

Dated: December 21, 1995.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

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36 CFR Part 17

RIN 1024-AC27

Conveyance of Freehold and Leasehold Interests

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service (NPS) is proposing to revise portions of the regulations for conveyance of freehold and leasehold interests on lands administered by the NPS. The proposed rule would allow bids for freehold and leasehold interests on lands to be accompanied by earnest money equivalent to 2 percent of the appraised value or \$2,500, whichever is greater, with the balance of the bid due within 45 days of the award. The NPS has experienced problems selling parcels of real estate under the current regulations, which require that bids be accompanied by certified checks, post office money orders, bank drafts or cashier's checks for the full amount of the bids. The proposed changes to the regulations address this issue and will correct the problem identified with the current regulations. With these proposed changes, the NPS will be able to convey freehold and leasehold interests on federally owned lands.

The proposed revision also provides for a time frame for submitting the balance of the bid and describes what occurs if the successful bidder is unable to obtain the necessary financing in the case of a freehold interest. The NPS proposes to revise and amend the current regulations on action at close of bidding, by allowing 45 days from the time of bid award to submit the balance due. Failure to submit the full bid price within 45 days would result in forfeiture of \$1,000 of the deposited bid amount and the property would be awarded to the next highest bidder.

DATES: Written comments will be accepted through April 12, 1996.

ADDRESSES: Comments should be addressed to: Superintendent, Cuyahoga Valley National Recreation Area, 15610 Vaughn Road, Brecksville, OH 44141, Telephone (216) 546-5903.

FOR FURTHER INFORMATION CONTACT: Jeff Winstel, Historian, Cuyahoga Valley National Recreation Area, 15160

Vaughn Road, Brecksville, OH 44114, Telephone (216) 546-5975.

SUPPLEMENTARY INFORMATION:

Background

The current NPS regulations regarding conveyance of freehold and leasehold interests on land are codified in 36 CFR part 17. They authorize sale of Federal real property acquired from non-Federal sources.

On June 3, 1993, Cuyahoga Valley National Recreation Area, a unit of the National Park System, held a bid opening for the purpose of selling 1.13 acres of improved federally owned land. Improvements included an historic three-bedroom residence; a detached, single car garage; and two small sheds. Historic preservation deed restrictions were placed on the structures and scenic deed restrictions were placed on the land.

The property was marketed extensively. It was listed in the Federal Register, advertised in a local paper for five consecutive weeks, marketed with a local realtor, listed in the Multiple Listing Service, advertised on local television channels, and open houses were held on four days. There was considerable interest in the property with 180 prospective buyers attending the open houses and private showings. Interviews with park officials by news media reporters regarding the property appeared on local TV stations and in local newspapers.

There was not a single bid received for the property on June 3rd. This lack of response was a concern and inquiries were made of 50 people who had attended the open houses and expressed a sincere interest in buying the property. The major reason given for not bidding was the requirement that the full amount of the bid be enclosed with the bid. No financial lending institution would approve this type of arrangement.

The NPS is therefore proposing to amend this regulation. The NPS proposes that the sixth sentence of 36 CFR 17.5 be amended as follows: "Bids must be accompanied by certified checks, post office money orders, bank drafts, or cashier's checks made payable to the United States of America for 2 percent of the fair market value or \$2,500, whichever is greater, in the case of a freehold interest or for the amount of the first year's rent in the case of a leasehold interest."

The NPS also proposes to amend 36 CFR 17.6 by adding the following three (3) sentences to the end of the section: "In the case of a freehold interest the high bidder must submit the balance of the bid within 45 days of the bid award

in the form of a certified check, post office money order, bank draft or cashier's check made payable to the United States of America. Failure to submit the full balance within 45 days will result in forfeiture of \$1,000 of the bid deposit (unless the bidder has been released from the bid or an extension has been granted by the authorized officer) and the property will be awarded to the next highest bidder upon fulfillment of the requirements herein."

The proposed changes will improve the existing regulations by permitting prospective bidders to participate without an outlay of a large sum of cash. The NPS anticipates that the amended regulation will facilitate "sellback" of historic structures that can be most effectively preserved through private ownership rather than public ownership. The historic and scenic values of the properties will be protected through deed restrictions.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule to the address noted at the beginning of this rulemaking. The NPS will review comments and consider making changes to the final rule based upon an analysis of the comments.

Drafting Information: The primary author of this regulation is John P. Debo, Jr., Superintendent, Cuyahoga Valley National Recreation Area.

Paperwork Reduction Act

This proposed rule does not contain collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined 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.*). The economic effects of this rulemaking are local in nature and negligible in scope.

