

which access to such materials shall be allowed.

*Implementing the JFK Act—Notice of Assassination Records Determination*

The Review Board has replaced the term "Catalog of Assassination Records" that appeared in the proposed interpretive regulations and redrafted § 1400.8 to clarify the Review Board's intent. In the final interpretive regulations, the Review Board substitutes the term NARD for prior references to a "catalog."

*Paperwork Reduction Act Statement*

The regulation is not subject to the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) because it does not contain any information collection requirements within the meaning of 44 U.S.C. 3502(4).

*Regulatory Flexibility Act Certification*

As required by the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, the Board certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities and that, therefore, a regulatory flexibility analysis need not be prepared, 5 U.S.C. 605(b). The proposed rule would not impose any obligations, including any obligations on "small entities," as set forth in 5 U.S.C. 601(3) of the Regulatory Flexibility Act, or within the definition of "small business," as found in 15 U.S.C. 632, or within the Small Business Size Standards in regulations issued by the Small Business Administration and codified in 13 CFR part 121.

*Review by OMB*

This regulation has been reviewed by OMB under Executive Order 12866.

**List of Subjects in 36 CFR Part 1400**

Administrative practice and procedure, Archives and records.

Accordingly, the review Board hereby establishes a new chapter XIV in title 36 of the Code of Federal Regulations to read as follows:

**CHAPTER XIV—ASSASSINATION RECORDS REVIEW BOARD**

**PART 1400—GUIDANCE FOR INTERPRETATION AND IMPLEMENTATION OF THE PRESIDENT JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION ACT OF 1992 (JFK ACT)**

Sec.

- 1400.1 Scope of assassination record.
- 1400.2 Scope of additional records and information.
- 1400.3 Sources of assassination records and additional records and information.
- 1400.4 Types of materials included in scope of assassination record and additional records and information.
- 1400.5 Requirement that assassination records be released in their entirety.
- 1400.6 Originals and copies.
- 1400.7 Additional guidance.
- 1400.8 Implementing the JFK Act—Notice of Assassination Record Designation.

**Authority:** 44 U.S.C. 2107.

**§ 1400.1 Scope of assassination record.**

(a) An *assassination record* includes, but is not limited to, all records, public and private, regardless of how labeled or identified, that document, describe, report on, analyze or interpret activities, persons, or events reasonably related to the assassination of President John F. Kennedy and investigations of or inquiries into the assassination.

(b) An *assassination record* further includes, without limitation:

- (1) All records as defined in Section 3(2) of the JFK Act;
- (2) All records collected by or segregated by all Federal, state, and local government agencies in conjunction with any investigation or analysis of or inquiry into the assassination of President Kennedy (for example, any intra-agency investigation or analysis of or inquiry into the assassination; any interagency communication regarding the assassination; any request by the House Select Committee on Assassinations to collect documents and other materials; or any inter- or intra-agency collection or segregation of documents and other materials);
- (3) Other records or groups of records listed in the Notice of Assassination Record Designation, as described in § 1400.8 of this chapter.

(c) Other records or groups of records listed in the Notice of Assassination Record Designation, as described in § 1400.8 of this chapter.

**§ 1400.2 Scope of additional records and information.**

The term *additional records and information* includes:

- (a) All documents used by government offices and agencies during their declassification review of assassination records as well as all other documents, indices, and other material

(including but not limited to those that disclose cryptonyms, code names, or other identifiers that appear in assassination records) that the Assassination Records Review Board (Review Board) has a reasonable basis to believe may constitute an assassination record or would assist in the identification, evaluation or interpretation of an assassination record. The Review Board will identify in writing those records and other materials it intends to seek under this section.

(b) All training manuals, instructional materials, and guidelines created or used by the agencies in furtherance of their review of assassination records.

(c) All records, lists, and documents describing the procedure by which the agencies identified or selected assassination records for review.

(d) Organizational charts of government agencies.

(e) Records necessary and sufficient to describe the agency's:

- (1) Records policies and schedules;
- (2) Filing systems and organization;
- (3) Storage facilities and locations;
- (4) Indexing symbols, marks, codes, instructions, guidelines, methods, and procedures;

(5) Search methods and procedures used in the performance of the agencies' duties under the JFK Act; and

(6) Reclassification to a higher level, transfer, destruction, or other information (e.g., theft) regarding the status of assassination records.

(f) Any other record that does not fall within the scope of assassination record as described in § 1400.1, but which has the potential to enhance, enrich, and broaden the historical record of the assassination.

**§ 1400.3 Sources of assassination records and additional records and information.**

Assassination records and additional records and information may be located at, or under the control of, without limitation:

(a) Agencies, offices, and entities of the executive, legislative, and judicial branches of the Federal Government;

(b) Agencies, offices, and entities of the executive, legislative, and judicial branches of state and local governments;

(c) Record repositories and archives of Federal, state, and local governments, including presidential libraries;

(d) Record repositories and archives of universities, libraries, historical societies, and other similar organizations;

(e) Individuals who possess such records by virtue of service with a government agency, office, or entity;

(f) Persons, including individuals and corporations, who have obtained such