

is prohibited when the driver is under 21 years of age and the alcohol concentration in the driver's blood or breath is 0.02 grams or more of alcohol per 100 milliliters or blood or 0.02 grams or more of alcohol per 210 liters of breath.

(ii) Operating or being in actual physical control of an oversnow vehicle is prohibited when the driver is a snowmobile guide or a snow coach operator and the alcohol concentration in the driver's blood or breath is 0.04 grams or more of alcohol per 100 milliliters of blood or 0.04 grams or more of alcohol per 210 liters of breath.

(iii) This paragraph also applies to non-administrative snowmobile use by NPS, contractor or concessioner employees, or other non-recreational users authorized by the Superintendent.

(13) *Do other NPS regulations apply to the use of oversnow vehicles?* The use of oversnow vehicles in Grand Teton is not subject to §§ 2.18(d) and (e) and 2.19(b) of this chapter.

(14) *Are there any forms of non-motorized oversnow transportation allowed in the park?* (i) Non-motorized travel consisting of skiing, skating, snowshoeing, or walking is permitted unless otherwise restricted pursuant to this section or other provisions of 36 CFR Part 1.

(ii) The Superintendent may designate areas of the park as closed, reopen such areas, or establish terms and conditions for non-motorized travel within the park in order to protect visitors, employees, or park resources.

(iii) Dog sledding and ski-joring are prohibited.

(15) *May I operate a snowplane in the park?* The operation of a snowplane in Grand Teton National Park is prohibited.

(16) *May I continue to access public lands via snowmobile through the park?* Reasonable and direct access, via snowmobile, to adjacent public lands will continue to be permitted on designated routes through the park. Requirements established in this section related to air and sound emissions, snowmobile operator age, guiding, and licensing do not apply on these oversnow routes. The following routes only are designated for access via snowmobile to public lands:

(i) From the parking area at Shadow Mountain directly along the unplowed portion of the road to the east park boundary.

(ii) Along the unplowed portion of the Ditch Creek Road directly to the east park boundary.

(iii) The Continental Divide Snowmobile Trail, from the east park boundary to Moran Junction.

(17) *For what purpose may I use the routes designated in paragraph (g)(16) of this section?* You may use those routes designated in paragraph (g)(16) of this section only to gain direct access to public lands adjacent to the park boundary.

(18) *May I continue to access private property within or adjacent to the park via snowmobile?* Until such time as the United States takes full possession of an inholding in the park, the Superintendent may establish reasonable and direct access routes via snowmobile, to such inholding, or to private property adjacent to park boundaries for which other routes or means of access are not reasonably available. Requirements established in this section related to air and sound emissions, snowmobile operator age, licensing, and guiding do not apply on these oversnow routes. The following routes are designated for access to properties within or adjacent to the park:

(i) The unplowed portion of Antelope Flats Road off U.S. 26/89 to private lands in the Craighead Subdivision.

(ii) The unplowed portion of the Teton Park Road to the piece of land commonly referred to as the "Clark Property".

(iii) From the Moose-Wilson Road to the land commonly referred to as the "Barker Property".

(iv) From the Moose-Wilson Road to the land commonly referred to as the "Wittimer Property".

(v) From the Moose-Wilson Road to those two pieces of land commonly referred to as the "Halpin Properties".

(vi) From the south end of the plowed sections of the Moose-Wilson Road to that piece of land commonly referred to as the "JY Ranch".

(vii) From Highway 26/89/187 to those lands commonly referred to as the "Meadows", the "Circle EW Ranch", the "Moulton Property", the "Levinson Property" and the "West Property".

(viii) From Cunningham Cabin pullout on U.S. 26/89 near Triangle X to the piece of land commonly referred to as the "Lost Creek Ranch".

(ix) Maps detailing designated routes will be available from Park Headquarters.

(19) *For what purpose may I use the routes designated in paragraph (g)(18) of this section?* Those routes designated in paragraph (g)(18) of this section are only to access private property within or directly adjacent to the park boundary. Use of these roads via snowmobile is authorized only for the landowners and their representatives or guests. Use of these roads by anyone else or for any other purpose is prohibited.

(20) *Is violating any of the provisions of this section prohibited?* Violating any of the terms, conditions or requirements of paragraphs (g)(1) through (g)(19) of this section is prohibited. Each occurrence of non-compliance with these regulations is a separate violation.

Dated: December 4, 2008.

**Lyle Lavery,**

*Assistant Secretary, Fish and Wildlife and Parks.*

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## DEPARTMENT OF AGRICULTURE

### Forest Service

#### 36 CFR Part 212

#### Travel Management; Designated Routes and Areas for Motor Vehicle Use

**AGENCY:** Forest Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Forest Service is revising the travel management rule to make it consistent with language proposed in the rule's implementing directives that was published for public notice and comment in the **Federal Register** and that has been adopted in the final directives. The notice adopting the final travel management directives is contained in the same issue of the **Federal Register** as this rule. The change to the travel management rule is needed to allow for limited motor vehicle use on National Forest System (NFS) lands within a specified distance of State or county roads or trails solely for the purposes of dispersed camping or big game retrieval.

In addition, the agency is removing a redundant paragraph from the regulations concerning the travel management rule.

**DATES:** *Effective Date:* This rule is effective January 8, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Deidre St. Louis, Recreation, Heritage, and Volunteer Resources Staff, (202) 205-0931.

**SUPPLEMENTARY INFORMATION:** The travel management rule requires designation of those roads, trails, and areas that are open to motor vehicle use. Designations are made by class of vehicle and, if appropriate, by time of year (36 CFR 212.51(a)). The rule prohibits the use of motor vehicles off the designated system, as well as use of motor vehicles on routes and in areas that is not consistent with the designations (36 CFR 261.13). Responsible officials may

include in the designation the limited use of motor vehicles within a specified distance of certain designated routes, and if appropriate within specified time periods, solely for the purposes of dispersed camping or retrieval of a downed big game animal by an individual who has legally taken that animal (big game retrieval) (36 CFR 212.51(b)).

