

**Office of Community Oriented Policing Services****28 CFR Part 92**

RIN 1105-AA47

**FY 1996 Police Corps Program**

**AGENCY:** Office of the Police Corps and Law Enforcement Education, Office of Community Oriented Policing Services, Justice.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This rule establishes a framework for the Police Corps, authorized by the Police Corps Act, Title XX, Subtitle A of the Violent Crime Control and Law Enforcement Act of 1994. For Fiscal Year 1996, Congress has appropriated \$10 million for the operation of the Police Corps. This regulation is being published under the statutory grant of authority of the Police Corps Act to issue regulations governing the process of selection of Police Corps participants.

**DATES:** This interim rule is effective on September 24, 1996. All comments must be received by close of business (5:30 p.m. EST) on October 24, 1996. The length of the comment period has been limited to thirty days in order to provide States and individuals timely access to the available program funds. It would be contrary to the public interest to delay implementation of the program.

**ADDRESSES:** All comments should be addressed to L. Anthony Sutin, Deputy Director/General Counsel, Office of Community Oriented Policing Services, U.S. Department of Justice, 1100 Vermont Avenue, NW., Washington, DC 20530.

**FOR FURTHER INFORMATION CONTACT:** The Department of Justice Response Center at 1-800-421-6770 or (202) 307-1480, or L. Anthony Sutin, Office of Community Oriented Policing Services, at (202) 514-3750.

**SUPPLEMENTARY INFORMATION:** The purpose of this rule is to provide guidance to States and individuals interested in applying to participate in the Police Corps. The rule addresses eligibility requirements, application criteria and procedures, and certain post-application requirements. The rule is not intended to be a comprehensive compilation of the administrative requirements of the Police Corps; the authorizing statute (42 U.S.C. 14091 *et seq.*) is quite detailed in a number of respects and those requirements and provisions are not repeated in the regulation (but are set forth in the following overview). In addition, other

program requirements and procedures will be formulated by the participating States in light of their circumstances and needs.

**Overview**

The Police Corps is administered by the Office of the Police Corps and Law Enforcement Education ("OPCLEE"), within the Office of Community Oriented Policing Services, U.S. Department of Justice, in partnership with participating States that have submitted an approved State plan. The Police Corps awards scholarships and reimburses educational expenses to students who agree to work in a State or local police force for at least four years. Students must pursue an undergraduate or graduate degree in a course of study which, in the judgment of the State or local police force to which the participant will be assigned, includes appropriate preparation for police service. The service commitment must follow receipt of the baccalaureate degree or precede commencement of graduate studies funded by the Police Corps. Police Corps funds cover education expenses (including tuition, fees, books, supplies, transportation, room and board, and miscellaneous expenses) up to \$7,500 per academic year, with a limit on total payments to any student of \$30,000. Funds are paid directly by the Department of Justice to the institution of higher education, or to the participating student in reimbursement for the expenses.

Police Corps scholarship funds also are available to dependent children of law enforcement officers killed in the line of duty. These scholarships may be applied to any course of study, without any service or repayment obligation.

Police Corps participants are selected on a competitive basis by each State within the framework of this rule. Participation is open to U.S. citizens and permanent resident aliens who meet the requirements for admission as a trainee of the police agency to which he or she will be assigned. Participants also must possess the necessary mental and physical capabilities and emotional characteristics to be an effective law enforcement officer, be of good character and demonstrate sincere motivation and dedication to law enforcement and public service. Until 1999, up to 10% of Police Corps participants may be persons who have had some law enforcement experience and have demonstrated special leadership potential and dedication to law enforcement.

**Service Obligation:** Participants enter into a contract with OPCLEE for their four-year service commitment. Police

Corps participants have all of the rights and responsibilities of the members of the police force to which they are assigned. They should be compensated at the same rate of pay and receive the same benefits as other officers of the same rank and tenure of their assigned force. If disciplinary matters, layoffs, or other circumstances preclude fulfillment of the four-year service requirement, OPCLEE will reassign the participant to an "equivalent law enforcement service." If physical or emotional disability preclude completion of service; OPCLEE may substitute participation in community service. If the service obligation is not satisfactorily completed, the participant will be required to repay all Police Corps funds received, plus interest at ten percent.

Police agencies that employ Police Corps officers will receive \$10,000 per participant for each year of service, or \$40,000 per each participant who fulfills the four-year service obligation. However, a police agency may not receive this payment if its average size has declined by more than 2 percent since January 1, 1993, or if it has laid off officers.

