------	--	---

7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARS USE ONLY)
	<p><u>THE OFFICE OF TECHNOLOGY AND POLICY ANALYSIS</u></p> <p>The Office of Technology and Policy Analysis (OTPA) develops and implements overall policies for the licensing of exports, carries out technical reviews of the International Control List to determine whether commodities should be added, removed, or revised, and responds to advisory opinion/commodity classification requests by exporters. This office represents the Department on interagency and international groups dealing with national security and foreign policy issues, and formulates the Department's position on nuclear non-proliferation controls.</p> <p>OTPA also reviews and analyzes precedent-setting cases and provides written delegations to the Office of Export Licensing. In addition, OTPA develops positions on and interpretations of the Export Administration Regulations (EAR), responds to appeals submitted by exporters in response to rejected export license applications, and prepares economic impact assessments related to export controls.</p>		

The records identified in this Records Control Schedule supersede the records identified in the International Trade Administration's Records Control Schedules

THE OFFICE OF TECHNOLOGY AND POLICY ANALYSIS

The Office of Technology and Policy Analysis (OTPA) develops and implements overall policies for the licensing of exports, carries out technical reviews of the International Control List to determine whether commodities should be added, removed, or revised, and responds to advisory opinion/commodity classification requests by exporters. This office represents the Department on interagency and international groups dealing with national security and foreign policy issues, and formulates the Department's position on nuclear non-proliferation controls.

OTPA also reviews and analyzes precedent-setting cases and provides written delegations to the Office of Export Licensing. In addition, OTPA develops positions on and interpretations of the Export Administration Regulations (EAR), responds to appeals submitted by exporters in response to rejected export license applications, and prepares economic impact assessments related to export controls.

Records of The Director of OTPA

1. OTPA Subject Files These are records of communications with other government agencies and with the divisions of OTPA developed by the Director on emerging export control matters, and application of existing legislation and regulations. Many of these concern major export policy issues consisting of information requested by top level authorities in Commerce and other agencies.

The Director's memoranda to the Divisions provide guidance on changes of procedures, interpretations of law or regulations and on special situations surrounding exports of specific commodities. These records are filed alphabetically by subject matter.

Cut off annually
Review
Permanent ~~Transfer~~ to WNRC when no longer needed for current business. *Offer* to the National Archives when 20 years old. *Transfer*

2. Country Files These are briefing papers prepared for the Secretary of Commerce regarding current and changing export policies for individual countries. These are mostly of short term relevance. They are filed alphabetically by country.

Destroy when no longer needed for current business or when 1 year old, whichever is sooner.

3. Appeals and Referrals These are copies of records of appeals on rejected export license applications and referrals of applications transferred by OEL. These appeals and referrals are assigned to divisions within OTPA for review and for stating OTPA's opinion on the license applications. These are filed by case number.

Destroy when no longer needed for reference purposes.

The Technology Analysis Division, composed of the Technology Centers reviews the International Control List entries to determine whether commodities should be added, removed or revised; processes Advisory Opinions/Commodity Classification requests in accordance with statutory deadlines established by Congress; represents the Department on the interagency Operating Committee (OC); responds to appeals submitted by exporters in response to rejected export license applications; develops written procedures for the processing of technical data applications for export; and provides technical support for and participates in bilateral, multilateral and COCOM negotiations related to export controls. The centers are:

- o Capital Goods and Production Materials Technology Center;
- o Computer Systems Technology Center;
- o Electronic Components and Instrumentation Technology Center;
- o Telecommunications Technology Center

4. COCOM List Review File - These are papers containing policy discussions and U.S. objectives behind each review of the International List (IL) of COCOM. Also included are the reasons for the position taken by the U.S. Filed by Export Control Commodity Number (ECCN).

Permanent ^{Retire} ~~Transfer~~ to WNRC when no longer needed for current business. ^{offer} ~~Transfer~~ to the National Archives when 20 years old.

5. The Militarily Critical Technologies List (MCTL) assures that national security-based export controls are limited to goods and technology that are militarily critical. Developed by the Department of Defense, the MCTL is a technical reference and source document to support the development of export control policy and proposals to COCOM, as well as the review of export applications by DOD.

Destroy when superseded by the next annual list.

6. Tech Center TAC Files Each of the four Tech Centers maintains TAC files related to their respective commodities. These are record copies of formal recommendations, reports, studies, and minutes of meetings of the committees.

^{Cutoff annually.}

Destroy when 7 years old.

