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| REQUEST FOR RECORDS DISPOSITION AUTHORITY | | JOB NUMBER N1-40-99-1 | |
| To: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR) WASHINGTON, DC 20408 | | DATE RECEIVED 11-26-99 | |
| 1. FROM (Agency or establishment) 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 disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10. | |
| 3. MINOR SUBDIVISION | | | |
| 4. NAME OF PERSON WITH WHOM TO CONFER Victoria Kruk | 5. TELEPHONE 202-482-3344 | DATE 4-6-00 | ARCHIVIST OF THE UNITED STATES <i>[Signature]</i> |
| 6. AGENCY CERTIFICATION I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached <u>4</u> 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, under the provisions of Title 8 of the GAO manual for Guidance of Federal Agencies, | | | |
| <input checked="" type="checkbox"/> is not required; <input type="checkbox"/> is attached; or <input type="checkbox"/> has been requested. | | | |
| DATE 11/22/99 | SIGNATURE OF AGENCY REPRESENTATIVE <i>Victoria A. Kruk</i> | TITLE Department Records Management Officer | |
| 7. Item No. | 8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION | 9. GRS OR SUPERSEDED JOB CITATION | 10. ACTION TAKEN (NARA USE ONLY) |
| | This schedule provides one-time disposition authority for Department of Commerce records stored at the Washington National Records Center (WNRC) under Record Group 40. The attached pages contain a description of the series proposed for disposal. | | |

Office of the Secretary

1. Office of the Secretary of Commerce Review Files. Correspondence, memorandums, and reports arranged chronologically or numerically, that deal with matters of international or domestic significance, a national security, or a politically sensitive nature. The records document the Secretary's interaction with internal Departmental affairs, other executive branch agencies, the Congress, and the President. They date from 1913 through 1952. Security classifications include TOP SECRET, SECRET, CONFIDENTIAL, and 1 document stamped RD.

Disposition: Permanent. Transfer to NARA in 2001.

WNRC Accession 40-55R-0074, Box 131.

Office of the General Counsel

2. Office of the General Counsel Administrative and General Subject Files (1967-1968). These records deal with routine administrative and program matters that do not warrant continued preservation. The files have administrative value, but do not contain documentation having either evidential or informational value concerning the programs and activities of the Office of the General Counsel. The administrative subjects deal with matters such as accounting, appropriations, establishing a central sales point for audiovisual materials, forms, employee parking, procurement of magazine subscriptions, and official travel that are routinely disposable under the General Records Schedules. Program related subject files include: agreements between the Commerce Department and other Federal agencies; appeals board matters; civil rights; legislation; litigation; outdoor recreation; and, policies and procedures concerning trade secrets/proprietary information that contain duplicate or information copies of documents filed elsewhere in the Office of General Counsel and/or printed materials about the subject. Substantive program documentation about the subjects dealt with here are found in the files of the Executive Secretariat, in other program files maintained by the Office of the General Counsel, and in the files of senior officials in the Department of Commerce. Arranged by subject.

Disposition: Destroy immediately upon approval of this schedule.

WNRC Accession No. 40-71A4685 (Boxes 16 and 17).

3. Office of the General Counsel Records of the Oil Import Appeals Board Case Files, 1959-60. These case files were accumulated by the Commerce Department's representative to the Oil Import Appeals Board (OIAB). The OIAB was established by Presidential Proclamation 3279 in 1959 and consisted of 3 members: the Chair from the Department of the Interior, under whose

auspices the Board operated from 1959 through 1974, and one member each from the Departments of Commerce and Defense. OIAB's Rules and Procedures were published in the *Federal Register* on December 23, 1959 (24 F.R. 10444). Carl F. Oechsle, an Assistant Secretary of Commerce, was the principal Commerce Department representative during the period covered by these records. These files were in the custody of Allen R. DeLong, a Special Assistant to the General Counsel of the Department of Commerce, who also participated in the deliberations of the OIAB.