**State Participation:** A State or territory that wishes to participate in the Police Corps must designate a lead agency that will submit a State plan to OPCLEE and administer the program in the State. The State plan must provide that the agency will work in cooperation with local law enforcement liaisons, representatives of police labor and management organizations, and other appropriate agencies to develop and implement interagency agreements. The State also must agree to advertise the availability of Police Corps funds, and make special efforts to recruit applicants from among members of all racial, ethnic or gender groups.

The State plan sets out procedures governing assignment of participants to State and local police agencies. Participants must be assigned to those geographic areas where there is the greatest need for additional personnel and where they will be used most effectively. Where consistent with those objectives, a participant should be assigned to an area near his or her home or other location of choice. No participants may be assigned to a police force the size of which has declined more than 5 percent since 1989 or which has laid off officers. Up to ten percent of participants may be assigned to the State Police.

The State plan must provide that Police Corps participants will, to the extent feasible, be assigned to community and preventive patrol.

To avoid oversubscription of the program, OPCLEE has discretion regarding the number of State plans that are approved, giving preference to those that provide law enforcement personnel to areas of greatest need.

**Training:** Police corps participants must attend two 8-week training sessions established by OPCLEE, following the completion of their sophomore and junior years (unless the participant entered the program after that point). Training is intended to serve as basic law enforcement training, designed to include vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement. Each participant is paid \$250 per week of training by OPCLEE.

Under the authorizing statute, OPCLEE may establish and administer up to three training centers, or contract with existing State training facilities. OPCLEE is required to contract with a State facility, if the facility so requests, if OPCLEE determines that the facility offers training substantially equivalent to that called for under this provision. OPCLEE also may contract or enter into agreements with other individuals, universities, federal, state and local government agencies for training resources. OPCLEE is authorized to expend funds for effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials, and the provision of subsistence, quarters, and medical care to participants.

**Request for Comment:** The Office of the Police Corps and Law Enforcement Education seeks comments on any aspect of the rule.

#### Administrative Requirements

##### *Executive Order 12866*

This regulation has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Office of Community Oriented Policing Services has determined that this Interim Rule is not a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and, accordingly, this Interim Rule has not been reviewed by the Office of Management and Budget.

##### *Regulatory Flexibility Act*

The Director, Office of the Police Corps and Law Enforcement Education, Office of Community Oriented Policing Services, in accordance with the Regulatory Flexibility Act, codified at 5

U.S.C. 605(b), has reviewed this regulation and, by approving it, certifies that this regulation will not have a significant economic impact on a substantial number of small entities. This Interim Rule builds upon the statutory outline of a program providing scholarships and educational assistance to individuals in exchange for a commitment to serve as a law enforcement officer for four years, and the award of such scholarships or assistance imposes no requirements on small businesses or other small entities.

##### *Paperwork Reduction Act*

The information collection requirements contained in this interim rule were submitted for review and clearance to the Office of Management and Budget, as required by provisions of the Paperwork Reduction Act, 44 U.S.C. 3504(h). A clearance number of 1103-0035 has been assigned, with the clearance expiring on February 27, 1997.

##### List of Subjects in 28 CFR Part 92

Law Enforcement Officers, Scholarships and fellowships, Student Aid.

For the reasons set out in the preamble, 28 CFR is amended by adding Part 92 to read as follows:

#### **PART 92—POLICE CORPS ELIGIBILITY AND SELECTION CRITERIA**

Sec.

92.1 Scope.

92.2 Am I eligible to apply to participate in the Police Corps?

92.3 How and when should I apply to participate in the Police Corps?

92.4 How will participants be selected from applicants?

92.5 What educational expenses does the Police Corps cover, and how will they be paid?

92.6 What colleges or universities can I attend under the Police Corps?

Authority: 42 U.S.C. 14091.

##### **§92.1 Scope.**

This subpart sets forth guidance on the eligibility for and selection to participate in the Police Corps. The Police Corps offers scholarships and educational expense reimbursements to individuals who agree to serve as a State or local police officer or sheriff's deputy for four years. In addition, Police Corps participants receive sixteen weeks of training in basic law enforcement, including vigorous physical and mental training to teach self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

##### **§92.2 Am I eligible to apply to participate in the Police Corps?**

(a) You should consider applying to the Police Corps if you are seeking an undergraduate or graduate degree, and are willing to commit to four years of service as a member of a State or local police force. To be eligible to participate in a State Police Corps program, an individual also must:

(1) Be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States as of the date of application;

(2) Meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned if selected, including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police force shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(3) Possess the necessary mental and physical characteristics to discharge effectively the duties of a law enforcement officer;

(4) Be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(5) In the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete four years of service as an officer in the State police or in a local police department within the State;

(6) In the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(7) Contract, with the consent of the participant's parent or guardian if the participant is a minor, to serve four years as an officer in the State police or in a local police department, if an appointment is offered; and

(8) Except as provided in paragraph (a)(8)(i) of this section, be without previous law enforcement experience.