The Technical Support Staff provides technical support, expertise and guidance to the Technical Advisory Committees (TACs); coordinates the processing of all commodity classification requests and ensures their timely completion; receives precedent-setting cases referred from the Office of Export Licensing (OEL), and coordinates/tracks their processing and return to OEL.

7. Records Related to the Technical Advisory Committees.
The Technical Advisory Committees (TACs) perform the advisory function set forth in the Export Administration Act, i.e., to advise and assist with respect to questions involving technical matters, worldwide availability and actual utilization of production technology, licensing procedures which affect the level of export controls applicable to any goods or technology, and exports subject to multilateral controls in which the United States participates. An alphabetical subject file is created for each commodity represented by a TAC. Major subject headings within each TAC include the TAC charter and continuation; TAC committee members; COCOM proposals regarding TACs; foreign availability; reports; studies; subcommittees; and agenda, summaries and minutes of meetings.

Subject files describing substantive issues considered by each TAC, committee and subcommittee functions, and all formal recommendations, reports and studies resulting from TAC activities. These also include agendas, summaries, and minutes of meetings

Permanent ^{Cut off annually} ~~Transfer~~ to WNRC when 5 years old. ^{Transfer} Offer to NARA when 20 years old.

8. President's Export Council (PEC) Subcommittee on Export Administration Through the Secretary of Commerce, the PEC advises the President on matters relating to United States export trade and reports to him on its activities and recommendations for expanding U.S. exports. The Subcommittee on Export Administration (SEA) advises on matters pertinent to those portions of the Export Administration Act that deal with U.S. policies of encouraging trade with all countries with which the U.S. has diplomatic or trading relations, and of controlling trade for national security, foreign policy, and short supply reasons.

Arranged by subject matter, these files provide the principal documentation of the SEA's functions, activities, and deliberations. Records include agendas and minutes of meetings, briefing materials, incoming and outgoing correspondence, memoranda, reports, transcripts of proceedings, and the like.

cut off annually.
Permanent ^{Retire} Transfer to WNRC when no longer needed for current business. ^{Transfer} Offer to NARA when 20 years old.

9. Commodity Control List (CCL) and Information Request Case Files The Technical Support Staff serves as the coordinating point for OTPA in responding to exporters' requests for commodity classifications and for requests for information concerning the applicability of export license requirements to a proposed export transaction or series of transactions (advisory opinions). These records include correspondence, descriptive literature, brochures, and technical papers or specifications enabling OTPA to determine the correct CCL number. The records are filed in alphabetical order by name of requestor within each calendar year.

cut off annually.
Destroy when 7 years old.

10. Commodity Jurisdiction File These are records of correspondence referred to OTPA by the Office of Munitions Control of the Department of State, to determine which agency should take licensing action on an exporter's request to export a particular commodity. Included are copies of correspondence from potential exporters, State Department referral letters, OTPA Technical Center comments, commodity specifications, and company brochures. Records are filed chronologically by year and thereunder by case number.

cut off annually
Destroy when 7 years old.

11. Advice on Seizures or Detentions These are records of requests from and replies to the U.S. Customs Service and the Office of Export Enforcement for classification of commodities seized or detained. Records are filed chronologically by year and thereunder by case number.

cut off annually.
Destroy when 7 years old.

The Regulations Branch develops positions on the application and interpretation of the Export Administration Regulations (EAR); coordinates the preparation, issuance, simplification and automation of the EAR; provides guidance to the export community on significant policy changes that have affected the EAR and export licensing procedures.

11A. Record Set of Export Administration Regulations and Export Administration Bulletins.

1. Documents created by BXA: Permanent Transfer to National Archives in five year blocks when the most recent record is 15 years old.
2. Documents created by BXA predecessor agencies:
Permanent Transfer to National Archives in five year blocks when the most recent record is 30 years old or when no longer needed for operations, whichever is later.

12. Supporting Papers for Export Administration Bulletins

The Export Administration Regulations are updated and revised with bimonthly bulletins. These records consist of copies of regulations changes prepared by the Regulations Branch, copies of notices of changes from the Federal Register, Federal Register notices of Denial Orders and negatives and camera copies of previous bulletins.

Destroy when superseded by the next bulletin.

13. Case Files of Regulatory Changes - These are the records of completed revisions in the Export Administration Regulations. Each file contains:

- o original instructions to initiate the revision
- o concurrence records of agency approvals
- o draft copies and final copy of the revision
- o public comments on the revision

These records are filed by assignment number within each fiscal year in which the revision originated.

~~Retire~~
Transfer to WNRC one year after publication in the Federal Register. Destroy when 7 years old.

14. General Correspondence File - These are letters from companies and individuals and replies to the letters on subjects of interpretation of export regulations. They are filed alphabetically by name of the company or individual who originated the incoming letter.

