of failure to make payments, or when appropriate, of the inability to arrange such consultation and the status of continuing efforts to fulfill the consultation requirement.

(5) If, within 30 days of the date of the notice, the member has furnished the designated official affidavits or other documentation showing the information in the notice to be in error, the designated official shall consider the member's response. The designated official may return to the authorized person, without action, the notice for a statutorily required support allotment together with the member's affidavit and other documentation, if the member submits substantial proof of error, such as:

(i) The support payments are not delinquent.

(ii) The underlying support order in the notice has been amended, superseded, or set aside.

(e) *Payments.* (1) Except as provided in paragraph (e)(3) the Secretary of the Military Department concerned, or designee, shall make the support allotment by the first end-of-month payday after the designated official is notified that the member has had a consultation with a judge advocate or legal officer, or that a consultation was not possible, but not later than the first end-of-month payday after 30 days have elapsed from the date of the notice to the member. The Military Services will not be required to vary their normal military allotment payment cycle to comply with the notice.

(2) If several notices are sent with respect to the same member, payments shall be satisfied on a first-come, first-served basis within the amount limitations in paragraph (a)(5) of this section.

(3) When the member identified in the notice is found not to be entitled to money due from or payable by the Military Service, the designated official shall return the notice to the authorized person and shall advise him or her that no money is due from or payable by the Military Service to the named individual. When it appears that amounts are exhausted temporarily or otherwise unavailable, the authorized person shall be told why, and for how long, any money is unavailable, if known. If the member separates from active duty, the authorized person shall be informed that the allotment is discontinued.

(4) Payment of statutorily required allotments shall be enforced over other voluntary deductions and allotments when the gross amount of pay and allowances is not sufficient to permit all authorized deductions and collections.

(5) The authorized person or allottee shall notify the designated official promptly if the operative court order upon which the allotment is based is vacated, modified, or set aside. The designated official shall also be notified of any events affecting the allottee's eligibility to receive the allotment, such as the former spouse's remarriage, if a part of the payment is for spousal support, and notice of a change in eligibility for child support payments under circumstances of death, emancipation, adoption, or attainment of majority of a child whose support is provided through the allotment.

(6) An allotment established under this Directive shall be adjusted or discontinued upon notice from the authorized person.

(7) Neither the Department of Defense, nor any officer or employee thereof, shall be liable for any payment made from moneys due from, or payable by, the Department of Defense to any individual pursuant to notice regular on its face, if such payment is made in accordance with this Part. If a designated official receives notices based on a support order which, on its face, appears to conform to the laws of the jurisdiction from which it was issued, the designated official shall not be required to ascertain whether the authority that issued the order had obtained personal jurisdiction over the member.

(f) *List of designated officials.*

Army—Commander, U.S. Army Finance and Accounting Center, ATTN: FINCL-G, Indianapolis, IN 46249-0160, (317) 542-2155.

Navy—Director, Navy Family Allowance Activity, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199, (216) 522-5301.

Air Force—Commander, Air Force Accounting and Finance Center, ATTN: JA, Denver, CO 80279, (303) 370-7524.

Marine Corps—Commanding Officer, Marine Corps Finance Center (Code AA), Kansas City, MO 64197, (816) 926-7103.

[FR Doc. 86-14841 Filed 6-30-86; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

32 CFR Part 155

[DOD Directive 5220.6]

Defense Industrial Personnel Security Clearance Review Program

ACTION: Final rule.

SUMMARY: This part is revised to change a portion of the adjudication policy pertaining to Criminal Conduct under § 155.8(b) to exclude state felonies from strict policy, include consideration of a reasonable period of rehabilitation, and provide for more equitable fan fair personnel security decision.

EFFECTIVE DATE: April 9, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. James P. Brown, Director, Directorate for Industrial Security Clearance Review, 4019 Wilson Blvd., Suite 101, Arlington, VA 22203, telephone (202) 696-4598.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense published the last edition of this part in the Federal Register on September 4, 1985 (50 FR 35790). It is now revised to incorporate the changes described in the **SUMMARY** above.

List of Subjects in 32 CFR Part 155

Administrative practice and procedure, Business and industry, Classified information security clearance.