(i) Until September 13, 1999, up to ten percent of the applicants accepted into the State Police Corps program may be persons who have had some law enforcement experience and/or have demonstrated special leadership potential and dedication to law enforcement.

(b) According to the Debt Collection Procedures Act (Pub. L. 101-647 as amended), 28 U.S.C. 3201, persons who have incurred a court judgment in favor of the United States creating a lien against their property arising from a civil or criminal proceeding regarding a debt are precluded from receiving Federal funds (including Police Corps funds) until the judgment lien has been paid in full or otherwise satisfied.

(c) Educational assistance under the Police Corps Act for any course of study also is available to a dependent child of a law enforcement officer:

(1) Who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer;

(2) Who is not a participant in the Police Corps program, but

(3) Who serves in a State for which the Director has approved a Police Corps plan, and

(4) Who is killed in the course of performing policing duties.

(i) For purposes of this assistance, a dependent child means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death was no more than 21 years old or, if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director based on a review of any available documentation.

(ii) The educational assistance available under this subsection is subject to the same dollar limitations set forth in § 92.4, but carries no police service obligation, repayment contingencies, or requirement for approval of a course of study.

#### **§ 92.3 How and when should I apply to participate in the Police Corps?**

(a) The application and selection process occurs at the State level. An applicant may apply to participate in more than one State Police Corps program, provided that the applicant is prepared to commit to serve as a law enforcement officer in the State to which application is made. Application forms should be obtained from the State Police Corps agencies.

(b) Applicants may seek admission to the Police Corps either before commencement of or during the applicant's course of undergraduate or graduate study. However, acceptance into the Police Corps will be conditioned on matriculation in or acceptance for admission at a four-year institution of higher education. Specific application deadlines will be

established by State Police Corps agencies.

#### **§ 92.4 How will participants be selected from applicants?**

(a) Applicants should be selected competitively based upon selection criteria developed by the State Police Corps agency pursuant to this subsection. Appropriate application materials should be developed by the State Police Corps agency to obtain the information reasonably needed to make selection and assignment decisions and to provide required information to the Director.

(b) The State Police Corps agency should develop selection criteria in consultation with local law enforcement officials, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies. Selection criteria should seek to attract highly qualified individuals with backgrounds and characteristics likely to assure effective participation in the Police Corps. Criteria should include consideration of factors bearing on the statutory eligibility requirements set forth in § 92.1, and may include (without limitation) consideration of:

- (1) Scholastic record;
- (2) Work experience;
- (3) Extracurricular and/or community involvement;
- (4) Letters of recommendation;
- (5) Demonstrated interest in policing as a career.

(c) After selection, the State Police Corps agency will forward to the Director, Office of the Police Corps and Law Enforcement Education a list of persons selected for admission to the Police Corps. With respect to each person, the list should set forth:

- (1) Name;
- (2) Address;
- (3) Social security number;
- (4) Name and location of law enforcement agency to which the person has been assigned;
- (5) Educational institution in which the person is enrolled or has been accepted for admission, and course of study;
- (6) Date on which the person is expected to commence his/her service;
- (7) Certification that the person has been found to meet the statutory selection criteria at 42 U.S.C. § 14096;
- (8) A Police Corps Agreement signed by the applicant; and
- (9) An itemization of the educational expenses that the person is eligible to receive through scholarship and/or reimbursement.

(i) With respect to individuals identified to receive educational

assistance under § 92.2(c), the list should contain the information in paragraphs (c) (1), (2), (3), (5) and (9) of this section.

(ii) With respect to the list in the aggregate, a summary of the racial and gender distribution of the individuals.

(d) After selection, the State Police Corps agency should notify applicants of their selection, their agency assignment, and their assignment to a training class. However, admission to the Police Corps is not final until the Police Corps Agreement has been signed both by the applicant and the Director.

#### **§ 92.5 What educational expenses does the Police Corps cover, and how will they be paid?**

(a) Educational expenses are paid either in the form of a scholarship or a reimbursement. Scholarships will be paid where Police Corps participants are currently enrolled in an approved course of study in an institution of higher education. Reimbursements will be paid to participants for educational expenses incurred prior to admission to the Police Corps. In certain circumstances, a Police Corps participant may receive a reimbursement for past expenses and a scholarship for current expenses.

(b) Requests for payment of educational expenses by a Police Corps participant should be submitted to the Director through the State Police Corps agency.

