

**§ 201.31 Fees.**

(a) The Commission shall not charge any fee for the cost of searching for and reviewing an individual's records.

(b) Reproduction, duplication or copying of records by the Commission shall be at the rate of \$0.10 per page. There shall be no charge, however, when the total amount does not exceed \$25.00.

**§ 201.32 Specific exemptions.**

(a) Pursuant to 5 U.S.C. 552a(k)(2), and in order to protect the effectiveness of Inspector General investigations by preventing individuals who may be the subject of an investigation from obtaining access to the records and thus obtaining the opportunity to conceal or destroy evidence or to intimidate witnesses, records contained in the system titled Office of Inspector General Investigative Files (General), insofar as they include investigatory material compiled for law enforcement purposes, shall be exempt from this subpart and from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of the Privacy Act. However, if any individual is denied any right, privilege, or benefit to which he is otherwise entitled to under Federal law due to the maintenance of this material, such material shall be provided to such individual except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to government investigators under an express promise that the identity of the source would be held in confidence.

(b) Pursuant to 5 U.S.C. 552a(j)(2), and in order to protect the confidentiality and integrity of Inspector General investigations by preventing individuals who may be the subject of an investigation from obtaining access to the records and thus obtaining the opportunity to conceal or destroy evidence or to intimidate witnesses, records maintained in the Office of Inspector General Investigative Files (Criminal), insofar as they contain information pertaining to the enforcement of criminal laws, shall be exempt from this subpart and from the Privacy Act, except that subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11) and (i) shall still apply to these records.

(c) Pursuant to 5 U.S.C. 552a(k)(1), (5) and (6), records contained in the system entitled "Personnel Security Investigative Files" have been exempted from subsections (c)(3), (d), (e)(1), (e)(1)(G)-(I) and (f) of the Privacy Act. Pursuant to section 552a(k)(1) of the Privacy Act, the Commission exempts records that contain properly classified

information that pertains to national defense or foreign policy and is obtained from other systems of records or another Federal agency. Application of exemption (k)(1) may be necessary to preclude the data subject's access to and amendment of such classified information under 5 U.S.C. 552a(d). All information about individuals in these records that meets the criteria stated in 5 U.S.C. 552a(k)(5) is also exempted because this system contains investigatory material compiled solely for determining suitability, eligibility, and qualifications for Federal civilian employment, Federal contracts or access to classified information. To the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, the application of exemption (k)(5) will be required to honor such a promise should an individual request access to the accounting of disclosure, or access to or amendment of the record, that would reveal the identity of a confidential source. All information in these records that meets the criteria stated in 5 U.S.C. 552a(k)(6) is also exempt because portions of a case file record may relate to testing and examining material used solely to determine individual qualifications for appointment or promotion in the Federal service. Access to or amendment of this information by the data subject would compromise the objectivity and fairness of the testing or examining process.

**§ 201.33 Employee conduct.**

The Privacy Act Officer shall establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and periodically instruct each such person with respect to such rules and the requirements of the Privacy Act including the penalties for noncompliance.

Issued: November 7, 1997.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 97-29865 Filed 11-14-97; 8:45 am]

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**FEDERAL EMERGENCY  
MANAGEMENT AGENCY****44 CFR Part 67**

[Docket No. FEMA-7235]

**Proposed Flood Elevation  
Determinations**

**AGENCY:** Federal Emergency Management Agency, FEMA.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

**FOR FURTHER INFORMATION CONTACT:** Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2796.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA or Agency) proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management

requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

#### National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

#### Regulatory Flexibility Act

The Associate Director, Mitigation Directorate, certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community

eligibility in the National Flood Insurance Program. As a result, a regulatory flexibility analysis has not been prepared.

#### Regulatory Classification

This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

#### Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

#### Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

#### List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

#### PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

#### § 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maine .....	Union (Town), Knox County.	Medomak River .....	At downstream county boundary .....	*None	*137
			At upstream corporate limits .....	*None	*200
		Crawford River .....	At the confluence with Seven Tree Pond	*None	*45
			At the confluence with Crawford Pond .....	*None	*113
		St. George River .....	At the confluence with Round Pond .....	*None	*45
			At Sennebec Pond Dam .....	*None	*85
		Mill Stream .....	At downstream corporate limits .....	*None	*113
			At Lermond Pond Dam .....	*None	*269
		Sennebec Pond .....	Entire shoreline within community .....	*None	*92
		Round Pond .....	Entire shoreline within community .....	*None	*45
		Seven Tree Pond .....	Entire shoreline within community .....	*None	*45
		Crawford Pond .....	Entire shoreline within community .....	*None	*113
		Lermond Pond .....	Entire shoreline within community .....	*None	*270

Maps available for inspection at the Union Town Office, 568 Common Road, Union, Maine.

Send comments to Mr. Andrew Hart, Union Town Manager, P.O. Box 186, Union, Maine 04862-0186.

Michigan .....	Clinton (Township), Macomb County.	Clinton River .....	Approximately 800 feet downstream of Hall Road.	*594	*595
		Middle Branch .....	At Hall Road .....	*594	*595

Maps available for inspection at the Clinton Township Office, Planning Department, 40700 Romeo Plank Road, Clinton Township, Michigan.

Send comments to Mr. James R. Sinnamon, Clinton Township Supervisor, 40700 Romeo Plank Road, Clinton Township, Michigan 48038.

Mississippi .....	Laurel (City), Jones County.	Daphne Park Tributary .....	Upstream side of Illinois Central Gulf Railroad.	*229	*230
			Approximately 750 feet upstream of 8th Street.	*None	*270

Maps available for inspection at the City of Laurel Inspection Department, 401 North 5th Avenue, Room 304, Laurel, Mississippi.

Send comments to Mr. T.G. Myrick, City of Laurel Chief Administrative Officer, P.O. Box 647, Laurel, Mississippi 39441.

New Hampshire .....	Alexandria (Town), Grafton County.	Newfound Lake .....	Entire shoreline within community .....	None	*591
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Maps available for inspection at the Alexandria Town Hall, Plummer Hill, Alexandria, New Hampshire.

Send comments to Mr. Ernest Parmenter, Chairman of the Town of Alexandria Board of Selectmen, Alexandria Town Office, Plummer Hill, Alexandria, New Hampshire 03222.

New Hampshire .....	Hebron (Town), Grafton County.	Newfound Lake .....	Entire shoreline within community .....	*None	*591
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State	City/town/county	Source of flooding	Location	Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the Hebron Town Hall, Church Lane, Hebron, New Hampshire.

Send comments to Mr. William White, Chairman of the Town of Hebron Board of Selectmen, P.O. Box 188, Hebron, New Hampshire 03241.

Pennsylvania .....	Carroll (Township) Perry County.	Sherman Creek .....	Approximately .43 mile downstream of State Route 34.	*441	*442
		Unnamed Tributary to Sherman Creek.	Downstream side of Pisgah State Road ..	*455	*457
			Confluence with Sherman Creek .....	*448	*447
			Approximately 350 feet downstream of Private Road.	*448	*447

Maps available for inspection at the Office of the Township Secretary, 5235 Spring Road, Shermans Dale, Pennsylvania.

Send comments to Mr. Charles E. Lupfer, Chairman of the Carroll Township Board of Supervisors, 280 Airy View Road, Shermans Dale, Pennsylvania 17090.

(Catalog of Federal Domestic Assistance No.  
83.100, "Flood Insurance")

Dated: October 31, 1997.

**Michael J. Armstrong,**

*Associate Director for Mitigation.*

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