



Forest
Service

Washington
Office

1400 Independence Avenue, SW
Washington, DC 20250

File Code: 1380-4
Route To:

Date: **JUN 04 2008**

Subject: Request For Emergency Review and Processing for Information Collection Requirement

To: Margaret Malanoski

Through: Charlene Parker
Department Clearance Officer
Office of the Chief Information Officer

We hereby request emergency review and processing of an information collection burden that is set to be imposed on timber sale purchasers for the collection of certain information under the Food, Conservation, and Energy Act of 2008, Pub L. No. 110-234, 122 Stat. 93, section 8401 (May 22, 2008), hereinafter Act. The Act requires timber sale purchasers seeking relief options to submit a written release of liability, and under one of the options to classify by three broad groups (softwood lumber, hardwood lumber, and wood chips) the products that will be manufactured from the timber harvested. The Act also requires purchasers seeking relief options to submit their written request within 90 days of enactment of the Act. Furthermore, the Managers Statement for section 8401 directed the Forest Service to *revise existing regulations within 90 days of enactment of this Act to reflect provisions of this section for future market problems*. The Forest Service also intends to provide additional time to certain timber sales not covered by the Act based on a determination of Substantial Overriding Public Interest (SOPI). Purchasers seeking a SOPI extension will be required to provide a waiver of liability virtually identical to the waiver required under the Act.

This emergency clearance is requested in order to (1) permit the collection of information required by the Act, (2) comply with the implementation of a *Federal Register* notice that will revise existing regulations pursuant to the Managers Statement for section 8401 of the Act, and (3) permit the collection of information required for processing a SOPI extension. The Forest Service intends to publish a *Federal Register* notice on or before June 30, 2008 revising the existing Market-Related Contract Term Addition regulations. That notice will provide the public with a 60 day period to comment on the information collection under the regulation and since they require the same information collection it will also address the Act and the SOPI extensions.

Nationally there are 1,030 timber sale contracts that are potentially eligible for one of these relief options. A purchaser seeking relief under one of these options would submit the required information once for each contract. But, a small subset (less than 100) of these contracts may meet the conditions for cancellation and purchasers seeking cancellation will be required to submit a second more detailed liability release. It is estimated that less than 100 of the contracts would require classifying the volume into three groups as required under one of the relief options. Since it is unknown how many purchasers will actually seek any of these options the



It's Cool to Be Safe

Printed on Recycled Paper



1,030 contracts plus 200 contracts requiring additional information represents the maximum number of potential responses.

The collected information will be used by the Forest Service in processing contract modifications or contract cancellations. It is estimated that respondents will need approximately 10 minutes to execute a limited liability agreement for a total potential burden of 188 hours. It is estimated that between 5 and 10 percent of the sale may require classifying the volume into three groups and that the respondents could prepare that information within 10 minutes per response for a total potential burden of 17 hours. Total burden hours is estimated to be 205. The limited liability agreements will require original signatures so they will have to be submitted on paper originals. Purchasers will be allowed to submit timber classification information electronically when it is required.

In compliance with the Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implements the Paperwork Reduction Act of 1995 (Pub. L. 104-13), the information collection and recordkeeping requirements that may be imposed by this action are submitted to OMB for emergency review and approval. The revised information collection forms would not become effective prior to OMB's review.



JOEL D. HOLTROP
Deputy Chief for National Forest System

Enclosures 5:

Supporting Statement
Section 8401 of 2008 Farm Bill
Managers Statement for Section 8401
Form FS-2400-70
Form FS-2400-71