

delegation of authority does not impose a burden within the meaning of the PRA.

*D. Cost-Benefit Analysis*

Section 15(a) of the Commodity Exchange Act (“Act”), 7 U.S.C. 19(a), requires the Commission to consider the costs and benefits of its action before issuing new regulations under the Act. Section 15(a) does not require the Commission to quantify the costs and benefits of a new regulation or to determine whether the benefits of the regulation outweigh its costs. Nor does it require that each rule be analyzed in isolation when that rule is a component of a larger package of rules or rule revisions. Rather, section 15(a) requires the Commission to “consider the costs and benefits” of the subject regulation in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The Commission may, in its discretion, give greater weight to any one of the five enumerated areas of concern and may, in its discretion, determine that notwithstanding its costs, a particular rule is necessary or appropriate to protect the public interest or to effectuate any of the provisions, or accomplish any of the purposes, of the Act.

The Commission considered the costs and benefits of this rule and has determined that amended Rule 12.26(c) will enhance efficiency by aligning the Commission’s staff more closely with its workload.

**List of Subjects in 17 CFR Part 12**

Administrative practice and procedure, Commodity futures, Consumer protection.

Accordingly, 17 CFR Part 12 is amended as follows:

**PART 12—RULES RELATING TO REPARATIONS**

- 1. The authority citation for part 12 continues to read as follows:  
 Authority: 7 U.S.C. 2(a)(12), 12a(5) and 18.
- 2. Revise § 12.26(c) to read as follows:

**§ 12.26 Commencement of a reparation proceeding.**

\* \* \* \* \*

(c) *Commencement of formal decisional proceeding.* Where the amount claimed as damages in the complaint or as counterclaims exceeds

\$30,000, exclusive of interest and costs, and either a complainant or a respondent in the complaint, answer or reply, has elected the formal decisional procedure pursuant to subpart E of this part, and has paid the filing fee required by § 12.25, the Director of the Office of Proceedings shall, if in his opinion the facts warrant taking such action, forward the pleadings and the materials of record to the Proceedings Clerk for a proceeding to be conducted in accordance with subpart E of this part. The Proceedings Clerk shall forthwith notify the parties of such action. Such notification shall be accompanied by an order issued by the Proceedings Clerk requiring the parties to complete all discovery, as provided in subpart B of this part, within 50 days thereafter. A formal decisional proceeding commences upon service of such notification and order. As soon as practicable after service of such notification, the Proceedings Clerk shall assign the case to a Judgment Officer. All provisions of this part that refer to and grant authority to or impose obligations upon an Administrative Law Judge shall be read as referring to and granting authority to and imposing obligations upon the Judgment Officer.

Issued in Washington, DC, on September 21, 2011, by the Commission.

**David A. Stawick,**

*Secretary of the Commission.*

[FR Doc. 2011–25898 Filed 10–11–11; 8:45 am]

**BILLING CODE P**

**NATIONAL LABOR RELATIONS BOARD**

**29 CFR Part 104**

**RIN 3142-AA07**

**Notification of Employee Rights Under the National Labor Relations Act**

**AGENCY:** National Labor Relations Board.

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** On August 30, 2011, the National Labor Relations Board (Board) published a final rule requiring employers, including labor organizations in their capacity as employers, subject to the National Labor Relations Act (NLRA) to post notices informing their employees of their rights as employees under the NLRA. The Board hereby amends that rule to change the effective date from November 14, 2011, to January 31, 2012. The purpose of this delay is to allow for

enhanced education and outreach to employers.

**DATES:** The effective date of the final rule published at 76 FR 54006, August 30, 2011, is delayed from November 14, 2011 to January 31, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Lester A. Heltzer, Executive Secretary, National Labor Relations Board, 1099 14th Street, NW., Washington, DC 20570, (202) 273–1067 (this is not a toll-free number), 1–866–315–6572 (TTY/TDD).

