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FACSIMILE COVER SHEET

December 23, 2009

To: Elizabeth Dougherty, Chairman Fax: 202.692.5082 Phone:
National Mediation Board

Fax #(s) verified before sending (initial):

From: Donald W. Maliniak Fax: Phone: 404.443.3516

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Message:

Also to: Linda Puchala, Member and Harry Hoglander, Member.

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Littler Mendelson, P.C.
3344 Peachtree Road N.E., Suite 1500, Atlanta, GA 30326.4803
Tel: 404.233.0330 Fax: 404.233.2361 www.littler.com



Littler Mendelson, P.C.
3344 Peachtree Road N.E.
Suite 1500
Atlanta, GA 30326.4803

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Donald W. Mainiak
404.443.3516 direct
404.233.0330 main
dmainiak@littler.com

VIA MAIL AND FACSIMILE 202.692.5082

Elizabeth Dougherty, Chairman
Linda Puchala, Member
Harry Hoglander, Member
National Mediation Board
1301 K Street, N.W.
Suite 250 East
Washington, D.C. 20005

Re: Notice of Proposed Rulemaking, NMB Case C-6964

Dear Chairman Dougherty, Member Puchala, and Member Hoglander:

By this letter, Littler Mendelson, P.C. ("Littler") renews its request to extend the comment period on the above-noted Notice of Proposed Rulemaking (NPRM) to no earlier than February 3, 2010 and seeks a ruling on this request from the Board. In support of this request, Littler states the following:

1. By a letter dated December 15, 2009, Littler requested a similar extension, and incorporates the reasons and justifications for that request by reference herein. The request cited to Littler's pending but unanswered Freedom of Information Act request dated November 3, 2009, among other matters.
2. By a letter dated December 18, 2009, NMB General Counsel Mary Johnson, Esq. denied the request. Said denial failed to indicate whether the Board voted on the request. Moreover, Ms. Johnson's denial stated, *inter alia*, that there was no basis for extending the comment period for the NPRM because the Board finally responded to Littler's November 3, 2009 Freedom of Information Act request by a letter dated December 17, 2009.
3. Today, Littler is appealing the December 17 response to Littler's Freedom of Information Act request, pursuant to NMB procedures, to Chairman Dougherty. This separate December 23, 2009 appeal is incorporated herein by reference. In essence, the multiple inadequacies of the Board's response to Littler's pending Freedom of Information Act request do nothing to obviate the need for additional time for meaningful comment if and when the Board responds appropriately to the Freedom of Information Act request. The December 17 NMB letter and partial disclosure of documents does not change the original justifications and bases for the request to extend the comment period.

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For these reasons, the reasons set forth in Littler's December 15 extension request, and the reasons set forth in Littler's pending appeal of the Board's December 17 Freedom of Information Act response, Littler respectfully requests that the Board vote and rule on this request to extend the comment period on the NPRM to no earlier than February 3, 2010.

Sincerely,



Donald W. Maliniak

cc: Ellen Bronchetti
Ron Holland
Kevin Kraham
Jack Lambremont
Chip McWilliams
Peter Petesch
Patrick Ray
Ilyse Schuman
John Telford
C. Scott Williams