an accommodation to members. The approach has been that it will not take exception to FCUs that permit overdrafts as long as there are no safety and soundness concerns or evidence that the practice is being abused or otherwise used as a means of circumventing other regulatory requirements or giving preferential treatment to insiders.

Finally, in proposing this rule, NCUA is not directing or encouraging credit unions to replace using written overdraft agreements with members with a written overdraft policy. In fact, because written overdraft agreements function essentially as a lending agreement that becomes operational in the event of an overdraft, they are a preferable way of addressing the safety and soundness concerns presented by overdrafts.

B. Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact any proposed regulation may have on a substantial number of small entities (primarily those under $1 million in assets). The NCUA has determined and certifies that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small credit unions. Accordingly, the NCUA has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

The NCUA Board has determined that the proposed notice and disclosure requirements in § 701.21 constitute a collection of information under the Paperwork Reduction Act. NCUA is submitting a copy of this proposed rule to the Office of Management and Budget (OMB) for its review.

The proposed rule requires a federal credit union that advances money to a member to cover his or her account deficit without having the member's credit application on file to have a written overdraft policy. The policy must: (1) Address how the credit union will honor overdrafts; (2) set a cap on the total dollar amount of all overdrafts the credit union will cover; (3) establish time limits for a member to deposit funds to cover each overdraft; (4) limit the number and dollar amount of overdrafts the credit union will honor per member; and (5) establish the fee and interest rate, if any, the credit union will charge members for covering overdrafts.

The written policy requirement is necessary to insure safety and soundness in the credit union industry and protect the interests of credit union members where a federal credit union provides overdraft protection to a member without having his or her credit application on file.

The NCUA Board estimates that it will take an average of four hours to comply with this written policy requirement. The NCUA Board also estimates that 1000 federal credit unions will write overdraft policies so the total annual collection burden is estimated to be approximately 4000 hours.

The Paperwork Reduction Act of 1995 and OMB regulations require that the public be provided an opportunity to comment on information collection requirements, including an agency's estimate of the burden of the collection of information. The NCUA Board invites comment on: (1) Whether the collection of information is necessary; (2) the accuracy of NCUA's estimate of the burden of collecting the information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of collection of information. Comments should be sent to: OMB Reports Management Branch, New Executive Office Building, Room 10202, Washington, D.C. 20503; Attention: Alex T. Hunt, Desk Officer for NCUA. Please send NCUA a copy of any comments you submit to OMB.

Executive Order 12612

Executive Order 12612 requires NCUA to consider the effect of its actions on state interests. This proposed rule makes no significant changes with respect to state credit unions and therefore, will not materially affect state interest.

C. Agency Regulatory Goal

NCUA's goal is clear, understandable regulations that impose a minimal regulatory burden. We request your comments on whether the proposed amendment is understandable and minimally intrusive if implemented as proposed.

List of Subjects in 12 CFR Part 701

Credit, Credit unions, Reporting and recordkeeping requirements

By the National Credit Union Administration Board on September 16, 1999.

Becky Baker,

Secretary of the Board.

For the reasons set forth in the preamble, the National Credit Union Administration proposes to amend 12 CFR part 701 as follows:

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

1. The authority citation for part 701 continues to read as follows:

Authority: 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, and 1789.

Section 701.6 is also authorized by 15 U.S.C. 3717.

Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.*; 42 U.S.C. 1981 and 3601–3610.

Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

2. Amend § 701.21 by revising paragraph (c)(3) to read as follows:

§ 701.21 Loans to members and lines of credit to members.

* * * * *

(c) * * *

(3) *Credit applications and overdrafts.* Consistent with policies established by the board of directors, the credit committee or loan officer shall ensure that a credit application is kept on file for each borrower supporting the decision to make a loan or establish a line of credit. A credit union may advance money to a member to cover an account deficit without having a credit application from the borrower on file if the credit union has a written overdraft policy. The policy must: address how the credit union will honor overdrafts; set a cap on the total dollar amount of all overdrafts the credit union will honor consistent with the credit union's ability to absorb losses; establish a time limit not to exceed ten business days for a member either to deposit funds or obtain an approved loan from the credit union to cover each overdraft; limit the number and dollar amount of overdrafts the credit union will honor per member; and establish the fee and interest rate, if any, the credit union will charge members for honoring overdrafts.

* * * * *

[FR Doc. 99–25397 Filed 9–29–99; 8:45 am]

BILLING CODE 7535–01–U

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 146

Privacy Act of 1974; Implementation

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to adopt a rule to exempt a new system of records, concerning, *inter alia*, complaints of sexual harassment, from

Sections 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of the Privacy Act of 1974 on the basis that the system is investigatory material compiled for law enforcement purposes. The name of the system of records is the Exempted Informal Employment Complaint Files and it is designated CFTC–7.