**SUPPLEMENTARY INFORMATION:** On August 30, 2011 (76 FR 54006), the National Labor Relations Board published a final rule requiring employers, including labor organizations in their capacity as employers, subject to the National Labor Relations Act (NLRA) to post notices informing their employees of their rights as employees under the NLRA. The Board has determined that in the interest of ensuring broad voluntary compliance with the rule concerning notification of employee rights under the National Labor Relations Act, further public education and outreach efforts would be helpful. The Board has decided to change the effective date of the rule from November 14, 2011, to January 31, 2012, in order to allow time for such an education and outreach effort. Member Brian E. Hayes dissented from the adoption of the final rule. For this reason, he agrees with any postponement of the effective date of the rule. Member Craig Becker would not change the effective date of the rule, but agrees that if the date is to be changed it should be for purposes of public education and outreach.

Signed in Washington, DC, on October 6, 2011.

**Mark Gaston Pearce,**  
*Chairman.*

[FR Doc. 2011–26369 Filed 10–11–11; 8:45 am]

**BILLING CODE 7545-01-P**

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Part 1952**

**Hawaii State Plan; Change in Level of Federal Enforcement: Military Installations**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Final rule.

**SUMMARY:** This document gives notice of OSHA’s approval of a change to the state of Hawaii’s occupational safety

and health state plan to exclude coverage of private sector employers and employees at all military installations. The state of Hawaii, Department of Labor and Industrial Relations, requested in a November 15, 2010 memorandum which was reiterated in a February 22, 2011, letter from the Governor, that jurisdiction be relinquished to federal OSHA for conducting safety and health inspections of private sector employers within the borders of all military installations in Hawaii. Accordingly, OSHA amends its regulations to reflect this change in the level of federal enforcement.

**DATES:** *Effective Date:* October 12, 2011.

**FOR FURTHER INFORMATION CONTACT:**

*Press inquiries:* Frank Meilinger, Office of Communications, OSHA, U.S. Department of Labor, Room N-3647, 200 Constitution Avenue, NW., Washington, DC 20210; *telephone:* (202) 693-1999. *General Information and Technical Inquiries:* Laura Seeman, Acting Director, Office of State Programs, Directorate of Cooperative and State Programs, Room N-3700, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; *telephone* (202) 693-2244. An electronic copy of this **Federal Register** notice is available on OSHA's Web site at <http://www.osha.gov>.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

Section 18 of the Occupational Safety and Health Act of 1970 (the Act), 29 U.S.C. 667, provides that states which wish to assume responsibility for developing and enforcing their own occupational safety and health standards may do so by submitting, and obtaining federal approval of, a state plan. State plan approval occurs in stages which include initial approval under Section 18(c) of the Act and, ultimately, final approval under Section 18(e).

The Hawaii Occupational Safety and Health State Plan was initially approved under Section 18(c) of the Act and 29 CFR Part 1902 on December 28, 1973 (39 FR 1010). The Hawaii program is administered by the Hawaii Occupational Safety and Health (HIOSH) Division of the State Department of Labor and Industrial Relations. On April 30, 1984, OSHA awarded final approval to the Hawaii State Plan pursuant to Section 18(e) and amended Subpart Y of 29 CFR part 1952 to reflect the Assistant Secretary's decision (49 FR 19182). As a result, OSHA relinquished its concurrent standards and enforcement authority

with regard to occupational safety and health issues covered by the Hawaii State Plan. Federal OSHA retained its authority over safety and health in maritime employment in the private sector, federal government employers and employees, and enforcement relating to any contractors or subcontractors on any federal establishment where the land is determined to be exclusive federal jurisdiction. (OSHA jurisdiction over the U.S. Postal Service was added on June 9, 2000.)

On November 15, 2010, Pearl Imada Iboshi, former Director of the Hawaii Department of Labor and Industrial Relations, wrote to the federal OSHA Regional Administrator requesting a change in the jurisdictional responsibilities between the Hawaii Occupational Safety and Health Division of the State Department of Labor and Industrial Relations, and federal OSHA regarding military installations in Hawaii. The reasons cited for this change were as follows: (1) to eliminate dual or overlapping state and federal jurisdiction; (2) to ease obtaining security clearances to highly classified and/or restricted areas; (3) to improve coverage of hazardous waterfront working conditions; and (4) to enhance the ability to negotiate with controlling federal agencies on hazard abatement and other compliance issues.

