



NATIONAL MEDIATION BOARD
WASHINGTON, D.C. 20572

MEMBER OF THE BOARD
(202)692-5000

December 30, 2009

VIA FACSIMILE & U.S. MAIL

Donald W. Maliniak, Esq.
Littler Mendelson, P.C.
3344 Peachtree Road N.E.
Suite 1550
Atlanta, GA 30326

Re: Notice of Proposed Rulemaking, NMB File No. C-6964

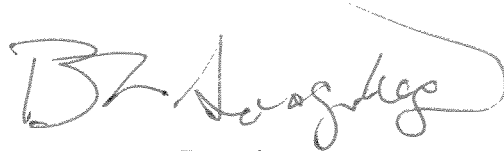
Dear Mr. Maliniak:

This is in response to your letter of December 23, 2009, in which you renew your December 15, 2009 request for an extension of time to file comments to the Board's proposed rule. The Board denied your previous request on December 18, 2009. Although you assert that the Board's December 18, 2009 letter gave no indication that the Board voted on the request for the extension, the letter made it quite clear that it was the Board's decision.

In your earlier request for an extension, you cited the potentially voluminous nature of the Board's response to your November 3, 2009 Freedom of Information Act (FOIA) request. In addition to the fact that the Board's December 17, 2009 response to your FOIA request was not voluminous, you have not provided a sufficient substantive basis for extending the 60-day comment period. Moreover, the Board has received no other requests for extension and has already received a significant number of comments filed in compliance with the original deadline. For these reasons, the Board continues to find no basis for extending the comment period.

Chairman Dougherty will respond to your appeal of the Board's December 17, 2009 response to your FOIA request under separate cover.

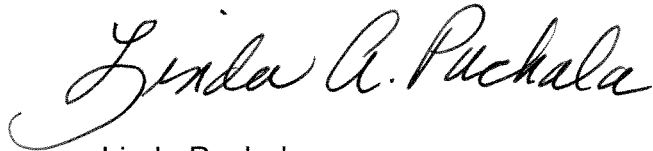
Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth Dougherty".

Elizabeth Dougherty
Chairman

A handwritten signature in cursive script, appearing to read "Harry Hoglander".

Harry Hoglander
Board Member

A handwritten signature in cursive script, appearing to read "Linda A. Puchala".

Linda Puchala
Board Member

Copy to:
Ilyse Wolens Schulman, Esq.
Littler Transportation Core Group