

## **Justification for Nonsubstantive Change to a Currently Approved Collection**

**OMB Control Numbers: 1029-0036, 1029-0039, 1029-0047**

**ICR Reference No.: 201409-1029-003, 201409-1029-004, 201409-1029-002**

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OSMRE is submitting this change notice due to the U.S. District Court for the District of Columbia's ruling on February 20, 2014, which vacated the stream buffer zone rule that we published December 12, 2008 (73 FR 75814). The court remanded the matter to us for further proceedings consistent with the decision. In relevant part, the Memorandum Decision stated that vacatur of the 2008 stream buffer zone rule resulted in reinstatement of the regulations in effect before the vacated rule took effect. Therefore, we are removing the provisions of the vacated 2008 rule and reinstating the corresponding information collection burdens in effect before the effective date of the 2008 rule (January 12, 2009).

There are three information collection packages that will be affected by this vacatur. OMB has approved these collections as 1029-0036 (30 CFR Part 780), 1029-0039 (30 CFR Part 784), and 1029-0047 (30 CFR Parts 816 and 817)

- 1) OSMRE is removing the information collection requirements associated with 30 CFR 780.28 regarding activities in or adjacent to perennial or intermittent streams for surface coal mining and moving this burden in its entirety to 30 CFR 816.57.
- 2) OSMRE is removing the information collection requirements associated with 30 CFR 784.28 regarding activities in or adjacent to perennial or intermittent streams for underground coal mining and moving this burden in its entirety to 30 CFR 817.57.
- 3) OSMRE is incorporating the burden from 30 CFR 780.28 and 784.28 into new 30 CFR 816.57 and 817.57, and is removing some burden from the requirements found at 816.43 and 817.43 for diversions.