

A new § 1952.393, *Compliance staffing benchmarks*, has been added to Subpart T to reflect the approval of the revised benchmarks for Michigan.

While most of the existing subparts have been retained, paragraphs within the subpart have been rearranged and renumbered so that the major steps in the development of the plan (initial approval, developmental steps and certification of completion of developmental steps) are set forth in chronological order.

Related editorial changes to the subparts include modification of the heading of § 1952.260 to clearly identify the initial plan approval of Michigan. The addresses of locations where the Michigan plan may be inspected have been updated and are found at § 1952.266.

### Regulatory Flexibility Act

OSHA certifies, pursuant to the Regulatory Act of 1980 (5 U.S.C. 601, *et seq.*), that this rulemaking will not have significant economic impact on a substantial number of small entities. Approval of the revised compliance staffing benchmarks for Michigan will not place small employers in the State under any new or different requirements nor would any additional burden be placed upon the State government beyond the responsibilities already assumed as part of the approved plan.

### List of Subjects in 29 CFR Part 1952

Intergovernmental relations, Law enforcement, Occupational safety and health.

(Sec. 18, 84 Stat. 1608 (29 U.S.C. 667); 29 CFR Part 1902, Secretary of Labor's Order No. 1-90 (55 FR 9033))

Signed at Washington, DC, this 20th day of April 1995.

**Joseph A. Dear,**

*Assistant Secretary of Labor.*

### PART 1952—[AMENDED]

Accordingly, Subpart T of 29 CFR Part 1952 is amended to read as follows:

#### Subpart T—Michigan

1. The authority citation for Part 1952 continues to read:

**Authority:** Sec. 18, 84 Stat. 1608 (29 U.S.C. 667); 29 CFR Part 1902, Secretary of Labor's Order No. 1-90 (55 FR 9033).

2. Section 1952.260 is amended by revising the heading to read:

**§ 1952.260 Description of the plan as initially approved.**

**§ 1952.265 [Redesignated as § 1952.267]**

**§ 1952.262 [Redesignated as § 1952.265]**

3. Section 1952.265 is redesignated as § 1952.267, and § 1952.262 is redesignated as § 1952.265.

**§ 1952.264 [Redesignated as § 1952.262]**

4. Section 1952.264 is redesignated as § 1952.262, and is amended by revising the heading to read:

**§ 1952.262 Completion of developmental steps and certification.**

**§ 1952.264 [Reserved]**

5. A new § 1952.264 is added and reserved.

**§ 1952.261 [Redesignated as § 1952.266]**

6. Section 1952.261 is redesignated as § 1952.266 and revised to read as follows:

**§ 1952.266 Where the plan may be inspected**

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations: Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Room N3700, Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, Room 3244, 230 South Dearborn Street, Chicago, Illinois 60604; Michigan Department of Labor, Victor Office Center, 201 North Washington Square, Lansing, Michigan 48933; and Michigan Department of Public Health, 3423 North Logan Street, Lansing, Michigan 48909

**§ 1952.261 [Redesignated from § 1952.263]**

7. Section 1952.263 is redesignated as § 1952.261 and a new § 1952.263 is added to read as follows:

**§ 1952.263 Compliance staffing benchmarks.**

Under the terms of the 1978 Court Order in *AFL-CIO v. Marshall*, compliance staffing levels ("benchmarks") necessary for a "fully effective" enforcement program were required for each State operating an approved State plan. In 1992, Michigan completed, in conjunction with OSHA, a reassessment of the levels initially established in 1980 and proposed revised benchmarks of 56 safety and 45 health compliance officers. After opportunity for public comment and service on the AFL-CIO, the Assistant Secretary approved these revised staffing requirements on April 20, 1995.

8. Newly designated § 1952.261 is amended by revising the heading to read:

**§ 1952.261 Developmental schedule.**

**§ 1952.261 [Amended]**

9. Newly designated § 1952.261(i) is further redesignated as § 1952.262(i).

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 756

#### Navajo Nation Abandoned Mine Land Reclamation (AMLR) Plan

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** OSM is approving a proposed amendment to the Navajo Nation AMLR plan (hereinafter referred to as the "Navajo plan") under the Surface Mining Control Reclamation Act of 1977 (SMCRA). The Navajo Nation proposed revisions to its AMLR Code of 1987 pertaining to the reclamation of interim program coal sites. The amendment is intended to revise the Navajo plan to be consistent with SMCRA, and to improve operational efficiency.

**EFFECTIVE DATE:** April 25, 1995.

**FOR FURTHER INFORMATION CONTACT:** Thomas E. Ehmett, telephone: (505) 766-1486.

#### SUPPLEMENTARY INFORMATION:

#### I. Background on Title IV of SMCRA

Title IV of SMCRA established an AMLR program for the purposes of reclaiming and restoring lands and waters adversely affected by past mining. The program is funded by a reclamation fee levied on the production of coal. Generally, lands and waters eligible for reclamation under Title IV are those that are mined or affected by mining and abandoned or inadequately reclaimed prior to August 3, 1977, and for which there is no continuing reclamation responsibilities under State, Federal, Tribal, or other laws. Lands and waters abandoned or inadequately reclaimed after August 3, 1977, are also eligible for reclamation under provisions at sections 402(g)(4) and 404 of SMCRA.

Title IV provides for State or Tribal submittal to OSM of an AMLR plan. The