

Section 230.193 is also issued under sec. 943, Pub. L. 111-203, 124 Stat. 1376.

\* \* \* \* \*

4. Add § 230.193 to read as follows:

**§ 230.193 Review of underlying assets in asset-backed securities transactions.**

An issuer of an “asset-backed security,” as that term is defined in Section 3(a)(77) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(77)), offering and selling such a security pursuant to a registration statement shall perform a review of the pool assets underlying the asset-backed security. At a minimum, such review must be designed and effected to provide reasonable assurance that the disclosure regarding the pool assets in the form of prospectus filed pursuant to § 230.424 of this chapter is accurate in all material respects. The issuer may conduct the review or an issuer may employ a third party engaged for purposes of performing the review. If the findings and conclusions of the review are attributed to the third party, the third party must be named in the registration statement and consent to being named as an expert in accordance with § 230.436 of this chapter.

*Instruction to § 230.193:* An issuer of an “asset-backed security” may rely on one or more third parties to fulfill its obligation to perform a review under this section, provided that the reviews performed by the third parties and the issuer, in the aggregate, comply with the minimum standard in this section. The issuer must comply with the requirements of this section for each third party engaged by the issuer to perform the review for purposes of this section. An issuer may not rely on a review performed by an unaffiliated originator for purposes of performing the review required under this section.

Dated: January 20, 2011.

By the Commission.

Elizabeth M. Murphy,  
Secretary.

[FR Doc. 2011-1503 Filed 1-24-11; 8:45 am]

BILLING CODE 8011-01-P

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 1**

[TD 9505]

RIN 1545-BG36

**Hybrid Retirement Plans**

*Correction*

In rule document 2010-25941 beginning on page 64123 in the issue of

Tuesday, October 19, 2010, make the following correction:

**§ 1.411(a)(13)-1 [Corrected]**

On page 64137, in § 1.411(a)(13)-1, in the first column, in paragraph (e)(1)(iii)(E), in the fourth and fifth lines, “section 411(a)(13)(B) but would otherwise apply” should read “section 411(a)(13)(B) would otherwise apply”.

[FR Doc. C1-2010-25941 Filed 1-24-11; 8:45 am]

BILLING CODE 1505-01-D

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 1**

[TD 9391]

RIN 1545-BF85

**Source Rules Involving U.S. Possessions and Other Conforming Changes; Correction**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correcting amendment.

**SUMMARY:** This document contains a correction to final regulations (TD 9391) that were published in the **Federal Register** on Wednesday, April 9, 2008 (73 FR 19350) providing rules under section 937(b) of the Internal Revenue Code for determining whether income is derived from sources within a U.S. possession or territory specified in section 937(a)(1) (generally referred to in this preamble as a “territory”) and whether income is effectively connected with the conduct of a trade or business within a territory as well as providing guidance under section 932 and other provisions related to the territories.

**DATES:** This correction is effective on January 25, 2011, and is applicable on April 9, 2008.

**FOR FURTHER INFORMATION CONTACT:** J. David Varley, (202) 435-5262 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

The final regulations and removal of temporary regulations that are the subjects of this document are under sections 1, 170A, 861, 871, 876, 881, 884, 901, 931, 932, 933, 934, 935, 937, 957, 1402, 6012, 6038, and 6046 of the Internal Revenue Code.

**Need for Correction**

As published, final regulations (TD 9391) contain an error that may prove to be misleading and is in need of clarification.

**List of Subjects in 26 CFR Part 1**

Income taxes, Reporting and recordkeeping requirements.

**Correction of Publication**

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendment:

**PART 1—INCOME TAXES**

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

■ **Par. 2.** Section 1.932-1 is amended by revising paragraph (e)(1) to read as follows:

**§ 1.932-1 Coordination of United States and Virgin Islands income taxes.**

\* \* \* \* \*

(e) \* \* \* (1) *U.S. returns.* Except as otherwise provided for returns filed under paragraph (c)(2)(ii) of this section, a return required under the rules of paragraphs (b) and (c) of this section to be filed with the United States must be filed as directed in the applicable forms and instructions.

\* \* \* \* \*

LaNita Van Dyke,

Chief, Publications and Regulations Branch,  
Legal Processing Division, Associate Chief  
Counsel, Procedure and Administration.

[FR Doc. 2011-1408 Filed 1-24-11; 8:45 am]

BILLING CODE 4830-01-P

**DEPARTMENT OF THE INTERIOR**

**Bureau of Ocean Energy Management**

**30 CFR Part 285**

[Docket ID: BOEM-2010-0045]

RIN 1010-AD71

**Regulation and Enforcement; Renewable Energy Alternate Uses of Existing Facilities on the Outer Continental Shelf—Acquire a Lease Noncompetitively**

**AGENCY:** Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE), Interior.

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** BOEMRE is withdrawing the direct final rule to amend BOEMRE’s renewable energy regulatory provisions that pertain to noncompetitive acquisition of leases, published on November 26, 2010 (75 FR 72679), under Docket ID: BOEM-2010-0045. In the direct final rule, BOEMRE stated that if it received significant adverse

comments during the rule's 30-day comment period, it would publish a notice of withdrawal in the **Federal Register**.