Cur off annually
Destroy when 4 years old.

-7-

15. Cables Files - These are cables from foreign posts and copies of cables in response to questions on the interpretation of export regulations. They are filed alphabetically by the post originating the incoming cable.

Cur off annually
Destroy when 4 years old.

The Country Policy Branch prepares the Commerce position on technical COCOM policy issues and provides guidance for BXAs' implementation of such COCOM policies; performs preparatory work for and represents DOC at COCOM's Executive Committee and its Subcommittees; develops the DOC position for and may represent DOC at bilateral agreements on export control issues and develops implementation plans for such agreements; evaluates and recommends DOC positions on third country initiatives, participates in the negotiations and implements resulting agreements; develops the DOC position on foreign policy controls for high-level policy papers and reviews and develops policy on precedent-setting cases involving foreign policy controls.

16. Country Files These are complete and detailed records concerning all export matters on individual countries. They include papers on strategic trade agreements, negotiating documents, briefing papers, cables, and copies of papers concerning the respective countries also found in the Subject Files described below. Filed alphabetically by country.

Cur off annually
P.U. Permanent *Retire* Transfer to WNRC when 5 years old and *transfer* offer to
1-18-91 National Archives when 15 years old.
20

17. Subject Files These are records of export policies that mostly pertain to more than one country. Among these records are: COCOM list reviews; files on Import Certificate/Delivery Verification procedures, Human Rights, Harmonization, Anti-Terrorism, Chemical Warfare, and Biotechnology. Filed alphabetically by subject title.

Retire
Transfer to WNRC when 5 years old. Destroy when 15 years old.

The Special Projects Branch prepares economic impact assessments related to export controls to include proposed foreign policy controls and exports to proscribed destinations, prepares and defends the DOC positions on export control issues regarding commodities of special international interest, represents the department on the Sub-group on Nuclear Export Coordination (SNEC), and oversees the implementation of the efforts to effect international agreements on such issues as the control of supercomputers. This branch also provides Export Administration liaison with intelligence community activities and represents DOC at these meetings and assures that the results of intelligence community studies are incorporated into the Export Administration decision-making process.

18. Subgroup on Nuclear Export Coordination (SNEC) This group reviews license applications for the export of goods or technical data with nuclear related end-uses. These records are the documentation of the examination of applications to export nuclear related commodities that are important for use in the development of nuclear weapons to assure that export is in accordance with U.S. policy objectives. Papers pertaining to the implementation of U.S. programs in the field of nuclear weapons development, communications, aircraft and maritime nuclear propulsion are also included. Also included are the agenda and minutes of the SNEC meetings.

Permanent ^{Cut off annually} ~~Retire~~ Transfer to WNRC when no longer needed for current business. ^{Transfer} Offer to NARA when 20 years old.

19. Supercomputer Subject Files The export of U.S. origin supercomputers requires strict and critical examinations of license applications. These records include international agreements on exports, specific country issues, and historical and recently negotiated issues. The highest classification of these records is secret. They date from September 1986 and accumulate approximately one cubic foot per year. These are filed alphabetically by subject.

Permanent ^{Retire} ~~Retire~~ ^{transfer} Transfer to WNRC when 5 years old and offer to National Archives 20 years later.

20. Supercomputer Case Files These are the complete records of all supercomputer licenses including pending applications, approved licenses, and the required documentation associated with the licenses. These are filed alphabetically by exporter and thereunder by case number.

~~Review~~
~~Transfer~~
Cutoff Annually

Transfer to WNRC when 5 years old. Destroy when 10 years old.

21. Special Projects Subject Files These are records of a variety of special projects engaged in by this branch. Among these are: agenda and minutes of meetings of the MCTL Implementation Technical Advisory Committee (MITAC). Filed in alphabetical order by subject title.

~~Review~~
~~Transfer~~
Cutoff Annually

Transfer to WNRC when 5 years old. Destroy when 10 years old.

Records Common to All Units of the Office of Technology and Policy Analysis.

22. Chronological, Reading, Ticker or Suspense Files Extra copies of correspondence maintained for convenience of reference, or to indicate a due date for an action. In some cases, these copies are removed from such files and used for cross-reference and other purposes in subject files. Filed in chronological sequence.

Destroy when no longer needed for current business or when 1 year old, whichever is sooner.

23. Working Paper Files - These files maintained by individual staff members consist of background materials, work papers, extra copies, drafts, and technical reference materials pertaining to particular staff assignments given to individual members.

Destroy when no longer needed for current business.