In many places in the NFS, visitors use motor vehicles for dispersed camping or big game retrieval within a limited distance of State or county roads or trails, which are not under the jurisdiction of the Forest Service and cannot be designated for motor vehicle use (36 CFR 212.1, 212.50(a), and 212.51(a)). The travel management rule currently allows for motor vehicle use for dispersed camping or big game retrieval only in conjunction with designated routes.

Consequently, the proposed directives implementing the travel management rule contained language at Forest Service Manual (FSM) 7710 that would allow the responsible official to include in a designation the limited use of motor vehicles within a specified distance of certain forest roads and forest trails, and if appropriate within specified time periods, solely for the purposes of dispersed camping or big game retrieval. Forest roads and trails include State and county roads and trails in the NFS, as well as NFS roads and NFS trails (36 CFR 212.1). The Forest Service published the proposed directives for implementing the travel management rule for public notice and comment in the **Federal Register** on March 9, 2007 (72 FR 10632). In the final directives at FSM 7715.74, the Forest Service has retained the provision in proposed FSM 7710 that would allow the responsible official to include in a designation the limited use of motor vehicles within a specified distance of certain forest roads and forest trails, and if appropriate within specified time periods, solely for the purposes of dispersed camping or big game retrieval. In addition, the agency has included the phrase, "where motor vehicle use is allowed" after "certain forest roads and forest trails," since not all forest roads and trails are open to motor vehicle use. The agency is revising the travel management rule at 36 CFR 212.51(b) to make it consistent with FSM 7715.74 in the final directives. Since the proposed language regarding dispersed camping and big game retrieval was subjected to full public notice and comment under the Administrative Procedure Act, further public notice and comment are unnecessary (5 U.S.C. 553(b)(B)).

In addition, the agency is removing paragraph (d) of 36 CFR 212.2, which governs the program of work for the forest transportation system, as it duplicates verbatim paragraph (c) of that section. Public notice and comment regarding this minor, purely nonsubstantive correction of a formatting error are unnecessary (5 U.S.C. 553(b)(B)).

#### List of Subjects in 36 CFR Part 212

Highways and roads, National forests, Public lands—rights-of-way, and Transportation.

■ For the reasons set forth in the preamble, part 212 of title 36 of the Code of Federal Regulations is amended to read as follows:

#### PART 212—TRAVEL MANAGEMENT

##### Subpart A—Administration of the Forest Transportation System

■ 1. The authority citation for part 212, subpart A, continues to read as follows:

**Authority:** 16 U.S.C. 551, 23 U.S.C. 205.

##### § 212.2 [Amended]

■ 2. In § 212.2, remove paragraph (d).

##### Subpart B—Designation of Roads, Trails, and Areas for Motor Vehicle Use

■ 3. The authority citation for part 212, subpart B, continues to read as follows:

**Authority:** 7 U.S.C. 1011(f), 16 U.S.C. 551, E.O. 11644, 11989 (42 FR 26959).

■ 4. Revise § 212.51 paragraph (b) to read as follows:

##### § 212.51 Designation of roads, trails, and areas.

\* \* \* \* \*

(b) *Motor vehicle use for dispersed camping or big game retrieval.* In designating routes, the responsible official may include in the designation the limited use of motor vehicles within a specified distance of certain forest roads or trails where motor vehicle use is allowed, and if appropriate within specified time periods, solely for the purposes of dispersed camping or retrieval of a downed big game animal by an individual who has legally taken that animal.

\* \* \* \* \*

Dated: November 10, 2008.

**Mark Rey,**

*Under Secretary, Natural Resources and Environment.*

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#### GENERAL SERVICES ADMINISTRATION

#### 48 CFR Parts 533 and 552

[GSAR Amendment 2008-03; GSAR Case 2007-G501; Docket 2008-0007; Sequence 1 (Change 24)]

RIN 3090-AI49

#### General Services Administration Acquisition Regulation; GSAR Case 2007-G501, Protests, Disputes, and Appeals

**AGENCIES:** General Services Administration (GSA), Office of the Chief Acquisition Officer.

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) by updating language pertaining to protests, disputes, and appeals.

**DATES:** *Effective Date:* January 8, 2009.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact Ms. Meredith Murphy at (202) 208-6925, or by e-mail at [meredith.murphy@gsa.gov](mailto:meredith.murphy@gsa.gov). For information pertaining to the status or publication schedules, contact the Regulatory Secretariat (VPR), Room 4041, GS Building, Washington, DC 20405, (202) 501-4755. Please cite Amendment 2005-03, GSAR case 2007-G501 (Change 24).

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The General Services Administration (GSA) is amending the General Services Administration Acquisition Regulation (GSAR) to update the text addressing protests, disputes, and appeals. This rule is a result of the General Services Administration Acquisition Manual (GSAM) rewrite initiative undertaken by GSA to revise the GSAM to maintain consistency with the FAR and implement streamlined and innovative acquisition procedures that contractors, offerors, and GSA contracting personnel can utilize when entering into and administering contractual relationships. The GSAM incorporates the GSAR as well as internal agency acquisition policy.

GSA will rewrite each part of the GSAR and GSAM, and as each GSAR part is rewritten, will publish it in the **Federal Register**.

This rule covers the rewrite of GSAR Part 533, Protests, Disputes, and Appeals. A proposed rule was published in the **Federal Register** at 73 FR 32514 on June 9, 2008. No comments were received in response to the