BOEMRE has determined that it has received significant adverse comments during the comment period and, therefore, is withdrawing the direct final rule. BOEMRE intends to publish a notice of proposed rulemaking within 30 days of the date of this notice in order to reinstate rulemaking. The proposed rule will have a 30-day public comment period. All comments received in response to the original November 26, 2010, notice will be considered in relation to the proposed rule unless they are withdrawn by the commenters, so those who commented on the original November 26, 2010, direct final rule need not re-submit their comments.

However, parties who responded to the November 26, 2010, notice may submit additional comments on the proposed rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Timothy Redding at (703) 787-1219.

Dated: January 18, 2011.

**Michael R. Bromwich,**

*Director, Bureau of Ocean Energy Management, Regulation and Enforcement.*

[FR Doc. 2011-1505 Filed 1-24-11; 8:45 am]

**BILLING CODE 4310-MR-P**

## DEPARTMENT OF VETERANS AFFAIRS

### 38 CFR Parts 3, 17, and 21

RIN 2900-AN27

#### Herbicide Exposure and Veterans With Covered Service in Korea

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Final rule.

**SUMMARY:** This document adopts as a final rule the Department of Veterans Affairs' (VA) proposal to amend VA adjudication, medical, and vocational rehabilitation and employment regulations to incorporate relevant provisions of the Veterans Benefits Act of 2003. Specifically, this document amends VA regulations regarding herbicide exposure of certain veterans who served in or near the Korean demilitarized zone and regulations regarding spina bifida in their children. It also amends VA's medical regulations by correcting the Health Administration Center's hand-delivery address.

**DATES:** *Effective Date:* This final rule is effective February 24, 2011.

*Applicability Date:* This final rule shall apply to all applications for

benefits that are received by VA on or after February 24, 2011 and to all applications for benefits that were pending before VA, the United States Court of Appeals for Veterans Claims, or the United States Court of Appeals for the Federal Circuit on February 24, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Thomas Kniffen, Regulations Staff (211D), Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461-9366. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** On July 24, 2009, VA published a proposal in the **Federal Register** (74 FR 36640), to amend its adjudication, medical, and vocational rehabilitation and employment regulations by incorporating relevant provisions from the Veterans Benefits Act of 2003, Public Law 108-183. More specifically, based on Section 102 of the Act, codified at 38 United States Code (U.S.C.) 1821, VA proposed to amend VA regulations regarding herbicide exposure of certain veterans who served in or near the Korean demilitarized zone and regulations regarding spina bifida in such veterans' children. Additionally, VA proposed to amend medical regulations by correcting the Health Administration Center's hand-delivery address. We provided a 60-day comment period and interested persons were invited to submit comments on or before September 22, 2009. We received five written comments from the public based on the proposed rule. Two of the responses were comments from Vietnam Veterans of America (VVA) and National Veterans Legal Services Program (NVLSP). The remaining three comments were from the general public.

One commenter supported promulgation of the proposed regulation. The commenter asserted approval when stating, "If passed will be a great help towards helping Korea DMZ Vets with their exposure." The commenter later stated: "This in fact would promote fairness and be beneficial to Vets that served along the DMZ. However, it appears that the new proposed presumption Agent Orange exposure rule, [sic] will not benefit Korea DMZ Veterans that served outside of the 1968/1969 timeframe."

NVLSP also asserted approval of the rule by stating that it "eliminates the need for the claimant to prove a fact that would be difficult to prove on his or her own" \* \* such a presumption makes the VA claims adjudication process more efficient by making it easier for VA

to decide these claims;" however, NVLSP also expressed the view that the presumption of exposure set forth in the proposed rule applies to too narrow a period. NVLSP asserted that the period should conform to the statutory window of September 1, 1967 through August 31, 1971, stated in the Veterans Benefits Act of 2003 and that the proposed rule fails to provide for residual exposure to herbicides for periods long after herbicide spraying had ceased.

Similarly, VVA expressed that VA is "taking a step in the right direction" by putting "certain veterans who served in Korea along the Demilitarized Zone (DMZ) on par with veterans who served in Vietnam and were also exposed to herbicides." VVA contended that, based on past and current scientific evidence regarding the long-term effects of herbicides, it is clear that herbicides "can continue to be toxic and hazardous" long after they are applied, and that veterans who served in Korea along the DMZ after July 1969 and have a condition consistent with exposure to herbicides "are being left out in the cold." VVA stated the view that VA's proposal to limit the period covered by the rule is not supported by scientific and medical evidence.

Based upon these comments, VA has determined that revisions to the proposed rule, which defined the presumed exposure period as the period from April 1, 1968 to July 31, 1969, are necessary in order to adequately reflect the statutory provisions in section 102 of the Veterans Benefits Act of 2003, codified at 38 U.S.C. 1821. Section 1821(c) states, "[A] veteran of covered service in Korea is any individual, without regard to the characterization of that individual's service, who—(1) Served in the active military, naval, or air service in or near the Korean demilitarized zone [DMZ], as determined by the Secretary in consultation with the Secretary of Defense, during the period beginning on September 1, 1967, and ending on August 31, 1971; and (2) is determined by the Secretary, in consultation with the Secretary of Defense, to have been exposed to an herbicide agent during such service in or near the Korean demilitarized zone." We believe it is reasonable and consistent with the intent of Congress to concede exposure for veterans who served in or near the Korean DMZ after herbicide application ceased, because of the potential for exposure to residuals of herbicides applied in that area. See 149 Cong. Rec. H11705-01 (2003) (noting that in order to account for residual exposure "it is appropriate to extend the qualifying service period beyond 1969 to account