

List of Subjects in 13 CFR Part 115

Claims, Reporting and recordkeeping requirements, Small businesses, Surety bonds.

For the reasons stated in the preamble, the Small Business Administration amends 13 CFR Part 115 as follows:

PART 115—SURETY BOND GUARANTEE

■ 1. The authority citation for part 115 is revised to read as follows:

Authority: 5 U.S.C. app. 3; 15 U.S.C. 687b, 687c, 694a, 694b note, Pub. L. 106-554; Pub. L. 108-447, Div K, Sec. 203; Pub. L. 110-246, Sec. 12079, 122 Stat. 1651; and Pub. L. 111-5, 123 Stat. 115.

■ 2. In § 115.10, revise the definition of "Applicable Statutory Limit" and add a definition of "Head of Agency" in alphabetical order to read as follows:

§ 115.10 Definitions.

\* \* \* \* \*

Applicable Statutory Limit means the maximum amount of any Contract or Order for which section 411(a) of the Small Business Investment Act, as amended from time to time, or other law, authorizes SBA to guarantee, or commit to guarantee, a Bid Bond, Payment Bond, Performance Bond, or Ancillary Bond.

\* \* \* \* \*

Head of Agency means in the case of a cabinet department, the Secretary; and in the case of an independent commission, board, or agency, the Chair or Administrator; or any person to whom the Secretary, Chair, or Administrator has directly delegated the authority to request SBA to guarantee bonds on Contracts or Orders in excess of \$5,000,000.

\* \* \* \* \*

■ 3. In § 115.12, add paragraph (e)(5) to read as follows:

§ 115.12 General program policies and provisions.

\* \* \* \* \*

(e) \* \* \*

(5) Guarantee authority for Contracts and Orders related to a major disaster area. Subject to the availability of funds appropriated in advance specifically for the purpose of guaranteeing bonds for any Contract or Order related to a major disaster, SBA may guarantee bonds on any Contract or Order under the following terms and conditions:

(i) The Contract or Order does not exceed \$5,000,000 at the time of bond execution, and:

(A) For products or services procured under a Federal Contract or Order, the

products will be manufactured or the services will be performed in the major disaster area identified in the Federal Emergency Management Agency (FEMA) Web site at http://www.fema.gov, or the products will be manufactured or the services will be performed outside the major disaster area and the products or services will directly assist in the recovery efforts in the major disaster area; or

(B) For products or services procured under any other Contract or Order, the products will be manufactured or the services will be performed in the major disaster area identified in the FEMA Web site at http://www.fema.gov;

(ii) At the request of the Head of the Agency involved in reconstruction efforts in response to a major disaster, SBA may guarantee bonds on Federal Contracts or Orders in excess of \$5,000,000, but not more than \$10,000,000;

(iii) The restrictions set forth in paragraph (e)(3) of this section do not apply to the guarantees issued under this paragraph (e)(5); and

(iv) A guarantee may be issued under this paragraph (e)(5) for any Contract or Order for which an offer is submitted or an award is made within 12 months from the date an area is designated a major disaster area in the Federal Register. SBA may, at its discretion, extend this time period for any particular disaster, and will publish a notice of the extension in the Federal Register.

\* \* \* \* \*

■ 4. Amend § 115.16 as follows:

■ a. Remove the word "and" at the end of paragraph (f)(3);

■ b. Remove the punctuation "." at the end of paragraph (f)(4) and add "; and" in its place; and

■ c. Add paragraph (f)(5) to read as follows:

§ 115.16 Determination of Surety's Loss.

\* \* \* \* \*

(f) \* \* \*

(5) Any costs that arise from the Principal's failure to secure and maintain insurance coverage required by the Contract or Order, or any costs that result from any claims or judgments that exceed the amount of any insurance coverage required by the Contract or Order, as well as any costs that arise as a result of any agreement by the Principal in the Contract or Order to indemnify the Oblige or any other Persons.

Dated: January 6, 2011.

Karen G. Mills, Administrator.

[FR Doc. 2011-652 Filed 1-13-11; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2010-0808; Airspace Docket No. 10-AWP-14] RIN 2120-AA66

Amendment of Class E Airspace; Kwajalein Island, Marshall Islands, RMI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects a final rule; technical amendment published in the Federal Register. In that rule, errors were made in the airspace description. This action corrects those errors.

DATES: Effective date 0901 UTC, January 13, 2011. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace Regulation and ATC Procedures Group, Office of Mission Support Services, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

History

On October 7, 2010, a final rule; technical amendment was published in the Federal Register, FAA Docket No. FAA-2010-0808, Airspace Docket No. 10-AWP-14 that amended Title 14 Code of Federal Regulations part 71 by amending Class E airspace; Kwajalein Island, Marshall Islands, RMI (75 FR 61993). Specifically, the Kwajalein Tactical Air Navigation System reference was removed from the legal descriptions. However, the airspace descriptions contained several data points that were in error. This action corrects those errors. The correct full legal description is provided below.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the legal description for the Class E airspace area for Kwajalein Island, Marshall Islands, RMI, as published in the Federal

**Register** on October 7, 2010, FR Doc. 2010–25220, (75 FR 61933) on page 61994, column 1, is corrected as follows:

**§ 71.1 [Amended]**

*Paragraph 6004—Class E airspace areas designated as an extension to a class D or class E surface area*

\* \* \* \* \*

**AWP RM E4 Kwajalein Island, Marshall Islands, RMI [Amended]**

Kwajalein Island, Bucholz AAF, RMI  
(Lat. 08°43'12" N., long. 167°43'54" E.)  
Kwajalein RBN

(Lat. 08°43'15" N., long. 167°43'40" E.)

