

add comments and then send it to the Manager, Los Angeles ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on June 20, 1995.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

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## DEPARTMENT OF THE TREASURY

### Secret Service

#### 31 CFR Part 411

[1505-AA69]

#### Color Illustrations of U.S. Currency

**AGENCY:** Secret Service, Treasury.

**ACTION:** Proposed rule.

**SUMMARY:** Pursuant to the Counterfeit Deterrence Act of 1992, the Secret Service proposes to permit color illustrations of United States currency. Currently, color illustrations of U.S. currency are not permitted. The intended effect of the proposed rule is to permit color illustrations of U.S. currency while maintaining the safeguards needed to prevent the counterfeiting of United States currency.

**DATES:** Comments must be submitted on or before August 25, 1995.

**ADDRESSES:** Written comments should be forwarded to John J. Kelleher, Chief Counsel, United States Secret Service, 1800 G Street, NW., Room 842, Washington, DC 20223.

**FOR FURTHER INFORMATION CONTACT:** Mark Mulligan, Attorney/Advisor, Office of Chief Counsel, U.S. Secret Service, 1800 G Street, NW., Room 842, Washington, DC 20223, (202) 435-5771.

#### SUPPLEMENTARY INFORMATION:

##### Background

Currently, illustrations of U.S. currency are permitted provided the illustration is in black and white and is of a size less than three-fourths or more than one and one-half, in linear dimension, of each part so illustrated, and provided the negatives and plates used in making the illustration are destroyed. 18 U.S.C. 504. The Counterfeit Deterrence Act of 1992, Pub.

L. No. 102-550 (1992), amended 18 U.S.C. 504 by requiring "[t]he Secretary of the Treasury [to] prescribe regulations to permit color illustrations of such currency of the United States as the Secretary determines may be appropriate for such purposes." Treasury Directive Number 15-56, 58 FR 48539 (September 16, 1993), delegated the responsibility and authority to prescribe these regulations to the Director, United States Secret Service.

The proposed rule would allow the color illustration of U.S. currency. In developing this proposal, the Secret Service carefully weighed the interest in color illustrations with the federal government's compelling interest of preventing the counterfeiting of U.S. currency. The proposed rule is designed to allow the color illustration of U.S. currency in a manner which both prevents the possibility of these color illustrations being used as instruments of fraud and avoids the creation of conditions which may facilitate counterfeiting. In addition, the proposal recognizes technological advances in both computer graphics and other reprographics and requires that such methods comply with the requirements of the proposed rule.

The proposed rule would require the permitted color illustrations to comply with the current size restrictions set out in 18 U.S.C. 504. Any color illustration permitted under the proposed rule would also be required to have the term "non-negotiable" be prominently and conspicuously placed across the center portion of any illustration. In addition, the legend "non-negotiable" would be required to appear in clearly legible, bold, black, block letters, being a minimum of one quarter inch high, and covering at least one third of the linear length of the illustration. The legend "non-negotiable" must appear simultaneously with the creation, production, printing, publishing and transmission of the illustration on all copies of the illustration or any part thereof, and on all negatives, plates, positives, digitized storage medium, graphic files, magnetic medium, optical storage devices, or other reproductive method. In addition, such color illustrations would be required to be only one-sided.

The exceptions proposed by this rule, like the exceptions set out in 18 U.S.C. 504, apply notwithstanding any other provision of chapter 25 of Title 18 of the U.S. Code. It should specifically be noted that the requirement that the term "non-negotiable" appear simultaneously with the creation, production, printing, publishing and transmission of the

illustration on all copies of the illustration or any part thereof, and on all negatives, plates, positives, digitized storage medium, graphic files, magnetic medium, optical storage devices, or other reproductive method does not waive or repeal the prohibition in 18 U.S.C. 333 against the mutilation or disfiguring of currency with the intent to render such currency unfit to be reissued. Also, the criminal liability imposed by 18 U.S.C. 474 and other applicable sections of chapter 25 of Title 18 of the U.S. Code could apply where a color illustration of U.S. currency fails to meet the requirements imposed by this proposed regulation.

#### Executive Order 12866

It has been determined that this document is not a significant regulatory action under Executive Order 12866. This proposed rule is intended to permit the color illustrations of certain U.S. currency, which at the present time are prohibited by law.

#### Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act and for the reasons set forth above, it is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

#### List of Subjects in 31 CFR Part 411

Color illustration, Currency.

For the reasons set out in the preamble, it is proposed that title 31, chapter IV of the Code of Federal Regulations be amended by adding part 411 as set forth below.

