

November 30, 1979

Please file as NOAA Directives Manual 05-10 (Supersedes NOAA Circular 79-18 filed as NDM 05-10)

SUBJECT: Delegation of Authority, Outer Continental Shelf Lands Act Amendments of 1978

TO: Financial Management Centers

1. Legislation. The Outer Continental Shelf (OCS) Lands Act Amendments of 1978, P.L. 95-372, authorized the Secretary of Commerce to engage in certain activities related to offshore energy exploration and development.

2. Delegation to the Administrator of NOAA. By Section 3.01 of Department Organization Order 25-5A (DOO 25-5A) at subsection jj, the Secretary has delegated, with certain reservations, all of the authority specified in paragraph 1 of this Circular to the Administrator. In addition, by Section 3.02 of DOO 25-5A, the Secretary has delegated to the Administrator such additional authorities of the Secretary, not enumerated, which are necessary to perform the functions assigned in the order. Section 3.03 of DOO 25-5A authorizes the Administrator to redelegate certain of these authorities to any employee of NOAA.

3. Reservation of Authority by the Secretary. The Secretary has specifically reserved authority to:

a. Submit to the Congress the annual report required by Section 406 of P.L. 95-372.

b. Provide general policy guidance to the Administrator and to consult with the Administrator to the extent permitted by law concerning the Administrator's functions.

4. Delegations Within NOAA. With the reservations specified in paragraph 3, the authorities vested in the Secretary of Commerce as specified in paragraph 1 of this Circular and delegated to the Administrator as specified in paragraph 2 of this Circular are hereby redelegated as follows:

a. The Assistant Administrator for Research and Development is delegated the authority specified in DOO 25-5A, subsection 3.10jj(1) and (2) as amended.

b. The Assistant Administrator for Fisheries (F) and the NOAA General Counsel (GC) are delegated the authority specified in DOO 25-5A, subsections 3.01jj(3), as amended, to be exercised as follows:

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(1) F will manage the program and handle claims through the recommended settlement stage;

(2) F claims files and recommended dispositions will be sent to NOAA GC, which will then assume responsibility for handling the claims in continued consultation with F;

(3) NOAA GC will then prepare a final recommendation to the Administrative Law Judge. In accordance with the general litigation responsibilities of NOAA GC, it shall represent NOAA in any resulting hearings before the Administrative Law Judge concerning the disposition of these cases. NOAA GC shall have the power in such cases of compromise, settlement, dismissal or return of the case for further action by F;

(4) NOAA GC will represent the Fisherman's Contingency Fund's position before the Administrative Law Judge during the hearing process and in all court actions, such as appeal, subrogation, or statutory or constitutional challenges.

c. The Assistant Administrator for Fisheries (F) is delegated the authority specified in DOO 25-5A, subsection 3.01jj(4), as amended.

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Richard A. Frank
Administrator