

effective date of this AD, unless the actions have already been done.

#### One-Time Visual Inspection of the No. 3 Bearing Oil Pressure Tube

(f) Perform a one-time visual inspection of the exterior of the No. 3 bearing oil pressure tube for cracks and evidence of being repaired.

(1) Remove the tube from service if any cracks are found.

(2) Remove the tube from service if found repaired, or if suspected that the tube was repaired.

(g) After the effective date of this AD, do not install any repaired No. 3 bearing oil pressure tube into any engine.

(h) Guidance on the No. 3 bearing oil pressure tube visual inspection can be found in:

(1) Pratt & Whitney Clean, Inspect, Repair Manual PN 51A357, 72-41-20 for PW4000-94" and PW4000-100" series engines; or

(2) Pratt & Whitney Clean, Inspect, Repair Manual PN 51A750, 72-41-20 for PW4000-112" series engines.

#### Definitions

(i) For the purpose of this AD, piece part condition means that the part is completely disassembled from the engine as specified in the disassembly instructions in the manufacturer's engine manual.

#### Alternative Methods of Compliance

(j) The Manager, Engine Certification Office, FAA, may approve alternative methods of compliance for this AD, if requested using the procedures found in 14 CFR 39.19.

#### Related Information

(k) For more information about this AD, contact James Gray, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone (781) 238-7742; fax (781) 238-7199; e-mail: [james.e.gray@faa.gov](mailto:james.e.gray@faa.gov).

#### Material Incorporated by Reference

(l) None.

Issued in Burlington, Massachusetts, on November 16, 2010.

**Robert G. Mann,**

*Acting Manager, Engine & Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 2010-29451 Filed 11-22-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2009-1076; Directorate Identifier 2009-CE-019-AD; Amendment 39-16296; AD 2010-10-17]

**RIN 2120-AA64**

#### Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. Various Models MU-2B Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** The FAA is correcting an airworthiness directive (AD) that has published in the **Federal Register**. That AD applies to the products listed above. The reissue date of September 24, 1986, of the MU-2B-60 airplane flight manual (AFM) in table 3 of the Compliance section (e)(1)(i) is incorrect, in that it is "September 24, 1985," instead of "September 24, 1986." This document corrects this error. In all other respects, the original document remains the same.

**DATES:** This final rule; correction is effective November 23, 2010. The effective date for AD 2010-10-17 remains July 22, 2010.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800-647-5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Matt Bryant, Propulsion Engineer, FAA, Fort Worth ACO, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone: (817) 222-5146; fax: (817) 222-5960; e-mail: [matthew.a.bryant@faa.gov](mailto:matthew.a.bryant@faa.gov).

**SUPPLEMENTARY INFORMATION:** Airworthiness Directive 2010-10-17, amendment 39-16296 (75 FR 34349), which supersedes Airworthiness Directive (AD) 2006-17-01, AD 2006-15-07, AD 2000-02-25, and AD 97-25-02, currently retains from AD 2006-17-01 the inspection of the engine torque indication system and possible recalibration of the torque pressure

transducers and requires incorporating all revisions up to and including the latest revisions of the AFM for certain MHI various Models MU-2B airplanes.

As published, table 3 specific to the MHI MU-2B-60 airplane stating that the MU-2B-60 AFM has a reissued date of September 24, 1986, in the Compliance section (e) is incorrect, in that it is "September 24, 1985," instead of "September 24, 1986."

No other part of the preamble or regulatory information has been changed; therefore, only the changed portion of the final rule is being published in the **Federal Register**.

The effective date of this AD remains July 22, 2010.

#### Correction of Regulatory Text

##### § 39.13 [Corrected]

■ In the **Federal Register** of June 17, 2010, AD 2010-10-17; Amendment 39-16296 is corrected as follows:

On page 34352, in the Compliance section paragraph (e)(1)(i) in table 3, under the third column "Date and version of AFM," change the AFM, Section 6, Reissued date "September 24, 1986," to "September 24, 1985."

Issued in Kansas City, Missouri, on November 17, 2010.

**Patrick R. Mullen,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2010-29463 Filed 11-22-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF JUSTICE

### 28 CFR Part 26

[Docket No. OJP 1464; AG Order No.]

**RIN 1121-AA76**

#### Office of the Attorney General; Certification Process for State Capital Counsel Systems; Removal of Final Rule

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**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 special federal habeas corpus review procedures in capital cases. A Federal district court issued an injunction requiring the Department to provide an additional public comment period and publish a response to any comments received during that period. The Department then solicited further

public comments. By this rule, the Department is removing the December 11, 2008 regulations. The Department will issue new regulations on this subject by separate rulemaking.