Accordingly, 32 CFR Part 155 is amended as set forth below:

1. The authority citation for Part 155 continues to read as folows:

Authority: 5 U.S.C. 504, E.O. 10865, 3 CFR, 1959-1963 COMP,, p. 398

2. Part 155.8 (Adjudication policy) is revised to read as follows:

§ 155.8 Adjudication policy.

(a) *Financial Irresponsibility*—The basis is failure to meet just and avoidable financial obligations voluntarily incurred.

(1) Factors Which May be Considered in Determining Whether to Deny or Revoke Clearance: (i) History of bad debts and unmanageable indebtedness.

(ii) Recent bankruptcy with continuing financial problems.

(iii) Indebtedness aggravated or caused by gambling, alochol, drug abuse, or mental or emotional defects.

(iv) A history or pattern of writing checks not covered by sufficient funds.

(v) Unfavorable judgments, liens, or repossessions.

(vi) Deceit or deception, embezzlement, or change of address without advising creditors.

(vii) Applicant's indifference to financial obligations or a stated intention not to meet these obligations in the future.

(viii) Financial mismanagement or irresponsible expenditures that exceed income or other assets.

(2) Mitigating Factors:

(i) Systematic efforts to satisfy creditors.

(ii) Favorable change in financial habits.

(iii) Stable employment record and favorable references.

(iv) Circumstances beyond the individual's control contributing to indebtedness; e.g., major illness, debilitation, decrease or cutoff of income, and indebtedness due to court order.

(v) Business-related bankruptcy.

(b) *Criminal Conduct*—The basis is any criminal violation of a federal, state, or local law. When it is determined that an applicant for a security clearance, or a person holding a clearance, has engaged in conduct which would constitute a felony under the laws of the United States, the clearance of such person shall be denied or revoked unless it is determined that there are compelling reasons to grant or continue such clearance. Compelling reasons can only be shown by clear and convincing evidence of the following:

(1) The felonious conduct (i) did not involve an exceptionally grave offense; (ii) was an isolated episode; and (iii) the individual has demonstrated trustworthiness and respect for the law over an extended period since the offense occurred; or

(2) The felonious conduct (i) did not involve an exceptionally grave offense; (ii) was an isolated episode; (iii) was due to the immaturity of the individual at the time it occurred; and (iv) the individual has demonstrated maturity, trustworthiness, and respect for the law since that time; or

(3) In cases where the individual has committed felonious conduct but was not convicted of a felony, there are extenuating circumstances which mitigate the seriousness of the conduct such that it does not reflect a lack of trustworthiness or respect for the law.

These criteria supersede all criteria previously used to adjudicate criminal conduct involving felonies. Involvement in criminal activities which does not constitute a felony shall be evaluated in accordance with the criteria set forth in paragraph (c) of this section. (For purposes of this paragraph, the term "felony" means any crime punishable by imprisonment for more than a year. The term "exceptionally grave offense" includes crimes against the Federal Government, its instrumentalities, officers, employees or agents; or involves dishonesty, fraud, bribery or false statement; or involves breach of trust or fiduciary duty; or involves serious threat to life or public safety.)"

(c) *Factors Which May be Considered in Determining whether to Deny or Revoke a Clearance:* (1) Criminal conduct: (i) An established pattern of criminal conduct.

(ii) Failure to complete a rehabilitation program resulting from disposition of a criminal proceeding.

(iii) Criminal conduct that is so recent in time as to preclude a determination that recurrence is unlikely.

(iv) Close and continuing association with persons known to be involved in criminal activities.

(v) Criminal conduct indicative of a serious mental aberration, lack of remorse, or insufficient probability of rehabilitation success.

(vi) Disposition

(A) Conviction.

(B) Disposition on a legal issue not going to the merits of the crime.

(C) Arrest or indictment pending trial.

(2) *Arrest Record.* In evaluating an arrest record, information that indicates that the individual was acquitted, that the charges were dropped or the subject of a stet of nolle prosequi, that the record was expunged, or that the case was dismissed due to error not going to the merits does not necessarily negate the security significance of the arrest. Personnel security determinations are to be made on the basis of all available information concerning a person's conduct and actions rather than the legal outcome of a criminal proceeding.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

June 26, 1986.

