

designed to deliver nicotine or other substances to a user in the form of a vapor is prohibited.

**Smoking** means the smoking of tobacco products or use of electronic cigarettes and similar products designed to deliver nicotine or other substances to a user in the form of a vapor. It does not include the use of a device such as a nebulizer that delivers a medically beneficial substance to a user in the form of a vapor.

4. Section 252.4 is added to read as follows:

**§ 252.4 Smoking ban: air carriers.**

Air carriers shall prohibit smoking on all scheduled passenger flights.

5. Section 252.8 is revised to read as follows:

**§ 252.8 Extent of smoking restrictions.**

The restrictions on smoking described in §§ 252.4 through 252.7 shall apply to all locations within the aircraft.

[FR Doc. 2011-23673 Filed 9-14-11; 8:45 am]

BILLING CODE 4910-9X-P

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## DEPARTMENT OF JUSTICE

### Bureau of Prisons

#### 28 CFR Part 524

[BOP-AB60-P]

RIN 1120-AB60

#### Progress Reports Rules Revision

**AGENCY:** Bureau of Prisons, Justice.

**ACTION:** Proposed rule.

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**SUMMARY:** In this document, the Bureau of Prisons (Bureau) proposes to remove from regulations and/or modify two types of progress reports: Transfer reports and triennial reports.

**DATES:** Comments are due by November 14, 2011.

**ADDRESSES:** Submit comments to the Rules Unit, Office of General Counsel, Bureau of Prisons, 320 First Street, NW., Washington, DC 20534. You may view an electronic version of this rule at <http://www.regulations.gov>. You may also comment via the Internet to the Bureau at [BOPRULES@BOP.gov](mailto:BOPRULES@BOP.gov) or by using the <http://www.regulations.gov> comment form for this regulation. When submitting comments electronically you must include the BOP Docket No. in the subject box.

**FOR FURTHER INFORMATION CONTACT:**  
Sarah Qureshi, Office of General Counsel, Bureau of Prisons, phone (202) 307-2105.

**SUPPLEMENTARY INFORMATION:**

### Posting of Public Comments

Please note that all comments received are considered part of the public record and made available for public inspection online at <http://www.regulations.gov>. Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be posted online, you must include the phrase "Personal Identifying Information" in the first paragraph of your comment. You must also locate all the personal identifying information you do not want posted online in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment but do not want it to be posted online, you must include the phrase "Confidential Business Information" in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be posted on <http://www.regulations.gov>.

Personal identifying information identified and located as set forth above will be placed in the agency's public docket file, but not posted online. Confidential business information identified and located as set forth above will not be placed in the public docket file. If you wish to inspect the agency's public docket file in person by appointment, please see the "For Additional Information" paragraph.

In this document, the Bureau proposes to remove from regulations and/or modify two types of progress reports: Transfer reports and triennial reports.

Section 524.41, entitled "Types of progress reports," lists several types of progress reports prepared for non-Bureau entities, such as for parole hearings, pre-release, final (prepared 90 days before an inmate's release to a term of supervision), and for other reasons (such as upon court request or a clemency review). The current regulations also identify two types of progress reports that were primarily intended for internal Bureau purposes: Those prepared when inmates transfer to community confinement or another institution, and those prepared

triennially if not more frequently done for any other reason.

**Transfer Reports.** The current regulations define "transfer report" as one prepared on an inmate recommended and/or approved for transfer to community confinement or to another institution and whose progress has not been summarized within the previous 180 days. The Bureau proposes to modify this definition to indicate that transfer reports will only be prepared on inmates transferring to non-Bureau facilities.

Current Bureau practice and advances in technology have obviated the need to prepare a specific paper report when an inmate is transferred between Bureau facilities. When an inmate is transferred, all pertinent information regarding the progress of an inmate being transferred has already been updated in the Bureau's computer system, which staff may access at all Bureau facilities and in community confinement. It is, therefore, unnecessary for a separate and specific progress report to be prepared by staff at the transferring Bureau facility for staff at the receiving Bureau facility, when receiving facility staff can easily access this information themselves.

However, when an inmate is transferring outside the Bureau, to a state facility, non-Bureau community confinement, or other non-Bureau facility, staff at that facility may not have access to the Bureau's computer system. Therefore, it would be necessary for Bureau staff to prepare a transfer report detailing an inmate's progress in the Bureau facility for the benefit of staff at the non-Bureau facility.