DATES: Comments must be received on or before November 1, 1999.

ADDRESSES: Comments should be addressed to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1152 21st Street NW., Washington, DC 20581. Comments may also be sent by facsimile to number (202) 418–5221 or by electronic mail to secretary@cftc.gov. Refer to ''Sexual harassment files.''

FOR FURTHER INFORMATION CONTACT: Stacy Dean Yochum, Counsel to the Executive Director, (202) 418–5157, Glynn L. Mays, Office of the General Counsel, (202) 418–5140, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION: In September 1998 the Commission adopted a Sexual Harassment Policy that enabled persons who believed they were victims of harassment to invoke certain informal procedures. The Policy requires all supervisors, managers, and members of the Commission to report instances of sexual harassment witnessed by them or reported to them to the Commission's EEO Director. Remedies under the Policy include methods for informal resolution of complaints between a complainant and the person she or he believes has engaged in harassment and also for investigations under the aegis of the Executive Director to determine whether discriplinary action is warranted. Records of complaints, reports, investigations, and dispositions will be maintained by the Executive Director. The purposes of the records system include centralization information on this workplace issue and the Commission's response to it, identification of repeat offenders, and support for disciplinary action. Neither the Policy nor the system of records is part of the EEOC's Federal Sector Complaint Processing system. *See* 29 CFR part 1614. Both the policy and maintenance of the system of records are, however, consistent with the EEOC's mandate to federal agencies to ''maintain a continuing affirmative program to promote equal opportunity and to identify and eliminate disciminatory practices and policies.'' 29 CFR 1614.102(a).

In the Commission's view, the materials in this system of records are investigatory materials compiled for law enforcement purposes within the meaning of Privacy Act Section 552a(k)(2), 5 U.S.C. 552a(k)(2). Individual access to these files could impair the effectiveness and orderly conduct of the Commission's program to combat illegal workplace discrimination and discipline those responsible.

Accordingly the Commission is proposing to amend its rules under the Privacy Act, 17 CFR 146.12, to exempt this system of records from the requirements of Privacy Act sections 552a(c)(3) [availability of accounting of disclosures]; (d) [individual access to records]; (e)(1) [relevancy of records]; (e)(4)(G) [request of an individual whether a system of records contains a record pertaining to him or her]; (e)(4)(H) [notification of access and contest procedures]; (e)(4)(I) [publication of categories of sources of records in the system]; and (f) [adoption of rules relating, *inter alia*, to individual access to his or her records in the system].

List of Subjects in 17 CFR Part 146

Privacy.

For the reasons stated above, the Commodity Futures Trading Commission proposes to amend 17 CFR part 146 as follows:

PART 146—RECORDS MAINTAINED ON INDIVIDUALS

1. The authority citation for part 146 continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a), Pub. L. 93–463, 88 Stat. 1389 (7 U.S.C. 40(j)) unless otherwise noted.

2. Amend § 146.12 *Exemptions, by revising the last sentence* of paragraph (a) to read as follows:

§ 146.12 Exemptions.

(a) * * * Materials exempted under this paragraph are contained in the system of records entitled ''Exempted Investigatory Records,'' ''Exempted Informal Employment Complaint Files,'' and/or in the system of records entitled ''Exempted Closed Commission Meetings.''

* * * * *

Issued in Washington, DC, on September 22, 1999.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 99–25189 Filed 9–29–99; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 210, 211, 820, and 1271

[Docket No. 97N–484S]

Suitability Determination for Donors of Human Cellular and Tissue-Based Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing new regulations to require manufacturers of human cellular and tissue-based products to screen and test the donors of cells and tissue used in those products for risk factors for and clinical evidence of relevant communicable disease agents and diseases. Human cellular and tissue-based products are products that contain or consist of human cells or tissues and that are intended for implantation, transplantation, infusion, or transfer. As part of this regulatory action, the agency is proposing to amend the current good manufacturing practice (CGMP) regulations that apply to human cellular and tissue-based products regulated as drugs, medical devices, and/or biological products to incorporate the new donor-suitability procedures into existing good manufacturing practice (GMP) regulations. The agency is taking this action to provide more appropriate oversight for the wide spectrum of human cellular and tissue-based products that are marketed now or may be marketed in the future. The agency's action would improve protection of the public health and increase public confidence in new technologies, while permitting significant innovation and keeping regulatory burden to a minimum.

DATES: Submit written comments on the proposed rule on or before December 29, 1999. Submit written comments on the information collection provisions on or before November 1, 1999.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit written comments on the information collection provisions to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.