

1. Background and RD's Decision

The RD certified the American Federation of Government Employees, AFL–CIO, (Union) without an election, as the exclusive representative of a consolidated bargaining unit under section 7112(d) of the Statute. Later that same month, an individual (Petitioner) filed a petition seeking an election to decertify the Union as the exclusive representative of the consolidated unit (decertification petition). The Petitioner asserted that section 7111(f)(4) of the Statute did not bar the decertification petition, because the Authority had not conducted a secret-ballot election for the consolidated unit within the previous twelve months. In addition, the Petitioner argued that applying a certification bar to consolidations would improperly incentivize unions to consolidate bargaining units in order to prevent the filing of decertification petitions.

The RD found that under section 7111(f)(4) of the Statute and § 2422.12(b) of the Authority's Regulations, a certification bar arises from a certification of a consolidated bargaining unit. Citing the Authority's decision in *Commodity Futures Trading Commission, Eastern Regional Office, New York, New York*, 70 FLRA 291 (2017) (*CFTC*), the RD explained that the certification bar does not apply to petitions filed before the issuance of a certification of a consolidated unit. However, because the Petitioner filed its decertification petition after the consolidation certification issued to the Union, the RD concluded that the certification bar applied.

Based on the plain wording of § 2422.12(b) of the Authority's Regulations, the RD determined that an election was not required to trigger the certification bar. In response to the Petitioner's policy argument, the RD found that the Statute adequately protects against consolidations that are undertaken to prevent the filing of decertification petitions.

Based on these findings, the RD dismissed the decertification petition as untimely.

2. Application for Review

In an application for review of the RD's decision, the Petitioner argued that the RD's decision raised an issue for which there is an absence of precedent: whether a certification bar applies to decertification petitions filed after the certification of a labor organization as exclusive representative of a consolidated unit. The Petitioner asserted that the Authority has never explicitly addressed whether section

7111(f)(4) of the Statute or § 2422.12(b) of the Authority's Regulations apply to bar decertification petitions filed within twelve months of a certification of a consolidated bargaining unit under section 7112(d) of the Statute.

According to the Petitioner, neither those statutory or regulatory provisions, nor the Authority's decision in *CFTC*, support the RD's dismissal of the decertification petition. Additionally, the Petitioner alleged that the Office of the General Counsel's Representation Case Handling Manual failed to provide a basis for the RD's application of the certification bar.

3. Question on Which Briefs Are Solicited

In *NPS*, the Authority found that the RD's decision raised a question for which there is an absence of precedent. Accordingly, the Authority directed the parties to file briefs addressing the following question:

Does section 7111(f)(4) of the Statute or § 2422.12(b) of the Authority's Regulations apply to bar decertification petitions filed within twelve months after a labor organization is certified, without an election, as exclusive representative of a consolidated bargaining unit under section 7112(d) of the Statute?

In answering that question, the parties should address any pertinent considerations of: (1) statutory construction; (2) legislative and regulatory history; (3) applicable precedent, including under the National Labor Relations Act; and (4) policy.

4. Required Format for Briefs

All briefs shall be captioned “U.S. Department of the Interior, National Park Service, Blue Ridge Parkway, North Carolina, Case No. AT–RP–22–0007.” Briefs shall contain separate headings for each issue covered. Interested persons must submit an original and four (4) copies of each amicus brief, with any enclosures, on 8½ × 11 inch paper. Briefs must include a signed and dated statement of service that complies with the Authority's Regulations showing service of one copy of the brief on all counsel of record or other designated representatives as well as the Federal Labor Relations Authority Regional Director involved in this case. 5 CFR 2429.27. Accordingly, briefs must be served on: Nicholas P. Provenzo, Esq., c/o National Right to Work Legal Defense Foundation, Inc., 8001 Braddock Road, Ste. 600, Springfield, VA 22160–2110; Cathie McQuiston, Esq., Deputy General Counsel, AFGE, AFL–CIO, 80 F Street NW, Washington, DC 20001; Eboni Speller, Regional Human Resources Specialist, Interior

Region 2 Human Resources (ER/LR), National Park Service, Department of the Interior, 1924 Building, 100 Alabama St. SW, Atlanta, GA 30303; and Brent Hudspeth, Acting Regional Director, Atlanta Regional Office, Federal Labor Relations Authority, 229 Peachtree Street NE, Ste. 900, International Tower, Atlanta, GA 30303. Interested persons may obtain copies of the Authority's decision granting the application for review in this case on the FLRA's website, www.flra.gov.

Noah Peters,

Solicitor, Federal Labor Relations Authority.

[FR Doc. 2022–15863 Filed 7–22–22; 8:45 am]

BILLING CODE 6727–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Recordkeeping and Disclosure Requirements Associated with the CFPB's and the Board's Regulations V (FR V; OMB No. 7100–0308).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements, and approved collection of information instrument(s) are available at <https://www.reginfo.gov/public/do/PRAMain>. These documents are also available on

the Federal Reserve Board's public website at <https://www.federalreserve.gov/apps/reportforms/review.aspx> or may be requested from the agency clearance officer, whose name appears above.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Collection title: Recordkeeping and Disclosure Requirements Associated with the CFPB's and the Board's Regulations V.

Collection identifier: FR V.

OMB control number: 7100-0308.

Frequency: Annually.

Respondents: Depository institutions identified in 15 U.S.C.

