Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Privacy Act of 1974; Abolish System of Records

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of abolishment of Department of Agriculture System of Records, USDA/FS–12 Incident Management and Prescribed Fire Qualification and Experience Records.

SUMMARY: The records formerly maintained in the Privacy Act System of Records, USDA/FS–12 Incident Management and Prescribed Fire Qualification and Experience Records are now maintained in another Privacy Act System of Records USDA/BLM–40 Incident Qualification and Certification System (IQCS). Therefore, this system is being abolished and removed from the inventory of USDA Systems of Records in accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This notice is effective on September 17, 2008.

ADDRESSES: For additional information contact the Director of Fire and Aviation Management, Forest Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Mailstop 1107, Washington, DC 20250–1107.

FOR FURTHER INFORMATION CONTACT: Tom Harbour, Director of Fire and Aviation Management, Forest Service, U.S. Department of Agriculture, telephone: (202) 205–1483.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974 (5 U.S.C. 552a), as amended, requires that each agency publish a notice of the existence and character of each new or altered ''system of records.'' 5 U.S.C. 552a(a)(5). This notice identifies a Forest Service System of Records that is no longer in use, USDA/FS–12 Incident Management and Prescribed Fire Qualification and Experience Records. The records which were formerly maintained in this system are now maintained in another Privacy Act System of Records, USDA/BLM–40 Incident and Certification System (IQCS); as published in the **Federal Register** on February 6, 2008. The System of Records, USDA/FS–12, Incident Management and Prescribed Fire Qualification and Experience Records is abolished as absolute and no longer used, and it is removed from the inventory of the USDA System of Records.

Dated: September 3, 2008.

Edward T. Schafer,

Secretary.

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DEPARTMENT OF AGRICULTURE

Forest Service

Determination of Substantial Overriding Public Interest for Extending Certain Timber Sale Contracts

AGENCY: Forest Service, USDA.

ACTION: Notice of Determination of Substantial Overriding Public Interest.

SUMMARY: Pursuant to section 472a(c) of the National Forest Management Act of 1976 (NFMA), and the authority delegated at 7 CFR 2.20, the Under Secretary of Agriculture for Natural Resources and Environment has determined that the substantial overriding public interest (SOPI) justifies the use of market-related contract term adjustments (MRCTA) to extend beyond 10 years, certain existing green timber sale contracts tied to Softwood Lumber index #0811 and Hardwood Lumber index #0812 that were awarded prior to January 1, 2007. This SOPI determination is based on the sustained drastic reduction in softwood lumber prices since 2004 and the more recent hardwood lumber decline.

DATES: The determination was made on September 10, 2008 by the Under Secretary of Agriculture for Natural Resources and Environment.

FOR FURTHER INFORMATION CONTACT: Lathrop Smith, Forest Management Staff, (202) 205–0858 or Richard Fitzgerald, Forest Management Staff (202) 205–1753; 1400 Independence Ave., SW., Mailstop 1103, Washington, DC 20250–1103.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

Background

Section 472a(c) of NFMA provides, in part, as follows:

Unless there is a finding by the Secretary of Agriculture that better utilization of the various forest resources (consistent with the provisions of the Multiple-Use, Sustained-Yield Act of 1960) will result, sales contracts shall be for a period not to exceed 10 years: Provided, That such period may be adjusted at the discretion of the Secretary to provide additional time due to time delays caused by an act of an agent of the United States or by other circumstances beyond the control of the purchaser.[1]

Although the Forest Service generally does not allow the extension of timber sale contracts beyond 10 years, the Secretary of Agriculture may extend such contracts beyond 10 years if he determines doing so will result in the better utilization of the various forest resources. However, the Secretary ''shall not extend any contract period with an original term of 2 years or more unless he finds (A) that the purchaser has diligently performed in accordance with an approved plan of operation or (B) that the substantial overriding public interest justifies the extension.'' [2]

The Under Secretary of Agriculture for Natural Resources and Environment has determined that a healthy timber industry infrastructure results in the better utilization of the various forest resources. The grant of additional MRCTA time to purchasers eligible for relief under this SOPI is intended to help maintain that infrastructure by preventing timber sale purchasers from defaulting on their contracts, closing their mills, and filing for bankruptcy protection. Having numerous economically viable timber sale purchasers is in the substantial overriding public interest for many reasons, including the following: (1) It allows the Forest Service to accomplish land management objectives in a cost-effective manner; (2) it increases competition for National Forest System timber sales and can result in higher prices paid for timber; (3) it helps

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[1] 16 U.S.C. 472a(c).

[2] *Id.*