interest, challenges to the status of a labor organization, and objections to elections, would be served. Some commenters favored option 1, one commenter favored option 2, and one commenter disagreed with both options, recommending broader service of everything except challenges to the validity of a showing of interest, which would be served only upon the specific entities involved in the challenge. In response to comments concerning options 1 and 2, the final rule adopts a compromise position as a rule that is in the best interest of both the parties and the representation process. Under this rule all documentation, except showings of interest, material that supports challenges to the validity of the showing of interest, and documentation which supports election objections, will be served on all parties affected by issues raised in the filing. A superfluous introductory phrase which was included in both options of the proposed regulation has been deleted.

Section 2422.5

Final rule is same as proposed rule.

Section 2422.6

Comments have prompted several modifications to subsection (a) of the proposed regulation. First, one commenter noted that the phrase ''interested parties'' is vague and could be construed too broadly. Accordingly, the title of the subsection has been amended to simply refer to ''parties.'' Second, in response to a comment noting that parties affected by issues raised in a petition should be provided notification whether or not the filer identified them as being affected, and a comment noting that the obligations on the Regional Director are unclear, a second sentence has been added clarifying the obligations of the Regional Director vis-a-vis other parties. In subsection (b)(2) of the final rule, ''(s)'' was added to the word ''unit'' in recognition of the fact that more than one unit may be affected by issues raised in the petition.

Section 2422.7

In subsection (a) the phrase ''distribute copies of a notice'' has been inserted for additional clarity between the phrase ''and/or'' and the word ''in.'' For the same reasons referenced in the preceding section, the phrase ''interested parties'' has been deleted from the final rule.

Section 2422.8

One commenter noted that as drafted, the proposed regulation inferred in subsection (a) that cross-petitions could be filed only for the purpose of seeking an election. The subsection has been revised to correct this misimpression. Several commenters objected to subsection (b) of the proposed regulation permitting intervention and cross petitions to be filed until the close of the hearing. Recognizing that such belated filings could be disruptive to the representation process, the final rule revises the subsection to require, absent a showing of good cause, that such filings be submitted before the hearing opens. Also in subsection (b), the phrase ''and/or filed with and submitted to'' was changed in the final rule to ''and filed with either.'' In subsection (d), the word ''intervention'' has been deleted from the title and the phrase ''a party'' has been substituted for the phrase ''an intervenor.'' Lastly, in response to comment, proposed subsection (e) has been subdivided into two separate subsections. The revised and final subsection (e) provides the circumstances under which an employing agency will be considered a party; subsection (f) indicates the evidence an agency or activity must submit to intervene in a representation proceeding.

Section 2422.9

Final rule is same as proposed rule.

Section 2422.10

For consistency with other provisions of the rules, the phrase ''submitted to'' is changed in subsection (b) of the final rule to the phrase ''filed with.'' Subsection (c) of the proposed rule has been revised to bring it into conformity with the revisions made to section 2422.8(b). As a result, challenges to the validity of a showing of interest, like requests to intervene and cross-petitions, must, absent good cause, be filed before the hearing opens.

Section 2422.11

Subsection (b) of the proposed rule has been revised to bring it into conformity with the revisions made to section 2422.8(b) and section 2422.10(c). Accordingly, challenges to the status of a labor organization, like requests to intervene, cross-petitions, and validity challenges, must, absent good cause, be filed before the hearing opens.

Section 2422.12

The second sentence in subsection (b) has been broadened to clarify that the certification bar applies during the statutory period of agency head review referenced in subsection (c). The phrase ''signed and dated'' or ''has been signed and dated'' in subsections (b),(d), and (e), has been changed to ''is in effect.'' As proposed, the regulations conditioned the various bars on the presence of a ''signed and dated'' agreement and did not take into account that an agreement can take effect through methods other than execution, e.g., 5 U.S.C. 7114(c)(3). For the same reason, the phrase ''and signed'' has been deleted from subsection (g). Also in subsection (g) the phrase ''more than,'' before the phrase ''sixty (60) days,'' has been changed in the final rule to ''prior to,'' in order to clarify that the referenced 60 day time period does not apply to the duration of the extension. Subsection (e) has been modified to apply only to situations where the collective bargaining agreement has a term of more than three (3) years. The word ''days'' after the number ''(105)'' has also been deleted from subsection (e). One commenter noted that unlike the prior regulations, the revised rules do not provide specific guidance concerning the timeliness of petitions seeking to consolidate bargaining units. The general guidance concerning timeliness, contained in various subsections within this section of the final rules, will apply, as appropriate, in consolidation situations.

Section 2422.13

Final rule is same as proposed rule.

Section 2422.14

One commenter questioned whether the reference in proposed subsection (a) to ''another petition'' referred to another petition being filed by the same party or to a petition filed by any other party. The phrase is intended to refer to the latter, i.e., no petition, regardless of who filed it, would be considered timely during the period in question. Also in subsection (a), the phrase ''agency or'' has been added in the final rule before the word ''activity,'' for consistency of reference with other parts of the rule. Another commenter noted the inconsistency between proposed subsections (b) and (c). In response to this comment, the final rule amends subsection (b) to treat petitioners seeking an election somewhat like the proposed rule treated incumbents, i.e., petitions to represent the same unit, or a subdivision thereof, are prohibited for 6 months if not withdrawn within the time constraints described in subsection (b). However, the final rule does not treat withdrawals by petitioners the same as withdrawals by incumbents. In the former situation, the purpose of the bar is to discourage an election petitioner's dilatory withdrawal because such action will inconvenience all concerned. In the latter, the purpose of