**DATES:** *Effective Date:* This rule is effective December 23, 2010.

**FOR FURTHER INFORMATION CONTACT:** Lisa Ellman, Office of Legal Policy, at (202) 514-4601 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Overview**

Chapter 154 of title 28, United States Code, makes special procedures available to a State respondent in Federal habeas corpus proceedings involving review of State capital convictions, but only if the Attorney General has certified “that [the] State has established a mechanism for providing counsel in postconviction proceedings as provided in section 2265,” and if “counsel was appointed pursuant to that mechanism, petitioner validly waived counsel, petitioner retained counsel, or petitioner was found not to be indigent.” 28 U.S.C. 2261(b). 28 U.S.C. 2265(a)(1) provides that, in order for a State to qualify for the special habeas procedures, the Attorney General must determine that “the State has established a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State postconviction proceedings brought by indigent [capital] prisoners” and that the State “provides standards of competency for the appointment of counsel in [such proceedings].”

Chapter 154 has been in place since the enactment of the Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. 104-132), but was amended by section 507 of Public Law 109-177, the USA PATRIOT Improvement and Reauthorization Act of 2005 (“the Act”). Prior to the Act, the determination of a State’s eligibility for the special procedures had been left to the Federal habeas courts. The 2005 Act amended, *inter alia*, sections 2261(b) and 2265 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.

**Rulemaking History**

Section 2265(b) directs the Attorney General to promulgate regulations to implement the certification procedure. To fulfill this mandate, the Department of Justice published a proposed rule in the **Federal Register** on June 6, 2007, that proposed adding a new subpart entitled “Certification Process for State

Capital Counsel Systems” to 28 CFR part 26. 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, 72 FR 44816, and the reopened comment period ended on September 24, 2007. The final rule establishing the chapter 154 certification procedure was published on December 11, 2008, 73 FR 75327, with an effective date of January 12, 2009.

The U.S. District Court for the Northern District of California preliminarily enjoined the Department “during the pendency of these proceedings from putting into effect the rule \* \* \* without first providing an additional comment period of at least thirty days and publishing a response to any comments received during such period.” *Habeas Corpus Resource Center v. United States Dep’t of Justice*, No. 08-2649, 2009 WL 185423, at \*10 (N.D. Calif. Jan. 20, 2009). Further public comment was solicited, with the comment period closing on April 6, 2009. 74 FR 6131.

As the Department reviewed the submitted comments, it considered further the statutory requirements governing the regulatory implementation of the chapter 154 certification procedures. The Attorney General has determined that chapter 154 reasonably could be construed to allow the Attorney General greater discretion in making certification determinations than the December 11, 2008 regulations allowed. For instance, chapter 154 reasonably could be construed to permit the Attorney General to determine, within certain bounds, whether a state’s competency standards and counsel appointment mechanism (including compensation standards) are adequate to achieve chapter 154’s objectives.

Therefore, the Department published a notice in the **Federal Register** on May 25, 2010, proposing to remove the December 11, 2008 regulations pending the completion of a new rulemaking process, during which the Department will further consider what standards and procedures are appropriate. 75 FR 29217. The comment period closed on June 24, 2010.

**Summary of Comments**

Eight comments were received in response to the notice proposing to remove the December 11, 2008 regulations.

Two U.S. Senators, Federal Public Defenders, a California capital defense agency, and a number of other organizations submitted comments supporting removal of the existing rule.

These comments were critical of the existing regulations and included recommendations concerning the development or formulation of a replacement rule.

The Criminal Justice Legal Foundation submitted comments that recommended not removing the portions of the existing rule concerned with certification procedures, on the ground that present dissatisfaction by the Department with the section of the existing rule concerning the substantive criteria a state must meet to be certified under chapter 154—i.e., 28 CFR 26.22—could at most justify rescinding that section alone. The commenter accordingly urged that 28 CFR 26.20, 26.21, and 26.23 should be implemented without delay, and that any further delay would violate the Department’s duty to victims of crime.

The creation of a process for States to apply for chapter 154 certification is only part of the Attorney General’s responsibilities under chapter 154, and it makes little sense to retain that process in the absence of substantive certification criteria. If applications are submitted, the Attorney General must then decide whether the submitting States satisfy the requirements for chapter 154 certification. Section 26.22 in the existing rule reflected the Department’s understanding of those requirements at the time the rule was published. However, the Department has since reconsidered that understanding, including the rule’s assumption that the formulation of counsel competency and compensation standards for purposes of chapter 154 certification is a matter of state discretion and subject to very little, if any, further review by the Attorney General.

The Department believes that the process for considering and deciding States’ applications for chapter 154 certification is best promulgated concurrently with a rule setting forth the standards for a State to meet chapter 154’s requirements. The Attorney General will need to decide what standards he will apply in assessing whether State capital counsel systems are adequate to satisfy the chapter 154 requirements. States correspondingly will need to know what standards the Attorney General will apply in order to frame those applications intelligently, and in order to make any necessary changes in their capital counsel systems prior to applying for Attorney General certification. Likewise, members of the public will need to know what standards the Attorney General will apply in order to provide relevant input concerning the adequacy of State

applications. *Cf.* 28 CFR 26.23(c)–(d) (providing for receipt and consideration of public comment on State applications for chapter 154 certification).

Accordingly, removal of the entire December 11, 2008 final rule at this time is warranted in order to allow the Attorney General to articulate the standards he will apply in making chapter 154 certification decisions and to obtain public input concerning the formulation of such standards. Pending the completion of a new rulemaking process, receipt and consideration of applications for chapter 154 certification cannot sensibly go forward in the absence of articulated standards for deciding such applications.

### Regulatory Certifications

#### *Executive Order 12866*

This regulation has been drafted and reviewed in accordance with Executive Order 12866, “Regulatory Planning and Review,” section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is not a “significant regulatory action” under Executive Order 12866, section 3(f), and accordingly this rule has not been reviewed by the Office of Management and Budget.

#### *Executive Order 13132*

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. This rule merely removes the December 11, 2008 regulations. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

#### *Executive Order 12988—Civil Justice Reform*

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

#### *Regulatory Flexibility Act*

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities. This rule merely removes the December 11, 2008 regulations.

#### *Unfunded Mandates Reform Act of 1995*

This rule will not result in the expenditure by State, local and tribal

governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### *Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996. 5 U.S.C. 804. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

#### List of Subjects in 28 CFR Part 26

Law enforcement officers, Prisoners.

■ Accordingly, for the reasons set forth in the preamble, part 26 of chapter I of title 28 of the Code of Federal Regulations is amended as follows:

#### PART 26—DEATH SENTENCES PROCEDURES

■ 1. The authority citation for part 26 continues to read as follows:

**Authority:** 5 U.S.C. 301; 18 U.S.C. 4001(b), 4002; 28 U.S.C. 509, 510, 2261, 2265.

#### Subpart B—[Removed and Reserved]

■ 2. Subpart B is removed and reserved.

Dated: November 15, 2010.

**Eric H. Holder, Jr.,**  
*Attorney General.*

[FR Doc. 2010–29329 Filed 11–22–10; 8:45 am]

**BILLING CODE 4410–18–P**

### DEPARTMENT OF LABOR

#### Occupational Safety and Health Administration

#### 29 CFR Part 1983

[Docket No. OSHA–2010–0006]

RIN 1218–AC47

#### Collection of Information Requirement Related to Procedures for the Handling of Retaliation Complaints Under Section 219 of the Consumer Product Safety Improvement Act of 2008

**AGENCY:** Occupational Safety and Health Administration (OSHA); Department of Labor.

**ACTION:** Clarification.

**SUMMARY:** OSHA is informing the public of a collection of information requirement contained in the Procedures for the Handling of Retaliation Complaints Under Section 219 of the Consumer Product Safety Improvement Act of 2008 interim final rule, published August 31, 2010. This clarification notice informs the public about the means by which to comment on this collection of information requirement prior to OSHA’s submission of an information collection request (ICR) extension to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act of 1995.

**DATES:** Comments on the collection of information requirement in this interim final rule must be submitted (postmarked, sent, or received) to the ICR docket, Docket No. OSHA–2010–0049, by December 27, 2010.

#### FOR FURTHER INFORMATION CONTACT:

Nilgun Tolek, Director, Office of the Whistleblower Protection Program, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3610, 200 Constitution Avenue, NW., Washington, DC 20210; *telephone:* (202) 693–2199. This is not a toll-free number. The alternative formats available are large print, electronic file on computer disk (Word Perfect, ASCII, Mates with Duxbury Braille System) and audiotape.

**SUPPLEMENTARY INFORMATION:** On August 31, 2010, OSHA published notice of an interim final rule containing procedures for the handling of retaliation complaints under the employee protection provision of the Consumer Product Safety Improvement Act of 2008 (CPSIA) (75 FR 53533).

In the August 31, 2010 notice, OSHA indicated that the interim final rule did not contain collection of information requirements subject to review by OMB under the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (PRA). (75 FR at 53538.) However, upon reconsideration, OSHA has determined that there is a collection of information requirement associated with the initiation of CPSIA whistleblower complaints.

OSHA currently has OMB approval for collection of information requirements related to the handling of retaliation complaints filed under various whistleblower protection statutes in the “Regulations Containing Procedures for Handling of Retaliation Complaints” ICR, OMB Control Number 1218–0236. OSHA is currently requesting that OMB extend approval of