

**NATIONAL MEDIATION BOARD****29 CFR Parts 1202 and 1206**

[Docket No. C-6964]

RIN 3140-ZA00

**Representation Election Procedure****AGENCY:** National Mediation Board.**ACTION:** Final rule; delay of effective date.

**SUMMARY:** The National Mediation Board (NMB) is delaying the effective date of its rule regarding representation election procedures from June 10, 2010 to June 30, 2010. The purpose of this notice is to notify participants under the Railway Labor Act (RLA) that the rule will apply to applications filed on or after June 30, 2010.

**DATES:** *Effective Date:* The effective date of the rule amending 29 CFR Parts 1202 and 1206 published at 75 FR 26062, May 11, 2010, is delayed until June 30, 2010.

**FOR FURTHER INFORMATION CONTACT:** Mary Johnson, General Counsel, National Mediation Board, 202-692-5050, [info@nmb.gov](mailto:info@nmb.gov).

**SUPPLEMENTARY INFORMATION:** On May 11, 2010, the NMB published a Final Rule in the **Federal Register** (75 FR 26062) with the effective date of June 10, 2010. Due to upcoming proceedings in litigation related to the Final Rule, the NMB is delaying the implementation of the rule for 20 days. The new effective date is June 30, 2010. No other changes to the Representation Election Procedure Rule have been made. The NMB will notify participants if there are any further changes.

Dated: June 3, 2010.

**Mary Johnson,**

*General Counsel, National Mediation Board.*

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**BILLING CODE P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 147**

[Docket No. USCG-2010-0448]

RIN 1625-AA00

**Safety Zone; DEEPWATER HORIZON at Mississippi Canyon 252 Outer Continental Shelf MODU in the Gulf of Mexico****AGENCY:** Coast Guard, DHS.**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a continued safety zone around the riser for the DEEPWATER HORIZON, a Mobile Offshore Drilling Unit (MODU), at Mississippi Canyon 252 in the Outer Continental Shelf. The safety zone in place pursuant to the Temporary Final Rule at docket USCG-2010-0323 terminates on May 26, 2010. This safety zone is needed to protect personnel involved in oil pollution response efforts. Continuing the safety zone around the riser will significantly reduce the threat of collisions, oil spills, and releases of natural gas, and thereby protect the safety of life, property, and the environment. Oil pollution response efforts are taking place on the water's surface and subsurface.

**DATES:** This rule is effective in the CFR on June 8, 2010 through August 26, 2010. This rule is effective with actual notice for purposes of enforcement on May 26, 2010 and will remain in effect through August 26, 2010.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket USCG-2010-0448 and are available online by going to <http://www.regulations.gov>, inserting USCG-2010-0448 in the "Keyword" box, and then clicking "Search." They are also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary rule, call or e-mail Dr. Madeleine McNamara, U.S. Coast Guard, District Eight Waterways Management Coordinator; telephone 504-671-2103, [madeleine.w.mcnamara@uscg.mil](mailto:madeleine.w.mcnamara@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:****Regulatory Information**

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a

notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable due to the emergency nature of the operations. Immediate action is necessary to protect first responders and to prevent entry into the area that is most impacted by the oil spill.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Good cause exists because immediate action is necessary to protect first responders and to prevent entry into the area that is most impacted by the oil spill.

**Basis and Purpose**

The Coast Guard is establishing a safety zone in the deepwater area of the Gulf of Mexico in response to the sinking of the DEEPWATER HORIZON, a Mobile Offshore Drilling Unit (MODU), near Mississippi Canyon 252 with a center point at 28-44-18N and 088-21-54W.

The safety zone is located in the location of the riser attached to the seabed of the Outer Continental Shelf. The safety zone is established to protect both environmental responders and the environment. Efforts are underway to stop the flow of oil using submersible remote operating vehicles. In evaluating this request, the Coast Guard explored relevant safety factors and considered several criteria, including but not limited to, (1) the level of shipping activity around the facility, (2) safety concerns for personnel aboard the facility, (3) concerns for the environment, (4) the likelihood that an allision would result in a catastrophic event based on proximity to shipping fairways, offloading operations, production levels, and size of the crew, (5) the volume of traffic in the vicinity of the proposed area, (6) the types of vessels navigating in the vicinity of the proposed area, and (7) the structural configuration of the facility. We have determined that a safety zone is needed to protect persons and vessels in the vicinity of the oil spill.

**Discussion of Rule**

The Coast Guard is establishing a safety zone encompassing all areas within 500 meters around the position 28-44-18N and 088-21-54W. The safety zone is located in the deepwater area of the Gulf of Mexico near Mississippi Canyon 252. For the purpose of this regulation, the deepwater area is considered to be waters of 304.8 meters (1,000 feet) or greater depth extending to the limits of the Exclusive Economic Zone (EEZ)