

and Chief of Staff and the Office of Management and Budget directed to all Executive branch agencies, without regard to particular agencies or program areas, to determine whether it might be appropriate to delay the effective date of regulations to permit their review for matters of law and policy before taking effect. This process is being undertaken in a fully transparent manner, and the instant rulemaking has been, and will continue to be, undertaken in full compliance with the requirements of the Administrative Procedure Act.

Moreover, the Department's current action in publishing this final rule is limited to delaying the regulations' effective date to April 21, 2009.

An employer association expressed concern that the postponement of the rule's effective date could be used by labor organizations as an excuse for filing incomplete Form LM-2s in 2009. The Department disagrees with this assessment. Absent further action by this Department, labor organizations will be required to comply with the regulations published on January 21, 2009. These regulations will apply to labor organizations whose fiscal year begins on or after July 1, 2009.

Moreover, even if the effective date of these regulations were to be further delayed, labor organizations would still be required to comply with the Form LM-2 requirements that have been in place since 2003. Thus, any concern about incomplete reports is misplaced.

A public policy organization requested the Department to extend the March 5, 2009 date prescribed in the February 3, 2009 NPRM for the submission of comments on legal and policy questions relating to the Form LM-2-3 regulations. The organization stated that members of the public who may be adversely affected by the possible rescission of the regulations require at least an additional 120 days to submit comments, additionally requesting that the Department specifically identify legal and policy questions raised by the regulations. The Department declines to extend the comment period. The regulations as published will take effect on April 21, 2009 absent further action by the Department. If the Department determines to propose the rescission of the regulations, such proposal will be subject to notice and comment, thereby providing the public an ample opportunity to express its views on the regulations, including any grounds identified by the Department in support of rescission.

No commenter identified any substantial harm that would arise from delaying the regulations for 60 days.

After carefully considering the comments, the Department remains of the view that a delay of the regulations is appropriate. The delay will reduce the risk that unnecessary expense and effort may be undertaken to comply with the regulations under review.

The Department has invited comments on matters of law and policy raised by the regulations, and it will continue to accept comments until March 5, 2009.

Dated: February 17, 2009.

Andrew D. Auerbach,

Deputy Director, Office of Labor-Management Standards.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG-2009-0058]

Drawbridge Operating Regulations; Gulf Intracoastal Waterway, Houma, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Louisiana State Route 316 (LA 316) pontoon span bridge, also known as the Bayou Blue Bridge, across Gulf Intracoastal Waterway, mile 49.8, west of Harvey Lock (WHL) at Houma in Lafourche Parish, Louisiana. This deviation provides for the bridge to remain closed to navigation for one day in order to perform scheduled maintenance.

DATES: This deviation is effective from 7 a.m. until 3:30 p.m. on Tuesday, March 24, 2009.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG-2009-0058 and are available online at www.regulations.gov. They are also available for inspection or copying at two locations: 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, and the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, Room 1313, 500 Poydras Street, New Orleans,

Louisiana, 70130-3310 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Phil Johnson, Bridge Administration Branch, telephone (504) 671-2128.

SUPPLEMENTARY INFORMATION:

The Louisiana Department of Transportation has requested a temporary deviation in order to perform maintenance on the LA 316 Pontoon Span Bridge across Gulf Intracoastal Waterway at mile 49.8, WHL, at Houma, Louisiana. This maintenance is necessary to repair the pivot arm that is attached to the floating pontoon of the bridge. The pivot arm sustained damage from a vessel which recently collided with it. A winch truck will need to be positioned on the pontoon span to hold the pivot arm in proper alignment while it is cut, straightened and welded. In order for the winch truck to remain on the pontoon span, the span must be locked in the closed-to-navigation position. This temporary deviation will allow the bridge to remain closed to navigation position from 7 a.m. until 3:30 p.m. on Tuesday, March 24, 2009. During the closure the draw will not be able to open for emergencies. Currently, the draw opens on signal.

Navigation on the waterway consists of tugs with tows, commercial fishing vessels and recreational powerboats and sailboats. The bridge is a pontoon span bridge which prevents all marine traffic from transiting the site with it in the closed-to-navigation position. No alternate route is available. The Coast Guard has coordinated this closure with the Gulf Intracoastal Canal Association (GICA). The GICA representative indicated that the vessel operators will be able to schedule transits through the bridge such that operations will not significantly be hindered. Thus, it has been determined that this closure will not have a significant effect on these vessels. This closure is considered necessary for repair of the swing arm of the bridge for continued operation of the bridge.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 4, 2009.

David M. Frank,

Bridge Administrator.

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