1681s(b)(1)(A)(ii): (1) regardless of size, with respect to the identity theft red flags provisions of the Board's Regulation V and (2) with \$10 billion or less in assets and any affiliates thereof, for all other provisions.¹

Estimated number of respondents: Negative information notice, 1,361; Affiliate marketing notices: notices to consumers, 1,300; Affiliate marketing notices: consumer opt-out response, 267,860; Identity theft red flags, 2,495; Address discrepancies, 1,361; Risk based pricing notice to consumers, 1,361; Duties of furnishers of information: policies and procedures, 1,361; and Duties of furnishers of information: notices of frivolous disputes to consumers, 1,361.

Estimated average hours per response: Negative information notice, 0.25; Affiliate marketing notices: notices to consumers, 18; Affiliate marketing notices: consumer opt-out response, 0.08; Identity theft red flags, 37; Address discrepancies, 4; Risk based pricing notice to consumers, 5; Duties of furnishers of information: policies and procedures, 40; and Duties of furnishers of information: notices of frivolous disputes to consumers, 0.23.

Estimated annual burden hours: Negative information notice, 340; Affiliate marketing notices: notices to consumers, 23,400; Affiliate marketing notices: consumer opt-out response, 21,429; Identity theft red flags, 92,315; Address discrepancies, 5,444; Risk based pricing notice to consumers, 81,660; Duties of furnishers of information: policies and procedures, 54,440; and Duties of furnishers of information: notices of frivolous disputes to consumers, 132,099.

General description of report: The Consumer Financial Protection Bureau's

(CFPB) Regulation V² and the Board's Regulation V³ (collectively "FR V Regulations") implement in part the Fair Credit Reporting Act (FCRA), which was enacted in 1970 based on a Congressional finding that the banking system is dependent on fair and accurate credit reporting.⁴ The FCRA was enacted to ensure consumer reporting agencies exercise their responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy. The FCRA requires consumer reporting agencies to adopt reasonable procedures that are fair and equitable to the consumer with regard to the confidentiality, accuracy, relevancy, and proper utilization of consumer information.⁵

Legal authorization and confidentiality: The FR V is authorized by sections 1025 and 1088(a)(2) and (10) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). Under the FCRA, as amended by sections 1025 and 1088(a)(10) of the Dodd-Frank Act, the Board is authorized to enforce compliance with the information collection requirements contained in the CFPB's FCRA regulations⁶ applicable to institutions identified in 15 U.S.C. 1681s(b)(1)(A)(ii) with \$10 billion or less in assets, and applicable to consumers of these institutions.⁷ Additionally, pursuant to section 1088(a)(2) and (10) of the Dodd-Frank Act, the Board retained authority under the FCRA to prescribe and enforce the information collection requirements in the Board's FCRA regulations relating to identity theft red flags⁸ for institutions identified in 15 U.S.C. 1681s(b)(1)(A)(ii) of any size.⁹ The obligation to comply with the FR V is mandatory, except for the consumer opt-out responses, which consumers are required to submit in order to obtain a benefit.

The notices, records, and disclosures included in the FR V are not provided to the Federal Reserve, but are maintained at Board-supervised institutions. As such, no issue of confidentiality generally arises under the Freedom of Information Act (FOIA). In the event such notices, records, or

disclosures are obtained by the Board as part of an examination or supervision of a financial institution, this information may be considered confidential pursuant to exemption 8 of the FOIA, which protects information contained in "examination, operating, or condition reports" obtained in the bank supervisory process.¹⁰ In addition, certain information (such as direct dispute notices regarding a consumer) may also be withheld under exemption 6 of the FOIA, which protects from disclosure information that "would constitute a clearly unwarranted invasion of personal privacy."¹¹

Current actions: On February 14, 2022, the Board published a notice in the **Federal Register** (87 FR 8246) requesting public comment for 60 days on the extension, without revision, of the FR V. The comment period for this notice expired on April 15, 2022. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, July 19, 2022.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2022-15816 Filed 7-22-22; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, without revision, the Recordkeeping and Disclosure Requirements Associated with the Consumer Financial Protection Bureau's (CFPB) Regulation E (Electronic Fund Transfers) (FR E; OMB No. 7100-0200).

DATES: Comments must be submitted on or before September 23, 2022.

ADDRESSES: You may submit comments, identified by FR E, by any of the following methods:

- *Agency Website:* <https://www.federalreserve.gov/>. Follow the instructions for submitting comments at <https://www.federalreserve.gov/apps/foia/proposedregs.aspx>.
- *Email:* regs.comments@federalreserve.gov. Include the OMB number or FR number in the subject line of the message.

² 12 CFR part 1022.

³ 12 CFR part 222.

⁴ The FCRA is one part of the Consumer Credit Protection Act, which also includes the Truth in Lending Act, Equal Credit Opportunity Act, and Fair Debt Collection Practices Act. See 15 U.S.C. 1601 *et seq.*

⁵ See 15 U.S.C. 1681.

⁶ Appendix B to 12 CFR part 1022; and 12 CFR 1022.20-.27, 1022.40-.43, 1022.70-.75, and 1022.82.

⁷ See 15 U.S.C. 1681s(b); 12 U.S.C. 5515.

⁸ 12 CFR 222.90-.91.

⁹ See 15 U.S.C. 1681m(e), and 1681s(b) and (e).

¹⁰ 5 U.S.C. 552(b)(8).

¹¹ 5 U.S.C. 552(b)(6).

¹ See 12 U.S.C. 5515 and footnote 7.