Specifically, HIOSH relinquishes back to federal OSHA the jurisdiction and enforcement authority for conducting safety and health inspections of private sector employers within the borders of all military installations in Hawaii. Hawaii will retain responsibility for coverage of any state and local government employers and employees at these facilities. Accordingly, notice is hereby given of this change in federal enforcement authority over military installations in the state of Hawaii. OSHA is also amending its description of the state plan at 29 CFR part 1952, subpart Y to reflect this change in the level of federal enforcement.

**B. Obtaining Copies of Referenced Documents**

A copy of the documents referenced in this notice may be obtained from: Office of State Programs, Directorate of Cooperative and State Programs, Occupational Safety and Health Administration, Room N3700, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 693-2244, fax (202) 693-1671; Office of the Regional Administrator, Occupational Safety and Health Administration, San Francisco Federal Building, 90 7th Street, Suite 18-100, San Francisco, California

94103, (415) 625-2546, fax (415) 625-2526; and the Hawaii Department of Labor and Industrial Relations, HIOSH, 830 Punchbowl Street, Suite 425, Honolulu, Hawaii 96813, (808) 586-9100, fax (808) 586-9104. Other information about the Hawaii State Plan is posted on the state's Web site at <http://hawaii.gov/labor/hiosh>. Electronic copies of this **Federal Register** notice are available on OSHA's Web site at <http://www.osha.gov>.

**C. Administrative Procedure**

This **Federal Register** document acknowledges a modification made by the state of Hawaii to its occupational safety and health state plan, and does not involve any regulatory action by federal OSHA. States with approved plans have authority to modify the statutes, regulations, and procedures in their plan, using procedures provided under state law. These state plan modifications have legal effect in the state as soon as they are adopted; pre-enforcement approval by federal OSHA is not required. 29 CFR 1953.3(a); see *Florida Citrus Packers v. California*, 545 F. Supp. 216, 219 (N.D. Cal. 1982).

The attached **Federal Register** notice is designated a "final rule." That designation is necessary because OSHA publishes a general description of every state plan in 29 CFR part 1952. Because they are set forth in the Code of Federal Regulation, these descriptions can be updated only by publishing a "final rule" document in the final rules section of the **Federal Register**. Such rules do not contain any new federal regulatory requirements, but merely provide public information about changes already in effect under state law. Hawaii's determination that military installations will not be covered under the state's plan is within the state's discretion under section 18(b) of the Act. The present **Federal Register** notice simply provides information to the public concerning this action by the state.

For this reason, public notice and comment are unnecessary, and good cause exists for making this final rule effective upon publication in the **Federal Register**. Accordingly, OSHA finds that public participation is unnecessary, and this notice constitutes approval of the change, effective upon publication in the **Federal Register**.

**List of Subjects in 29 CFR Part 1952**

Military installations, Intergovernmental relations, Law enforcement, Occupational safety and health.

Signed at Washington, DC, on September 26, 2011.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

Part 1952 of 29 CFR is hereby amended as follows:

**PART 1952—[AMENDED]**

■ 1. The authority section for Part 1952 continues to read as follows:

**Authority:** Section 18 of the OSH Act (29 U.S.C. 667), 29 CFR Part 1902, and Secretary of Labor's Order No. 5-2002 (67 FR 65008).

**Subpart Y—Hawaii**

■ 2. In § 1952.313 revise the second sentence of paragraph (b) to read as follows:

**§ 1952.313 Final approval determination.**

\* \* \* \* \*

(b) \* \* \* The plan does not cover maritime employment in the private sector; Federal government employers and employees; enforcement relating to any contractors or subcontractors on any Federal establishment where the land is determined to be exclusive Federal jurisdiction; the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations; and private sector employers on military installations.

\* \* \* \* \*

■ 3. In § 1952.314 revise the fourth sentence of paragraph (b) to read as follows:

**§ 1952.314 Level of Federal enforcement.**

\* \* \* \* \*

(b) \* \* \* Federal jurisdiction also remains in effect with respect to Federal government employers and employees, enforcement relating to any contractors or subcontractors on any Federal establishment where the land is determined to be exclusive Federal jurisdiction; the U.S. Postal Service (USPS), including USPS employees, and contract employees and contractor-operated facilities engaged in USPS mail operations; and private sector employers on military installations.