[FR Doc. 86-14785 Filed 6-30-86; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. 65; FRL-3036-9]

State Implementation Plans for Visibility Monitoring Strategy and Visibility New Source Review, New Jersey, Idaho, and North Dakota; Final Rule and Corrections

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking, and corrections.

SUMMARY: In this action the Environmental Protection Agency (EPA) is promulgating regulations for visibility monitoring in New Jersey. Federal visibility monitoring regulations were proposed for 34 states, including New Jersey, at 49 FR 42670 on October 23, 1984. In addition, New Jersey submitted draft State provisions to meet the visibility monitoring requirements. However, to date these requirements have not been adopted by the State. Therefore, EPA is promulgating its Federal regulations for New Jersey. In the future these federal requirements may be superseded by EPA-sponsored State requirements. This document also correctly designates certain sections added July 12, 1985 (50 FR 28553).

EFFECTIVE DATE: This action will become effective on July 31, 1986.

ADDRESSES: The Docket established for today's action is A-84-32 and is available for public inspection during normal business hours at: Central Docket Section, Environmental Protection Agency, West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, DC 20460.

Copies of the New Jersey proposal and the comments EPA received on its notice are available for public inspection during normal business hours at: Environmental Protection Agency, Region II Office, Air Programs Branch, Room 1005, 26 Federal Plaza, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: For Docket A-84-32: Janet C. Metsa, Control Programs Development Division (MD-15), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, N.C. 27711, (919) 541-5540.

For Region II Docket #59 and this **Federal Register** notice: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 1005, New York, New York 10278 (212) 264-2517.

SUPPLEMENTARY INFORMATION: Section 169A of the Clean Air Act (42 U.S.C. 7491) requires visibility protection for mandatory Class I federal areas where the Environmental Protection Agency (EPA) has determined visibility is an important value. "Mandatory Class I federal areas" are certain national parks, wilderness areas, and international parks as described in section 162(a) of the Clean Air Act (42 U.S.C. 7472(a)). The mandatory Class I federal areas where visibility is an important value are identified in EPA regulations at 40 CFR 81.400-437.

Section 169A specifically requires EPA to promulgate regulations requiring certain states to amend their State Implementation Plans (SIPs) to provide visibility protection. On December 2, 1980, EPA promulgated the required visibility regulations at 45 FR 80084 (codified at 40 CFR 51.300, et. seq.). Following this, in December 1982, the Environmental Defense Fund (EDF) filed a citizen's suit alleging that EPA failed to perform a nondiscretionary duty

under section 110(e) of the Clean Air Act to promulgate visibility plans for those states that had failed to submit the required revision to EPA.

The EPA and EDF negotiated a settlement agreement for deficient states and the court approved this agreement on April 20, 1984.

The settlement agreement requires EPA to promulgate visibility SIPs on a specified schedule for those states that have not submitted them to EPA. (For more information on the settlement agreement, see 49 FR 20647 on May 16, 1984.) EPA proposed SIP revisions for 34 states, including New Jersey, on October 23, 1984, at 49 FR 42670. The settlement agreement requires EPA to approve state submittals or to promulgate federal programs.

On May 5 and November 21, 1985 New Jersey submitted a draft visibility monitoring plan to EPA for review. A proposed rule concerning this plan was published in the Federal Register on February 11, 1986 at 51 FR 5093. EPA Region II Docket Number 59 was established for a proposed draft visibility monitoring plan submitted by New Jersey. The comment period for this proposal closed on March 13, 1986. However, as yet, New Jersey has not finalized its plan. For this reason and because of the settlement agreement, EPA is promulgating the federal visibility monitoring strategy for New Jersey. New Jersey has informed EPA that it is continuing to develop its own programs and plans to submit final provisions to EPA. If New Jersey does submit an adopted plan and, after public notice and comment, EPA approves it, that approval will supersede today's promulgation.

Today's notice also corrects errors in a federal visibility new source review (NSR) program which EPA promulgated for New Jersey on July 12, 1985 (50 FR 28544). It assigns the proper Code of Federal Regulations section number to the federal visibility program for New Jersey, Idaho, and North Dakota. No substantive change in EPA's promulgation of the NSR portion of the program is being made.