The NPS has determined that this proposed rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character

of the area or causing physical damage to it;

(b) Introduce incompatible uses that may compromise the nature and characteristics of the area, or cause physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, this proposed rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental guidelines in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment (EA) nor an Environmental Impact Statement (EIS) has been prepared.

List of Subjects in 36 CFR Part 17

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, it is proposed to amend 36 CFR Chapter I as follows:

PART 17—CONVEYANCE OF FREEHOLD AND LEASEHOLD INTERESTS ON LANDS OF THE NATIONAL PARK SYSTEM

1. The authority citation for Part 17 continues to read as follows:

Authority: Sec 5(a) of the Act of July 15, 1968, 82 Stat. 354, 16 U.S.C. 4601-22(a).

2. Section 17.5 is amended by revising the sixth sentence to read as follows:

§ 17.5 Bids.

* * * Bids must be accompanied by certified checks, post office money orders, bank drafts, or cashier's checks made payable to the United States of America for 2 percent of the amount of the fair market value or \$2,500, whichever is greater, in the case of a freehold interest or for the amount of the first year's rent in the case of a leasehold interest. * * *

3. Section 17.6 is amended by adding two sentences to the end of the section, to read as follows:

§ 17.6 Action at close of bidding.

* * * In the case of a freehold interest the high bidder must submit the balance of the bid within 45 days of the bid award in the form of a certified check, post office money order, bank draft, or cashier's check made payable to the United States of America. Failure to submit the full balance within 45 days shall result in the forfeiture of \$1,000 of the bid deposit, unless the bidder has been released from said bid or an extension has been granted by the authorized officer, and the property will

be awarded to the next highest bidder upon fulfillment of the requirements of this section.

Dated: December 21, 1995.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AH39

Veterans Education: Course Measurement for Graduate Courses

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the "ADMINISTRATION OF EDUCATIONAL BENEFITS" regulations to provide that all undergraduate courses taken by graduate students are to be measured by the graduate school (full time, half time, quarter time, etc.) or by the formula used for measuring undergraduate courses for undergraduate students, whichever results in a higher monthly rate for the veteran. Students receive benefits based on the assessment of their training time (full time, half time, quarter time, etc.). It appears that graduate schools, often with unique programs, have the most expertise for assessing the training status for their own programs. Also, it appears that they realistically report the training status of graduate students. Even so, we do not believe that graduate students should be paid a lower monthly rate than undergraduate students for the same training. Hence, it appears that the adoption of this change would streamline the process while yielding equitable results.

DATES: Comments must be received on or before April 12, 1996.

ADDRESSES: Send written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, or hand deliver written comments to: Office of Regulations Management, Room 1176, 801 Eye Street, NW., Washington DC 20001. Comments should indicate that they are submitted in response to "RIN 2900-AH39." All written comments received will be available for public inspection only in the Office of Regulations Management between the hours of 8 a.m. to 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, (202) 273-7187.

SUPPLEMENTARY INFORMATION: Under the "ADMINISTRATION OF EDUCATIONAL BENEFITS" regulations (set forth at 38 CFR subpart D and referred to below as the regulations) students receive benefits based on the assessment of their training time (full time, half time, quarter time, etc.). This document proposes to amend the regulations by changing the method of measuring training time for undergraduate courses that are taken by graduate students.

VA regulations specify, with certain exceptions, that undergraduate students pursuing undergraduate courses of 14 hours for standard terms are to be designated as full-time students. VA regulations contain corresponding provisions for less than full time (half time, quarter time, etc.). These measurement provisions for undergraduate students are mandated by statutory requirements (38 U.S.C. 3688). The current regulations measure the enrollment of graduate students in undergraduate courses in the same manner as for undergraduate students. However, the current regulations measure the enrollment of graduate students in graduate courses according to the school's assessment of part-time or full-time training status rather than using a formula.

Accordingly, if a graduate student enrolled for a combination of seven undergraduate credit hours (which is half time under the statutory 14 credit-hour full-time system), and a number of graduate hours assessed as half time by his or her school, then the graduate student would be considered a full-time student for VA education purposes.

The provisions of 38 U.S.C. 3688 state that VA has discretion in determining how to measure graduate courses. Consistent with this authority, this document proposes to amend the regulations to provide for all undergraduate courses of graduate students to be measured by the graduate schools' assessment (full time, half, quarter time, etc.) or by the formula used for measuring undergraduate courses for undergraduate students, whichever results in a higher monthly rate for the veteran.

Based on Department expertise, it appears that graduate schools, often with unique programs, have the most expertise for assessing the training status for their own programs. Also, it appears that they realistically report the