(1) Educational expenses are expenses that are directly attributable to a course of education leading to the award of either a baccalaureate or graduate degree, and may include:

(i) Tuition, in an amount billed by the institution of higher education;

(ii) Fees, in an amount billed by the institution of higher education;

(iii) Cost of books required to be purchased pursuant to the curriculum in which the candidate is enrolled;

(iv) Cost of transportation from the candidate's home to school, calculated at actual cost or the current prevailing rate for mileage reimbursement for federal travel;

(v) Cost of room and board;

(vi) Miscellaneous expenses not to exceed \$250 per academic semester.

(2) A participant receiving a scholarship may submit payment requests prior to the commencement of each subsequent academic year in which he/she is enrolled in an institution of higher education.

(3) For participants currently enrolled in an institution of higher education, each payment request must be accompanied by:

(i) a certification from the institution that the participant is maintaining satisfactory academic progress;

(ii) a certification by or on behalf of the State or local police force to which the participant will be assigned that the participant's course of study includes appropriate preparation for police service.

(4) The maximum Police Corps payment per participant per academic year, whether in the form of scholarship or reimbursement, is \$7,500. In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the maximum payment will be \$10,000 per such calendar year.

(5) The total of all Police Corps scholarship or reimbursement payments to any one participant shall not exceed \$30,000.

(6) Police Corps scholarship payments will be made directly to the institution of higher education that the student is attending. Each institution of higher education receiving a Police Corps scholarship payment shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

(7) Reimbursements for past expenses will be made directly to the Police Corps participant. One-quarter of the reimbursement will be made after completion of each of the four years of the participant's required service obligation.

#### **§ 92.6 What colleges or universities can I attend under the Police Corps?**

(a) The choice of institution is up to the participant, as long as the institution meets the definition of an "institution of higher education." As defined in 20 U.S.C. 1141(a), an "institution of higher education" means an educational institution in any State which:

(1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate,

(2) is legally authorized within such State to provide a program of education beyond secondary education,

(3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree,

(4) is a public or other nonprofit institution, and

(5) is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been

recognized by the Secretary (of Education) for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

(b) Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of paragraphs (a) (1), (2), (4), and (5) of this section. Such term also includes a public or nonprofit educational institution in any State which, in lieu of the requirement in paragraph (a)(1) of this section, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.

(c) A Police Corps scholarship only may be used to attend a four-year institution of higher education, except that:

(1) A scholarship may be used for graduate and professional study; and

(2) If a participant has enrolled in the Police Corps upon or after transfer to a four-year institution of higher education, the Director may reimburse the participant for prior educational expenses.

Dated: September 16, 1996.

Joseph E. Brann,  
Director.

[FR Doc. 96-24212 Filed 9-23-96; 8:45 am]

BILLING CODE 4410-01-M

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 60**

[FRL-5614-3]

#### **Standards of Performance for New Stationary Sources Rescission of Alternate Opacity Standard for Omaha Public Power District—Nebraska City Power Station, Nebraska City, NE**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is rescinding the alternate opacity emission limit established for the Nebraska City Power Station in Nebraska City, Nebraska, owned and operated by Omaha Public Power District (OPPD). Performance testing showed the power plant can now meet both the particulate and opacity limits set forth in the regulation; thus, an alternate opacity limit is no longer

necessary. Under this rule, the opacity limit for the Nebraska City Power Station would be changed from 30 percent (with a maximum of 37 percent for not more than six minutes in any hour) to 20 percent (with a maximum of 27 percent for one six-minute period per hour).

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in the Federal Register publication, the EPA is proposing to approve the rule should adverse or critical comments be filed.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

Commenters should also indicate whether they wish to request a public hearing on this action, including the reasons for the request and the nature of the comments which would be presented at any public hearing. If a hearing is requested, the EPA will determine whether to hold a public hearing, and will announce the time and location of any hearing in a subsequent Federal Register notice.

**DATES:** This action will be effective November 25, 1996 unless by October 24, 1996 adverse or critical comments are received. Comments should be submitted to Angela Ludwig at the address below.

**ADDRESSES:** Written comments and requests for public hearing on this action should be addressed to Angela Ludwig, Air Permits and Compliance Branch, Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101. Comments should be strictly limited to the subject matter of this proposal, the scope of which is discussed below.

**Docket:** Pursuant to sections 307(d)(1) (C) and (N) of the Clean Air Act (CAA), 42 U.S.C. 7607(d)(1) (C) and (N), this action is subject to the procedural requirements of section 307(d). Therefore, the EPA has established a public docket for this action, Docket # A-96-31. Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental