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DEPARTMENT OF JUSTICE**28 CFR Part 26**

[Docket No. OJP (DOJ)-1464; AG Order No. 3048-2009]

RIN 1121-AA74

Certification Process for State Capital Counsel Systems**AGENCY:** Department of Justice.**ACTION:** Notice of request for public comment.

SUMMARY: Pursuant to the USA PATRIOT Improvement and Reauthorization Act of 2005, the Department of Justice promulgated a final rule to implement certification procedures for states seeking to qualify for the expedited federal habeas corpus review procedures in capital cases under chapter 154 of title 28 of the United States Code. *Certification Process for State Capital Counsel Systems*, 73 FR 75327 (Dec. 11, 2008). The procedural benefits of chapter 154 are available to states that establish mechanisms for providing counsel to indigent capital defendants in state postconviction proceedings that satisfy certain statutory requirements. The Department hereby requests public comment on issues related to the final rule.

DATES: Comments are due April 6, 2009.

ADDRESSES: Please address all comments regarding this notice, by U.S. mail, to: Ben Gorban, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, NW., Washington, DC 20531. To ensure proper handling, please reference OJP Docket No. 1464 on your correspondence. You may view an electronic version of this notice at <http://www.regulations.gov>, and you may also comment by using the <http://www.regulations.gov> comment form for this notice. When submitting comments electronically you must include OJP Docket No. 1464 in the subject box.

FOR FURTHER INFORMATION CONTACT: Ben Gorban, Bureau of Justice Assistance, Office of Justice Programs at (202) 616-6500 (not a toll-free number.)

SUPPLEMENTARY INFORMATION: Chapter 154 provides procedural benefits in federal habeas corpus review of capital cases to states that go beyond the constitutional requirement of appointing counsel for indigents at trial and on appeal by providing counsel also

to capital defendants in state postconviction proceedings. Chapter 154 has been in place since the enactment of the Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. 104-132).

Section 507 of Public Law 109-177, the USA PATRIOT Improvement and Reauthorization Act of 2005 ("the Act"), amended chapter 154 of title 28 of the United States Code. Prior to the Act, the determination that a state was eligible for the procedural benefits of chapter 154 had been left to the federal court of appeals for the circuit in which a state was located. The Act, *inter alia*, amended sections 2261(b) and 2265 of title 28 to assign responsibility for chapter 154 certifications to the Attorney General of the United States, subject to de novo review by the Court of Appeals for the District of Columbia Circuit.

Section 2265(b) directs the Attorney General to promulgate regulations to implement the certification procedure. The Department of Justice published a proposed rule in the **Federal Register** on June 6, 2007, for this purpose, to add a new subpart in 28 CFR part 26 entitled "Certification Process for State Capital Counsel Systems." *Certification Process for State Capital Counsel Systems*, 72 FR 31217 (June 6, 2007). The comment period ended on August 6, 2007. The Department published a notice on August 9, 2007, reopening the comment period, and the reopened comment period ended on September 24, 2007. 72 FR 44816 (Aug. 9, 2007). The Department of Justice published the final rule on December 11, 2008, with a scheduled effective date of January 12, 2009. *Certification Process for State Capital Counsel Systems*, 73 FR 75327 (Dec. 11, 2008).

The final rule is the subject of a preliminary injunction issued by a district court in the Northern District of California. *See Habeas Corpus Res. Ctr. v. U.S. Dep't of Justice*, No. C 08-2649 CW (N.D. Cal., Jan. 20, 2009). The Department of Justice has decided to solicit further comment on all aspects of the final rule for 60 days following publication of this notice. The Department will consider comments received during this period and publish a summary and response as appropriate.

Dated: February 2, 2009.

Mark Filip,*Acting Attorney General.*

[FR Doc. E9-2493 Filed 2-4-09; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 09-40; MB Docket No. 08-243; RM-11490]

Radio Broadcasting Services; Charlotte Amalie, VI**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: This document requests comments on a petition for rulemaking filed by Western New Life, Inc., licensee of Station WJZG-FM, Channel 254A, Culebra, Puerto Rico, proposing the deletion of vacant Channel 271B at Charlotte Amalie, Virgin Islands to accommodate a hybrid contingent application requesting the substitution of Channel 271A for Channel 254A at Culebra, and modification of the Station WJZG-FM license. The reference coordinates for vacant Channel 271B at Charlotte Amalie are 18-20-36 NL and 64-55-48 WL.

DATES: Comments must be filed on or before March 9, 2009, and reply comments on or before March 24, 2009.

ADDRESSES: Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Scott C. Cinnamon, Esq., Counsel for Western New Life, Inc., Law Offices of Scott C. Cinnamon, PLLC, 1250 Connecticut Ave., NW., Suite 200, #144, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 08-243, adopted January 14, 2009, and released January 16, 2009. Channel 271B at Charlotte Amalie was inadvertently removed from the FM Table of Allotments. *See Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, Report and Order, 21 FCC Rcd 14212 (2006). As a result, this document does not contain any amendatory language. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 Twelfth Street, SW., Washington, DC 20554. This document may also be purchased from the