

Assassination Records Review Board

600 E Street NW ▪ 2nd Floor ▪ Washington, DC 20530

June 9, 1995

BY FACSIMILE

Ms. Maya Bernstein
Office of Information and Regulatory Affairs
Office of Management and Budget
725 Seventeenth Street, NW, Room 10236
Washington, D.C. 20503

Re: Proposed 1995-96 Rulemaking by the Assassination Records Review Board

Dear Ms. Bernstein:

I am writing in response to our previous discussions and the rules contained in Executive Order No. 12,866: Regulatory Planning and Review.

During the upcoming year, the Assassination Records Review Board ("Review Board") does not anticipate issuing any regulations deemed "significant" as defined by the Executive Order. However, the Review Board does anticipate issuing the following regulations and notices:¹

1. Guidance on Interpreting and Implementing the President John F. Kennedy Assassination Records Collection Act of 1992 -- final rulemaking. 36 CFR 1400. The Review Board issued its proposed interpretive regulation in the Federal Register on February 8, 1995. For further discussion, see below.
2. Sunshine Act regulations, 36 CFR 1405. NPRM and final rulemaking. The Review Board will issue standard regulations pursuant to 5 U.S.C. 552b. These proposed regulations have been prepared and will be issued as soon as the Review Board receives notification from OIRA. Although we intend to issue the regulations

¹For each of these proposed regulations or notices, the knowledgeable agency official is T. Jeremy Gunn, Acting General Counsel. Mr. Gunn is our Regulatory Policy Officer. He can be reached at (202) 724-0088.

- with a 30-day comment period, we can expand the time if you so advise.
3. Freedom of Information Act regulations, 36 CFR 1410. NPRM and final rulemaking. The Review Board will issue standard regulations pursuant to 5 U.S.C. 552. These proposed regulations have been prepared and will be issued as soon as the Review Board receives notification from OIRA. Although we intend to issue the regulations with a 30-day comment period, we can expand the time if you so advise.
 4. Privacy Act regulations, 36 CFR 1415. NPRM and final rulemaking. The Review Board will issue standard regulations pursuant to 5 U.S.C. 552a. These proposed regulations have been prepared and will be issued as soon as the Review Board receives notification from OIRA. Although we intend to issue the regulations with a 30-day comment period, we can expand the time if you so advise.
 5. Description of Organization -- 36 CFR 1420. Notice. The Review Board intends to issue a Statement of Organization, Function, and Authority Delegations pursuant to 5 U.S.C. 552(a)(1). This notice is currently being drafted.

In addition, our enabling legislation, 44 U.S.C. 2107, requires us to issue regular notices of the results and status of the review process. We are assuming that OIRA does not wish to be notified of these notices. Please let me know if this is incorrect.

As you are aware, the Review Board previously issued for comment Guidance on Interpreting and Implementing the President John F. Kennedy Assassination Records Collection Act of 1992, to be published at 36 CFR 1400. Following your suggestions, we are making amendments to the introduction to the final rule. I will be sending, early next week, a final version that incorporates your suggestions. Once we have received your approval, we will publish it promptly in the Federal Register.

With the exception of 36 CFR 1400, it is our assumption that you will not need to review any of the regulations identified above. We will, of course, await your decision prior to issuing any rules.

Sincerely yours,

David G. Marwell
Executive Director

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