

prosecution for a felony or a misdemeanor; or any person who leaves the State to avoid giving testimony in any criminal proceeding. The term also includes any person who knows that misdemeanor or felony charges are pending against such person and who leaves the State of prosecution.

\* \* \* \* \*

**Indictment.** Includes an indictment or any formal accusation of a crime made by a prosecuting attorney, in any court under which a crime punishable by imprisonment for a term exceeding 1 year may be prosecuted or where a case has been referred to court-martial if the person is in the military.

\* \* \* \* \*

**Mental institution.** Includes mental health facilities, mental hospitals, sanitariums, psychiatric facilities, and other facilities that provide diagnoses by licensed professionals of mental retardation or mental illness, including a psychiatric ward in a general hospital.

\* \* \* \* \*

**Renounced U.S. citizenship.** A person has renounced his U.S. citizenship if the person, having been a citizen of the United States, has renounced citizenship either—

(a) Before a diplomatic or consular officer of the United States in a foreign state pursuant to 8 U.S.C. § 1481(a)(5) and (6); or

(b) Before an officer designated by the Attorney General when the United States is in a state of war.

\* \* \* \* \*

**Unlawful user of or addicted to any controlled substance.** A person who uses a controlled substance and has lost the power of self-control with reference to the use of the controlled substance; and any person who is a current user of a controlled substance in a manner other than as prescribed by a licensed physician. Such use is not limited to the use of drugs on a particular day, or within a matter of days or weeks before, but rather that the unlawful use has occurred recently enough to indicate that the individual is actively engaged in such conduct. A person may be an unlawful current user of a controlled substance even though the substance is not being used at the precise time the person seeks to acquire a firearm or receives or possesses a firearm. An inference of current use may be drawn from evidence of a recent use or possession of a controlled substance or a pattern of use or possession that reasonably covers the present time, e.g., a conviction for use or possession of a controlled substance within the past year, or multiple arrests for such offenses within the past five years if the

most recent arrest occurred within the past year.

\* \* \* \* \*

Par. 3. Section 178.32(e) is added to read as follows:

**§ 178.32 Prohibited shipment, transportation, possession, or receipt of firearms and ammunition by certain persons.**

\* \* \* \* \*

(e) The actual notice required by paragraphs (a)(8)(i) and (d)(8)(i) of this section is notice expressly and actually given, and brought home to the party directly, including service of process personally served on the party and service by mail. Actual notice also includes proof of facts and circumstances that raise the inference that the party received notice including, but not limited to, proof that notice was left at the party's dwelling house or usual place of abode with some person of suitable age and discretion residing therein; or proof that the party signed a return receipt for a hearing notice which had been mailed to the party. It does not include notice published in a newspaper.

Signed: May 29, 1996.

John W. Magaw,  
Director.

Approved: June 6, 1996.

John P. Simpson,  
Deputy Assistant Secretary, (Regulatory,  
Tariff and Trade Enforcement).  
[FR Doc. 96-22827 Filed 9-5-96; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[TN-146-2-9608b; FRL-5554-5]

#### Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Revisions To Permit Requirements, Definitions and Administrative Requirements

**AGENCY:** Environmental Protection Agency (EPA)

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve the revisions to the Nashville/Davidson County portion of the Tennessee State Implementation Plan (SIP) submitted by the State of Tennessee for the purpose of revising the current regulations for the permit requirements for major sources of air pollution, including revisions to the general definitions, permit requirements, the Board's powers and duties, the variances and

hearings procedures, the measurement and reporting of emissions, and the testing procedures. In the final rules section of this Federal Register, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** To be considered, comments must be received by October 7, 1996.

**ADDRESSES:** Written comments on this action should be addressed to Karen Borel, at the EPA Regional Office listed below. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.  
Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE, Atlanta, Georgia 30365.

Bureau of Environmental Health Services, Metropolitan Health Department, Nashville-Davidson County, 311-23rd Avenue, North, Nashville, Tennessee 37203.  
Tennessee Department of Environment and Conservation, Division of Air Pollution Control, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1531.

