

determine in advance what information is accurate, relevant, timely and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light. The restrictions imposed by subsection (e)(5) would limit the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of criminal intelligence necessary for effective law enforcement. In addition, because many of these records come from other federal, state, local, joint, foreign, tribal, and international agencies, it is administratively impossible to ensure compliance with this provision.

\* \* \* \* \*

Dated: January 17, 2003.

**Paul R. Corts,**

*Assistant Attorney General for Administration.*

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## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Part 4

#### RIN 1024-AC69

#### Operating Under the Influence of Alcohol or Drugs

**AGENCY:** National Park Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The National Park Service (NPS) is proposing to amend its regulations concerning motor vehicle operation under the influence of alcohol. Currently, the NPS has regulations prohibiting operation with a blood alcohol concentration (BAC) of 0.10 grams or more of alcohol per 100 milliliters of blood or 0.10 grams of alcohol per 210 liters of breath. On March 3, 1998, a Presidential directive was issued directing the NPS, and other federal agencies, to promulgate regulations adopting a stricter limit of 0.08 grams BAC.

**DATES:** Written comments will be accepted through April 1, 2003.

**ADDRESSES:** Comments should be addressed to Kym Hall, National Park Service, 1849 C Street, NW., Room 7248, Washington, DC 20240. Fax: (202) 219-8835. Email: [WASO\\_Regulations@nps.gov](mailto:WASO_Regulations@nps.gov).

**FOR FURTHER INFORMATION CONTACT:** Kym Hall, Regulations Program Manager,

National Park Service, 1849 C Street, NW., Room 7248, Washington, DC 20240. Telephone: (202) 208-4206. Email: [Kym\\_Hall@nps.gov](mailto:Kym_Hall@nps.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The NPS administers 385 areas throughout the country under the broad statutory mandates to promote and regulate their use; to conserve the scenery, the natural and cultural objects and the wildlife therein; and to provide for their enjoyment in such manner as will leave them unimpaired for the enjoyment of future generations. Although the nearly 300 million annual visitors to the National Park System use a variety of access methods, the vast majority rely on motor vehicles and roadways to reach park areas and to circulate within them. Consequently, the NPS has major responsibilities and program involvement in the areas of road construction and maintenance, traffic safety and traffic law enforcement.

The NPS currently administers over 8,000 miles of roads within the National Park System that are open to the public. These 8,000 miles compare in magnitude to the State of Arizona's state road system, except that they are scattered throughout the United States and its territories. There is great variety in the nature and extent of park roads, ranging from very short lengths of unpaved secondary roadways, to well-developed road systems complete with spur roads, parking areas and overlooks, to parkways running for hundreds of miles through several States, to parkways used primarily as commuter routes in the Washington, DC area. In addition, many park areas contain State and/or county highways and roads over which the NPS may exercise varying degrees of jurisdiction.

On April 2, 1987, the NPS promulgated a final rule (36 CFR 4.23) concerning operating a motor vehicle under the influence of alcohol (52 FR 10683). That rule prohibits the operation or control of a motor vehicle if the alcohol concentration in the operator's blood or breath is 0.10 grams or more of alcohol per 100 milliliters of blood or 0.10 grams of alcohol per 210 liters of breath. The regulation provides, however, that if State Law that applies to operating a motor vehicle while under the influence of alcohol establishes more restrictive limits of alcohol concentration in the operator's blood or breath, those limits supercede the limits specified in this paragraph. The regulation is implemented primarily through signing, text in brochures and incidental public contact.

President Clinton issued a directive on March 3, 1998, which directed the NPS to propose rules and take other appropriate measures to lower the BAC limit in National Park Service areas. This includes, but is not limited to, strong enforcement, conducting education, awareness and other appropriate programs about the importance of the 0.08 BAC standard. The benefits of the 0.08 standard in lives saved and injuries prevented have been documented extensively.

#### Compliance With Other Laws

##### *Regulatory Planning and Review (Executive Order 12866)*

This document is not a significant rule and is not subject to review by the Office of Management and Budget under Executive Order 12866.

(1) This rule will not have an effect of \$100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, Local, or tribal governments or communities.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. Actions taken under this rule will not interfere with other agencies or local government plans, policies, or controls. This is an agency specific rule.

(3) This rule does not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. This rule will have no effects of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. No grants or other forms of monetary supplements are involved.

(4) This rule does not raise novel legal or policy issues. This change to the legal blood alcohol concentration level is prevalent throughout the United States and has been adopted by most other federal agencies and states.

##### *Regulatory Flexibility Act*

The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

Although the regulation has significant implications for public safety, it does not have monetary implications. There are no businesses that depend on the public's ability to operate a motor vehicle while intoxicated. The rule will likely provide non-monetized benefits to the NPS and other law enforcement agencies through decreased accidents and injuries.