Comments

EPA accepted comments on its October 23, 1984 proposal in the fall of 1984. These comments can be obtained through Docket A–84–32 at the address given in the beginning of this notice. All major issues raised during the comment period were addressed in the promulgation notice of July 12, 1985 (50 FR 28544). No comments were submitted that were specific to the visibility monitoring plan for New Jersey. Comments submitted to Region II Docket Number 59 on the proposed visibility monitoring plan drafted by New Jersey will not be addressed at this time. A new opportunity for public comment will be made available should New Jersey submit an adopted plan.

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review.

Under section 307(b)(1) of the Clean Air Act petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days from today. The action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2).).

List of Subjects in 40 CFR Part 52

Air pollution control.

Lee M. Thomas,

Administrator, Environmental Protection Agency.

Dated: June 16, 1986.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52, Chapter 1 of Title 40, Code of Federal Regulation, is amended as follows:

Subpart FF—New Jersey

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. At 50 FR 28553, July 12, 1985, §§ 52.689, 52.1605, and 52.1881(b) were incorrectly added. These sections are correctly designated as §§ 52.690, 52.1606, and 52.1831(b) respectively.

3. In addition, § 52.1606 is revised to read as follows:

§ 52.1606 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable procedures meeting the requirements of 40 CFR 51.305 and 51.307 for protection of visibility in mandatory Class I federal areas.

(b) Regulations for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made part of the applicable plan for the State of New Jersey.

[FR Doc. 86–14550 Filed 6–30–86; 8:45 am]

BILLING CODE 6560–50–M

40 CFR PART 403

[FRL–3042–3]

Water Pollution; General Pretreatment Regulations for Existing and New Sources; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: This document corrects typographical and other errors in a final rule published at 51 FR 20426 (June 4, 1986), which amended the General Pretreatment Regulations (40 CFR Part 403).

FOR FURTHER INFORMATION CONTACT: Hans I.E. Bjornson, Permits Division (EN–336), Office of Water Enforcement and Permits, U.S. Environmental Protection Agency, Washington, DC 20460. Telephone: (202) 475–9530.

SUPPLEMENTARY INFORMATION: On June 4, 1986 (51 FR 20426), EPA issued a final rule making technical amendments and other minor revisions to the General Pretreatment Regulations (40 CFR Part 403). Today EPA is correcting several typographical and other errors contained in the June 4 final rule.

Dated: June 24, 1986.

Martha G. Prothro,

Acting Director, Office of Water Enforcement and Permits

Accordingly, 51 FR 20426 (June 4, 1986) is corrected as follows:

1. In the preamble at page 20426, column 3, the reference to "§ 403.3(e)" is corrected to read "§ 403.3(f)."

2. In the preamble at page 20427, column 2, insert the following after the first sentence of the second full paragraph: "Section 403.6(e) also requires the industrial user to comply with the 'alternative daily maximum and *long-term* average limits fixed by the Control Authority . . . .' (emphasis added)."

3. In the preamble at page 20427, column 2, the fourth sentence of the second full paragraph is corrected to read: "To avoid confusion, the Agency is changing the language of § 403.6(e), replacing 'long-term average value(s)' and 'long-term average limits' with the more accurate terms 'monthly average value(s)' and 'monthly average limits,' respectively."

§ 403.8 [Corrected]

4. On page 20429, column 1, paragraph 15 amending § 403.8(a) is deleted.

5. On page 20429, column 1, paragraph 18 is corrected to read as follows:

"18. In § 403.8(f)(2)(vii), 'paragraph (f)(1)(iv)(B)' is changed to read 'paragraph (f)(1)(vi)(B).' "

§ 403.3 [Corrected]

6. On page 20430, column 2, the reference to "paragraph (e)" in paragraph 3, which describes amendments to § 403.3, is corrected to read "paragraph (f)" and the paragraph designation in the regulatory text is corrected to read "f".

7. On page 20430, column 2, paragraph 3, amending § 403.3, the reference to "paragraph (n)" is corrected to read "paragraph (m)" and the paragraph designation in the regulatory text is corrected to read "m".

§ 403.6 [Corrected]

8. On page 20430, column 3, paragraph 10 is corrected to read as follows:

"10. Section 403.6 is amended by removing the words 'long-term average value(s)' and 'long-term average limits' from paragraph (e) and inserting, in their place, the words 'monthly average value(s)' and 'monthly average limits,' respectively."