\* \* \* \* \*

[FR Doc. 2011-26263 Filed 10-11-11; 8:45 am]

BILLING CODE 4510-26-P

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Part 1952**

**Michigan State Plan; Change in Level of Federal Enforcement: Indian Tribes**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Final rule.

**SUMMARY:** This document gives notice of OSHA's approval of a change to the state of Michigan's occupational safety and health state plan to exclude coverage of establishments on Indian reservations which are owned or operated by employers who are enrolled members of Indian tribes. Under the terms of a September 28, 2004 addendum to the September 24, 1973 Operational Status Agreement between OSHA and the Michigan Occupational Safety and Health Administration (MIOSHA), jurisdiction and enforcement have been relinquished back to federal OSHA for conducting safety and health inspections and interventions within the borders of all Indian reservations for employers who are "enrolled members of Indian reservations", i.e., members of Indian tribes. Non-member employers within the reservations and member employers located outside the territorial borders of Indian reservations remain under MIOSHA jurisdiction. Accordingly, OSHA amends its regulations to reflect this change in the level of federal enforcement.

**DATES:** *Effective Date:* October 12, 2011.

**FOR FURTHER INFORMATION CONTACT:** *Press inquiries:* Frank Meilinger, Office of Communications, OSHA, U.S. Department of Labor, Room N-3647, 200 Constitution Avenue, NW., Washington, DC 20210; *telephone:* (202) 693-1999. *General Information and Technical Inquiries:* Laura Seeman, Acting Director, Office of State Programs, Directorate of Cooperative and State Programs, Room N-3700, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; *telephone* (202) 693-2244.

An electronic copy of this **Federal Register** notice is available on OSHA's Web site at <http://www.osha.gov>.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

Section 18 of the Occupational Safety and Health Act of 1970 (the Act), 29 U.S.C. 667, provides that states which wish to assume responsibility for developing and enforcing their own

occupational safety and health standards may do so by submitting, and obtaining federal approval of, a state plan. Part 1954 of title 29, Code of Federal Regulations, sets out procedures under section 18 of the Act for the evaluation and monitoring of state plans which have been approved under section 18(c) of the Act and 29 CFR part 1902. After initial approval, but prior to final approval, section 18(e) of the Act provides for a period of concurrent jurisdiction.

The Michigan Occupational Safety and Health State Plan was initially approved on September 24, 1973 (38 FR 27388, Oct. 3, 1973). The Michigan program is administered by the Michigan Occupational Safety and Health Administration (MIOSHA) in the Department of Licensing and Regulatory Affairs, previously the Department of Labor and Economic Growth. Prior to 2003, the state plan agency was called the Bureau of Safety and Regulation, Department of Consumer and Industry Services.

If federal monitoring shows that a state program has developed to a degree sufficient to justify suspension of duplicative concurrent federal enforcement activity, U.S. Department of Labor regulations provide that OSHA, through its Regional Administrator, may enter into a procedural agreement (and addenda to such agreements) with the state, usually referred to as an "operational status agreement", setting forth areas of federal and state enforcement responsibility (29 CFR 1954.3(f)).

On January 6, 1977, an Operational Status Agreement was entered into between OSHA and the Michigan State Plan agency whereby concurrent federal enforcement authority was suspended with regard to most federal occupational safety and health standards in issues covered by the state's OSHA-approved occupational safety and health plan. Federal OSHA retained its authority over safety and health in private sector maritime employment and with regard to federal government employers and employees, and employees of the U.S. Postal Service (effective June 9, 2000).

On July 18, 2001, Ms. Kathleen M. Wilbur, Director of the Michigan Department of Consumer and Industry Services (now the Michigan Department of Licensing and Regulatory Affairs), first wrote to the OSHA Regional Administrator about the issue of jurisdiction of the Michigan Bureau of Safety and Regulation (now the Michigan Occupational Safety and Health Administration) on Indian reservations. MIOSHA and the Michigan Attorney General's Office had reached