That airspace extending upward from the surface within 2.2 miles each side of the Bucholz AAF 249° bearing, extending from the 4.3-mile radius of Bucholz AAF to 5.2 miles west of the Bucholz AAF, and within 3 miles each side of the 077° bearing from the Kwajalein RBN, extending from the 4.3-mile radius to 9.6 miles east of the RBN. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Pacific Chart Supplement.

\* \* \* \* \*

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth*

\* \* \* \* \*

**AWP RM E5 Kwajalein Island, Marshall Islands, RMI [Amended]**

Kwajalein Island, Bucholz AAF, RMI  
(Lat. 08°43'12" N., long. 167°43'54" E.)

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Bucholz AAF. That airspace extending upward from 1,200 feet above the surface within a 100-mile radius of Bucholz AAF.

Issued in Washington, DC, on January 12, 2011.

**Edith V. Parish,**

*Manager, Airspace, Regulation and ATC Procedures Group.*

[FR Doc. 2011–867 Filed 1–12–11; 11:15 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF HOMELAND SECURITY**

**U.S. Customs and Border Protection**

**19 CFR Parts 145, 159, 173 and 174**

[CBP Dec. 11–02]

**Technical Corrections: Matters Subject to Protest and Various Protest Time Limits**

**AGENCIES:** Customs and Border Protection, Department of Homeland Security.

**ACTION:** Final rule.

**SUMMARY:** This document amends title 19 of the Code of Federal Regulations (19 CFR) by making technical corrections to certain protest provisions within part 174. The technical corrections are necessary to conform 19 CFR to reflect amendments to part 174's underlying statutory authority effected by the Customs Modernization provisions of the North American Free Trade Agreement (NAFTA) Implementation Act, the Miscellaneous Trade and Technical Corrections Act of 1999, and the Miscellaneous Trade and Technical Corrections Act of 2004. This document also makes related conforming changes to other provisions within 19 CFR, as necessitated by these statutory amendments, as well as non-substantive editorial and nomenclature changes.

**DATES:** The final rule is effective on January 14, 2011.

**FOR FURTHER INFORMATION CONTACT:** Julia H. Rieper, Entry Process and Duty Refunds Branch, Regulations and Rulings, Office of International Trade, Customs and Border Protection, Tel. (202) 325–0226.

**SUPPLEMENTARY INFORMATION:**

**Background**

This document amends title 19 of the Code of Federal Regulations (19 CFR) by making technical corrections to certain protest provisions within part 174 and certain related provisions in parts 145, 159 and 173. The technical corrections are necessary to conform 19 CFR to reflect amendments to part 174's underlying statutory authority effected by the Customs Modernization (Mod Act) provisions of the North American Free Trade Agreement (NAFTA) Implementation Act (Pub. L. 103–182, 107 Stat. 2057), the Miscellaneous Trade and Technical Corrections Act of 1999 (Pub. L. 106–36, 113 Stat. 127), and the Miscellaneous Trade and Technical Corrections Act of 2004 (Pub. L. 108–429, 118 Stat. 2434). Any amendments to the CBP regulations, including regulations amended by this notice, that require statutory interpretation will not be included in this technical corrections document and will be published in a separate proposed rulemaking.

The statutory amendments affect, in pertinent part, the types of matters subject to protest, the time required for allowing or denying an application for further review of a protest, and various other protest time limits. This document also makes non-substantive editorial and nomenclature changes to reflect the transfer of the legacy U.S. Customs Service of the Department of the Treasury to the Department of

Homeland Security (DHS) and the subsequent renaming of the agency as U.S. Customs and Border Protection.

**Statutory Changes**

Section 514 of the Tariff Act of 1930, as amended (19 U.S.C. 1514), provides that certain specified decisions made by CBP can be protested before becoming final. Section 515 of the Tariff Act of 1930, as amended (19 U.S.C. 1515), sets forth standards governing the administrative review of protests filed under section 514. Section 504 of the Tariff Act of 1930, as amended (19 U.S.C. 1504), prescribes the limitations on liquidation. Regulations implementing these statutes are contained in parts 159 and 174 of title 19 of the CFR.

**The Mod Act**

Section 645 of the Mod Act amended section 514(c)(1) (19 U.S.C. 1514(c)(1)) by recasting the first sentence in order to, among other things, permit the transmission of a protest to CBP “electronically pursuant to an electronic data interchange system.” Section 618 of the Mod Act also repealed section 521 (19 U.S.C. 1521), which provided for the reliquidation of an entry on account of fraud.

**The Miscellaneous Trade and Technical Corrections Act of 1999**

Section 2408(b) of the Miscellaneous Trade and Technical Corrections Act of 1999 (“Trade Act of 1999”) amended section 514(a)(7) by the addition of a reference to subsection (d) of section 520 of the Tariff Act of 1930, as amended (19 U.S.C. 1520(d)), thereby including as a protestable decision a refusal to reliquidate an entry in response to a post-importation NAFTA claim.

**The Miscellaneous Trade and Technical Corrections Act of 2004**

The Miscellaneous Trade and Technical Corrections Act of 2004 (“Trade Act of 2004”) amended several statutes that impact the manner by which CBP administers protests. In this regard, the following is noted:

1. Section 2105 of the Trade Act of 2004 repealed section 520(c) of the Tariff Act of 1930 (19 U.S.C. 1520(c)), thereby removing CBP's authority, in situations where a valid protest has not been filed, to reliquidate an entry to correct clerical errors, mistakes of fact, and other inadvertences for entries made on or after December 18, 2004;
2. Section 2103 of the Trade Act of 2004 amended 19 U.S.C. 1514 and 1515:
  - i. To clarify that filing a protest is necessary to challenge clerical errors,