Documentation includes: the Decision of the Board concerning the matter before it; a petition from an oil company to the Board; company correspondence providing supplemental information requested by the Board, for example, company financial statements; thermofax copies of correspondence; Congressional correspondence on behalf of a constituent (found in a few of the case files); transcript of proceedings before the Board (mimeographed copies); hand-written notes about the case; summary of petition; and, supplemental petition, where required. These case files consist of white tissue copies of petitions, correspondence, Interior Department letterhead, and related case materials, indicating that these are duplicates provided by the OIAB to the Commerce Department's representative to it. The files are arranged by the name of the petitioning company and assigned a serial number. The first folder in Box 1 contains an index to the cases.

The files provide routine documentation of the resolution of petitions brought before the OIAB. In a few instances, a case became the subject of litigation. Court records would contain details of their resolution. These case files have administrative and legal value, but do not warrant continued preservation.

Disposition: Destroy immediately upon approval of this schedule.

WNRC Accession: 40-69A0344 (Boxes 1 - 3).

4. Attorneys' Working Files. Files created and maintained by individual attorneys in the course of their daily work or to complete assignments. These files consist of reference materials and duplicates of official correspondence located in other files. Dates range from 1956 through 1966. (NC1-40-85-1, item 4.)

Disposition: Destroy immediately upon approval of this schedule.

WNRC Accessions: 40-66A0696 (Boxes 4 - 10), 40-68B6138 (Boxes 1 - 2), 40-68C6138 (Boxes 4, 6 - 10).

5. Office of the General Counsel Civil Aeronautics Board (CAB) Dockets. These are copies of decided CAB Dockets accumulated by staff of the Office of General Counsel. Maintained alphabetically by company name, they date from 1956 through 1962. Substantive documentation

concerning these dockets is found in the Records of the Civil Aeronautics Board (CAB), Records of the Dockets Section under Record Group 197 in the National Archives of the United States. Both microform and textual records exist for docketed cases and other dockets from 1938 through 1984.

Disposition: Destroy immediately upon approval of this schedule.

WNRC Accession: 40-66A0696 (Boxes 1 - 3).

6. Office of the General Counsel National Production Authority (NPA) Files. Subject files dealing with various legal aspects of the activities of the NPA, including delegations of authority, Defense Production Act and Departmental Orders, and defense mobilization. These files range in date from 1950 through 1953. Substantive documentation of the activities of the NPA is found in the National Archives of the United States under Record Group 277, Records of the National Production Authority.

Disposition: Destroy immediately upon approval of this schedule.

WNRC Accession: 40-66A0868 (Boxes 1 - 4).

7. Office of the General Counsel Business and Defense Services Administration (BDSA) Subject and Case Files. Records dealing with the legal and program activities of the BDSA. The agency was established by Department Order No. 152 on October 1, 1953 as the successor to the National Production Authority. Loosely arranged by subject, the files deal with such matters as relocation activities including "Operation Alert," operations to test emergency readiness and mobilization for war, programs to ensure the readiness of U.S. industry to mobilize its resources should war be declared, and records related to the transfer of a National Bureau of Standards (NBS) facility to the Department of Defense (DoD). Some of these are stamped with "Roper," indicating that these are the files of Burt Roper, the General Counsel. A few of the folders may have been extracted from other files series and these could be record copies.

The case files document compliance audits of companies conducted under the provisions of the Controlled Materials Plan and related requirements established under the Defense Production Act, and security investigations of individuals and companies. They contain routine periodic reports, consisting of APRA forms 6 and 8, with a cover memorandum following a standard format, concerned with mundane matters such as storage and availability of raw materials, fabrication processes and costs, and employee training. The highest national security classification of all these records is SECRET.

a. Relocation Activities Files, Facilities Transfer Files, and Subject Files.

Disposition: Permanent. Transfer to NARA in 2001.

WNRC Accession: 40-66A0868, Boxes 5 - 7 (partial).

- b. **Company Audit Files Related to CMP, DMS and MC-DMS and Security Investigation Files on individuals and companies. Disposition: Temporary. Destroy during archival processing.**

WNRC Accession: 40-66A0868, Boxes 6 (File 47, Butler Mfg. Co. Audit through File 53, North American Aviation DMS Audit Report) and Box 7 (File 3, Thompson Products Inc. - DMS Audit Report through Youngstown Steel Car Corp.)