#### FOR FURTHER INFORMATION CONTACT:

Interested persons wanting to examine documents relative to this action should make an appointment with the Region 4 Air Programs Branch at least 24 hours before the visiting day. To schedule the appointment or to request additional information, contact Karen Borel, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 EPA, 345 Courtland

Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555 extension 4197. Reference file TN146-02-9608.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the rules section of this Federal Register.

Dated: July 18, 1996.

A. Stanley Meiburg,

*Acting Regional Administrator.*

[FR Doc. 96-22808 Filed 9-5-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Parts 52 and 81

[FRL-5560-5]

#### Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Wyoming; Corrections

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** In this document, the EPA is proposing to correct the State Implementation Plan (SIP) for the State of Wyoming regarding the State's ambient standards for fluorides and hydrogen sulfide and the State's odor control regulation, pursuant to section 110(k)(6) of the Clean Air Act, as amended in 1990. In addition, EPA is correcting an error in the boundary description for the "Powder River Basin" PM-10 unclassifiable area in 40 CFR 81.351. In the final rules section of this Federal Register, the EPA is promulgating this action in a direct final rule without prior proposal because the Agency views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for the action is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, then the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time. **DATES:** Comments on this proposed action must be received in writing by October 7, 1996.

**ADDRESSES:** Written comments should be addressed to Vicki Stamper, 8P2-A, at the EPA Regional Office listed below. Copies of the documents relevant to this action are available for public

inspection during normal business hours at the following location: Air Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466.

**FOR FURTHER INFORMATION CONTACT:** Vicki Stamper at (303) 312-6445.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final rule of the same title which is located in the Rules Section of this Federal Register.

Dated: August 14, 1996.

Jack W. McGraw,

*Acting Regional Administrator.*

[FR Doc. 96-22644 Filed 9-5-96; 8:45 am]

BILLING CODE 6560-50-P

#### DEPARTMENT OF DEFENSE

#### 48 CFR Parts 203, 215, and 252

#### Defense Federal Acquisition Regulation Supplement; Procurement Integrity

**AGENCY:** Department of Defense (DoD).

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The Director of Defense Procurement is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to reflect the provisions of Section 4304 of the Federal Acquisition Reform Act of 1996, including the repeal of prohibitions on compensation to former Department of Defense employees in Sections 2397, 2397a, 2397b, and 2397c of Title 10, United States Code.

**DATES:** *Comment date:* Comments on the proposed rule should be submitted in writing to the address shown below on or before November 5, 1996, to be considered in the formulation of the final rule.

**ADDRESSES:** Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Michael Pelkey, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington D.C. 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 96-D310 in all correspondence related to this issue.

**FOR FURTHER INFORMATION CONTACT:** Michael Pelkey, (703) 602-0131.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Section 4304 of the Federal Acquisition Reform Act of 1996 (Pub. L. 104-106) amended the Procurement Integrity provision, Section 27 of the

Officer of Federal Procurement Policy Act, and repeal Sections 2397, 2397a, 2397b, and 2397c of Title 10, United States Code, which proscribed certain compensation to former Department of Defense (DoD) employees. This rule removes regulations implementing the repealed sections and conforms DFARS section 203.104 with the FAR revisions being proposed under FAR Case 96-314, Procurement Integrity.

##### B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule only applies to "major defense contractors," (i.e., contractors with DoD contracts exceeding \$10 million per Government fiscal year), and affects only the ability of such contractors to provide compensation to certain former DoD employees. An initial regulatory flexibility analysis has therefore not been performed. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subpart also will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 96-D310 in correspondence.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act applies because the rule would eliminate the information collection and reporting requirements of DFARS 203.170-2 and the associated clause at 252.203-7000. The requirements which would be eliminated were approved by the Officer of Management and Budget (OMB) under OMB Clearance number 0704-0277.

List of Subjects in 48 CFR Parts 203, 215, and 252

##### Government Procurement.

Michele P. Peterson,  
*Executive Editor, Defense Acquisition Regulations Council.*

Therefore, 48 CFR Parts 203, 215, and 252 are proposed to be amended as follows:

1. The authority citation for 48 CFR Parts 203, 215, and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.