[FR Doc. 86-14914 Filed 6-30-86; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-47

[FPMR Amdt. H-159]

Negotiated Sales to Public Bodies

AGENCY: Federal Property Resources Service, GSA.

ACTION: Final rule.

SUMMARY: This rule amends the regulation covering the negotiated sale of Federal surplus real property to public bodies. The regulation is amended to include an excess profits clause.

EFFECTIVE DATE: July 1, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Pitts, Office of Real Property, (202-535-7067).

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-47

Surplus Government Property, Government property management.

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

1. The authority citation for Part 101-47 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).

Subpart 101-47.3—Surplus Real Property Disposal

2. The table of contents for Part 101-47 is amended by adding one entry as follows:

101-47.4908 Excess profits covenant.

3. Section 101-47.304-9 is amended by adding paragraph (c) to read as follows:

§ 101-47.304-9 Negotiated Disposals.

* * * * *

(c) Negotiated sales to public bodies under 40 U.S.C. 484(e)(3)(H) will be considered only when the disposal agency has made a determination that a public benefit will result from the negotiated sale which would not be realized from a competitive sale disposal. The offer to purchase and the conveyance document concerning such negotiated sales shall contain an excess profits covenant. A standard Excess Profits Covenant for Negotiated Sales to Public Bodies is illustrated in § 101-47.4908. The standard covenant is provided as a guide, and appropriate modifications may be made provided that its basic purpose is retained. The disposal agency shall monitor the property involved and inspect records related thereto as necessary to ensure compliance with the terms and conditions of the sale and may take any actions which it deems reasonable and prudent to recover any excess profits realized through the resale of the property.

Subpart 101-47.49—Illustrations

4. Section 101-47.4908 is added to read as follows:

§ 101-47.4908 Excess profits covenant.

Excess Profits Covenant for Negotiated Sales to Public Bodies

(a) This covenant shall run with the land for a period of 3 years from the date of conveyance. With respect to the property described in this deed, if at any time within a 3-year period from the date of transfer of title by the Grantor, the Grantee, or its successors or assigns, shall sell or enter into agreements to sell the property, either in a single transaction or in a series of transactions, it is covenanted and agreed that all proceeds received or to be received in excess of the Grantee's or a subsequent seller's actual allowable costs will be remitted to the Grantor. In the event of a sale of less than the entire property, actual allowable costs will be apportioned to the property based on a fair and reasonable determination by the Grantor.

(b) For purposes of this covenant, the Grantee's or a subsequent seller's allowable costs shall include the following:

(1) The purchase price of the real property;

(2) The direct costs actually incurred and paid for improvements which serve only the property, including road construction, storm and sanitary sewer construction, other public facilities or utility construction, building rehabilitation and demolition, landscaping, grading, and other site or public improvements;

(3) The direct costs actually incurred and paid for design and engineering services with respect to the improvements described in (b)(2) of this section; and

(4) The finance charges actually incurred and paid in conjunction with loans obtained to meet any of the allowable costs enumerated above.

(c) None of the allowable costs described in paragraph (b) of this section will be deductible if defrayed by Federal grants or if used as matching funds to secure Federal grants.

(d) In order to verify compliance with the terms and conditions of this covenant, the Grantee, or its successors or assigns, shall submit an annual report for each of the subsequent 3 years to the Grantor on the anniversary date of this deed. Each report will identify the property involved in this transaction and will contain such of the following items of information as are applicable at the time of submission:

(1) A description of each portion of the property that has been resold;

(2) The sale price of each such resold portion;

(3) The identity of each purchaser;

(4) The proposed land use; and

(5) An enumeration of any allowable costs incurred and paid that would offset any realized profit.

If no resale has been made, the report shall so state.

(e) The Grantor may monitor the property and inspect records related thereto to ensure compliance with the terms and conditions of this covenant and may take any actions which it deems reasonable and prudent to recover any excess profits realized through the resale of the property.

Dated: June 18, 1986.

T. C. Golden,

Administrator of General Services.

[FR Doc. 86-14793 Filed 6-30-86; 8:45 am]

BILLING CODE 6820-96-M