**Triennial Reports.** The Bureau also proposes to delete triennial reports as a type of progress report. Current regulations state that a progress report will be prepared on each designated inmate at least once every 36 months if not previously generated for another reason.

Before the development of this internal Bureau computer information network, triennial reports were a necessary tool used to provide staff with specific inmate information. As explained above, however, current Bureau practice and advances in technology have obviated the need to prepare a specific progress report every 36 months, because all information regarding an inmate's progress is continually updated in the Bureau's computer system, which staff may access at all Bureau facilities.

### Executive Order 12866

This rule falls within a category of actions that the Office of Management

and Budget (OMB) has determined not to constitute “significant regulatory actions” under section 3(f) of Executive Order 12866 and, accordingly, it was not reviewed by OMB.

#### Executive Order 13132

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, under Executive Order 13132, we determine that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

#### Regulatory Flexibility Act

The Director of the Bureau of Prisons, under the Regulatory Flexibility Act (5 U.S.C. 605(b)), reviewed this regulation and by approving it certifies that it will not have a significant economic impact upon a substantial number of small entities for the following reasons: This rule pertains to the correctional management of offenders committed to the custody of the Attorney General or the Director of the Bureau of Prisons, and its economic impact is limited to the Bureau’s appropriated funds.

#### Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### List of Subjects in 28 CFR Part 524

Prisoners.

**Thomas R. Kane,**  
Acting Director, Bureau of Prisons.

Under rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons, we propose to amend 28 CFR part 524 as set forth below.

#### PART 524—CLASSIFICATION OF INMATES

##### SUBCHAPTER B—INMATE ADMISSION, CLASSIFICATION, AND TRANSFER

1. The authority citation for 28 CFR part 524 continues to read as follows:

**Authority:** 5 U.S.C. 301; 18 U.S.C. 3521–3528, 3621, 3622, 3624, 4001, 4042, 4046, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 21 U.S.C. 848; 28 U.S.C. 509, 510.

2. In § 524.41, remove paragraphs (d) and (e), redesignate paragraph (f) as paragraph (e), and add a new paragraph (d) to read as follows:

##### § 524.41 Types of progress reports.

\* \* \* \* \*

(d) *Transfer report*—prepared on an inmate transferring to any non-Bureau facility.

\* \* \* \* \*

[FR Doc. 2011–23687 Filed 9–14–11; 8:45 am]

BILLING CODE 4410–05–P

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

#### 29 CFR Part 1602

##### RIN 3046-AA89

#### Recordkeeping and Reporting Requirements Under Title VII, the ADA, and GINA

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Proposed rule: Cancellation of hearing.

**SUMMARY:** Notice is hereby given that the Commission is cancelling the public hearing on the above proposed modifications of its recordkeeping and reporting provisions under title VII, the ADA, and GINA. (76 FR 31892, June 2, 2011). No requests to present oral testimony at a hearing concerning the proposed rule were received from the public. Further, the Commission received only one public comment in response to the June 2 notice, and the commenter expressed support for the

proposed changes. Therefore, it will not be necessary to hold the hearing.

#### FOR FURTHER INFORMATION CONTACT:

Thomas J. Schlageter, Assistant Legal Counsel, (202) 663–4668, or Erin N. Norris, Senior Attorney, (202) 663–4876, Office of Legal Counsel, 131 M Street, NE., Washington, DC 20507.

Dated: September 8, 2011.

For the Commission.

**Jacqueline A. Berrien,**  
Chair.

[FR Doc. 2011–23601 Filed 9–14–11; 8:45 am]

BILLING CODE 6570–01–P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA–R03–OAR–2011–0511; FRL–9462–7]

#### Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Revised Motor Vehicle Emission Budgets for the Charleston, Huntington, Parkersburg, Weirton, and Wheeling 8-Hour Ozone Maintenance Areas

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of West Virginia for the purpose of amending the 8-hour ozone maintenance plan for the Charleston, Huntington, Parkersburg, Weirton, and Wheeling 8-hour ozone maintenance areas. This revision amends the maintenance plans’ 2009 and 2018 motor vehicle emissions budgets (MVEBs) by reallocating a portion of the plans’ safety margins which results in an increase in the MVEBs. In the Final Rules section of this **Federal Register**, EPA is approving the State’s SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal 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 action, no further activity is contemplated. 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. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. **DATES:** Comments must be received in writing by October 17, 2011.