#### PART 411—COLOR ILLUSTRATIONS OF UNITED STATES CURRENCY

**Authority:** 18 U.S.C. 504; Treasury Directive Number 15-56, 58 FR 48539 (Sept. 16, 1993)

##### § 411.1 Color illustrations authorized.

(a) Notwithstanding any provision of chapter 25 of Title 18 of the U.S. Code, authority is hereby given for the printing, publishing or importation, or the making or importation of the necessary plates or items for such printing or publishing, of color illustrations of U.S. currency provided that:

(1) The illustration be of a size less than three-fourths or more than one and one-half, in linear dimension, of each part of any matter so illustrated;

(2) The term "non-negotiable" be placed on any illustration in clearly legible, bold, black, block letters, being a minimum of one quarter inch high,

and prominently and conspicuously placed across the center portion of any illustration, covering at least one third of the linear length of the illustration. The term "non-negotiable" must appear simultaneously with the creation, production, printing, publishing and transmission of the illustration on all copies of the illustration or any part thereof and on all negatives, plates, positives, digitized storage medium, graphic files, magnetic medium, optical storage devices, or other reproductive method;

(3) The illustration be one-sided; and

(4) All negatives, plates, positives, digitized storage medium, graphic files, magnetic medium, optical storage devices, and any other thing used in the making of the illustration that contain an image of the illustration or any part thereof shall be destroyed and/or deleted or erased immediately after their final use in accordance with this section.

(b) [Reserved]

**Paul A. Hackenberry,**

*Assistant Director, Office of Investigations.*

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## ASSASSINATION RECORDS REVIEW BOARD

### 36 CFR Ch. 14

#### Rules Implementing the Government in the Sunshine Act

**AGENCY:** Assassination Records Review Board.

**ACTION:** Notice of Proposed Rulemaking (NPRM).

**SUMMARY:** The Assassination Records Review Board (Review Board) was established by the President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Act). This NPRM will constitute the Review Board's second rulemaking. All of the Review Board's regulations will eventually be codified at 36 CFR Part 1400 *et seq.* This rulemaking is undertaken in response to the Government in the Sunshine Act (Sunshine Act). The Sunshine Act relates to meetings of agencies of the United States government that are headed by collegial bodies composed of two or more members, a majority of whom are appointed by the President with the advice and consent of the Senate. The Act provides that meetings, as defined in the Sunshine Act, shall be held in public except where stated exemptions apply. The Review Board invites comments from interested

groups and members of the public on these proposed rules implementing the Sunshine Act.

**DATES:** To be considered, comments must be mailed or delivered to the address listed below by 5 p.m. on July 26, 1995.

**ADDRESSES:** Comments on these proposed regulations should be mailed, faxed, or delivered to the Assassination Records Review Board, 600 E Street, N.W., 2nd Floor, Washington, D.C. 20530 (Attention: Sunshine Act NPRM). All comments will be placed in the Review Board's public files and will be available for inspection between 8:30 a.m. and 4:30 p.m., Monday through Friday, in the Review Board's Public Reading Room at the same address. Comments should state prominently that they are being filed in response to the Review Board's Sunshine Act NPRM.

**FOR FURTHER INFORMATION CONTACT:**

T. Jeremy Gunn, Acting General Counsel, Assassination Records Review Board, 600 E Street, N.W., 2nd Floor, Washington, D.C. 20530, (202) 724-0088.

**SUPPLEMENTARY INFORMATION:** To discharge its responsibilities, the Review Board gathers as a collegial body at its Washington, D.C., office and at other locations as appropriate. Since the Review Board, including its staff, is a small agency, Review Board Members work both personally and collectively in the discharge of the Review Board's responsibilities. Review Board activities include such matters as: reviewing classified and restricted government records relating to the assassination of President Kennedy; determining whether such classified and restricted records should be opened and made available to the public; identifying additional assassination records in the possession of governments and individuals; holding public hearings related to assassination records; and ensuring government office compliance with the JFK Act.

The Sunshine Act defines meetings and sets certain requirements for advance public notice of such meetings (5 U.S.C. § 552b(e)) and permits agencies to close meetings to public attendance and to withhold information regarding meetings where an agency finds that any of ten exemptions enumerated in the Sunshine Act applies, 5 U.S.C. § 552b(c). The Act further sets forth the procedures that must be followed by agencies in invoking one of these exemptions, 5 U.S.C. § 552b(d), (f). The Review Board is required to adopt, after opportunity for public comment, regulations to

implement the Sunshine Act, 5 U.S.C. § 552b(g).

Consistent with the requirement of 5 U.S.C. § 552b(g), the proposed regulations implement the provisions of 5 U.S.C. § 552b(b)-(f). This NPRM has been made following a review of the Sunshine Act, regulations promulgated and implemented by other collegial bodies under the Sunshine Act, and the opinion of the Supreme Court of the United States in *FCC v. ITT World Communications, Inc.*, 466 U.S. 463 (1984). The proposed regulations are intended to follow the exemptions set forth in the Sunshine Act and to implement fully the Sunshine Act's procedural requirements regarding public notice of meetings, availability of transcripts or other records of meetings, and closure of meetings.

#### Paperwork Reduction Act Statement

The proposed rule 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 with the meaning of 44 U.S.C. § 3502(4).

#### Regulatory Flexibility Act Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. § 601-12, the Review Board certifies that this rule, if adopted, will not have a significant economic impact upon a substantial number of small entities and that 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. Since the impact of the proposed rule is confined to the Review Board, the proposed rule does not fall within the purview of the Regulatory Flexibility Act.

#### List of the Subjects in 36 CFR Part 1405

Sunshine Act.

#### The Proposed Regulations

Chapter XIV of Title 36 of the Code of Federal Regulations (as proposed to be established at 60 FR 7507, February 8, 1995), is proposed to be amended by adding part 1405 to read as follows: