

six items were \$2 million or less in the reporting period: Reinsurance premiums received, reinsurance premiums paid, reinsurance losses paid, reinsurance losses recovered, primary insurance premiums received, and primary insurance losses paid. If any one of these items is greater than \$2 million in the reporting period, a report must be filed.

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## DEPARTMENT OF COMMERCE

### Bureau of Economic Analysis

#### 15 CFR Part 801

[Docket No. 010724189-1276-02]

RIN 0691-AA41

#### International Services Surveys: BE-20, Benchmark Survey of Selected Services Transactions With Unaffiliated Foreign Persons

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Final rule.

**SUMMARY:** This final rule revises regulations for the BE-20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons.

The BE-20 survey is conducted by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce, under the International Investment and Trade in Services Survey Act. The data are needed to support U.S. trade policy initiatives; compile the U.S. international transactions, national income and product, and input-output accounts; assess U.S. competitiveness in international trade in services; and improve the ability of U.S. businesses to identify and evaluate market opportunities.

The rule raises the exemption level for the 2001 benchmark survey to \$1 million in covered sales or purchases transactions, from \$500,000 on the previous (1996) survey. Raising the exemption level will reduce respondent burden, particularly for small companies. The rule also: creates new categories for other trade-related services, auxiliary insurance services, and waste treatment and depollution services; adds coverage of transcription services to "other" private services; and amends several other service categories. These changes will close some statistical gaps in the coverage of cross-border services transactions and bring the survey into better compliance with

international standards for compilation of statistics on trade in services.

The changes to services that have been reported in past benchmark surveys and the types of new services to be reported reflect BEA's experience in collecting data on selected services transactions over the past 15 years and the growth of new services in the global economy.

**EFFECTIVE DATE:** This final rule will be effective January 10, 2002.

**FOR FURTHER INFORMATION CONTACT:** R. David Belli, Chief, International Investment Division (BE-50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606-9800.

**SUPPLEMENTARY INFORMATION:** In the August 28, 2001, *Federal Register*, volume 66, No. 167, 66 FR 45219-45221, BEA published a notice or proposed rulemaking setting forth revised reporting requirements for the BE-20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons. No comments on the proposed rule were received. Thus, this final rule is the same as the proposed rule. This final rule amends 15 CFR part 801 by revising § 801.10 to set forth revised reporting requirements for the BE-20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons. The Bureau of Economic Analysis (BEA), U.S. Department of Commerce, will conduct the survey under the International Investment and Trade in Services Survey Act (Pub. L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101-3108, as amended). Section 3103(a) of the Act provides that the President shall, to the extent he deems necessary and feasible—\* \* \* (1) conduct a regular data collection program to secure current information \* \* \* related to international investment and trade in services \* \* \*. In Section 3 of Executive Order 11961, as amended by Executive Order 12518, the President delegated authority granted under the Act as concerns international trade in services to the Secretary of Commerce, who has redelegated it to BEA.

The major purposes of the survey are to monitor trade in services; to support U.S. trade policy initiatives; compile the U.S. international transactions, national income and product, and input-output accounts; assess U.S. competitiveness in international trade in services; and improve the ability of U.S. businesses to identify and evaluate market opportunities.

BEA will conduct the BE-20 benchmark survey for the reporting year 2001. The BE-29 estimates will cover

the universe of transactions covered by the survey. Reporting is required from U.S. persons who have sales to or purchases from unaffiliated foreign persons in a covered service in excess of \$1 million during the reporting year. Respondents meeting these criteria must supply data on the amount of their sales or purchases for each covered type of service, disaggregated by country. Respondents that have covered transactions of \$1 million or less during the reporting year are asked to provide voluntary estimates of their total sales or purchases of each type of covered service.

#### Executive Order 12866

This final rule is not significant for purposes of E.O. 12866.

#### Executive Order 13132

This final rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 13132.

#### Paperwork Reduction Act

The collection of information required in this final rule has been approved by the Office of Management and Budget under the Paperwork Reduction Act. Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection displays a current valid OMB Control Number; such a Control Number (0608-0058) has been displayed.

The survey is expected to result in the filing of reports, containing mandatory or voluntary data, from about 1,100 respondents. The average burden for completing the BE-20—both the mandatory and voluntary sections—is estimated to be 12 hours. Thus, the total respondent burden of the survey is estimated at 13,200 hours (1,100 respondents times 12 hours average burden). The actual burden will vary from to reporter, depending upon the number and variety of their services transactions and the ease of assembling the data. Thus, it may range from 4 hours for a reporter that has a small number and variety of transactions and easily accessible data, or that reports only in the voluntary section of the form, to 500 hours for a very large reporter that engages in a large number and variety of services transactions and has difficulty in locating and assembling the required data. This estimate includes time for reviewing instructions, searching existing data

sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Comments regarding the burden estimate or any other aspect of this collection of information should be addressed to: Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230, and to the Office of Management and Budget, O.I.R.A., Paperwork Reduction Project 0608-0058, Washington, DC 20503 (Attention PRA Desk Officer for BEA).

### Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities. The information collection excludes most small businesses from mandatory reporting. U.S. persons with reinsurance premiums, received or paid; reinsurance losses, paid or recovered; primary insurance premiums received; or primary insurance losses paid, with foreign persons in excess of \$2 million during the reporting year; the exemption level for the previous survey, covering 2000, was \$1 million. Thus, the exemption level will exclude most small businesses from mandatory coverage. Of those smaller businesses that must report, most will tend to have specialized operations and activities, so they will likely report only one type of reinsurance of other insurance transaction, often with a single partner country; therefore, the burden on them should be small.

### List of Subjects in 15 CFR Part 801

Balance of payments, Economic statistics, Foreign trade, Penalties, Reporting and recordkeeping requirements.

Dated: November 13, 2001.

**J. Steven Landefeld,**

*Director, Bureau of Economic Analysis.*

For the reasons set forth in the preamble, BEA amends 15 CFR part 801, as follows:

### PART 801—SURVEY OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS

1. The authority citation for 15 CFR Part 801 continues to read as follows:

**Authority:** 5 U.S.C. 301, 15 U.S.C. 4908, 22 U.S.C. 3101-3108, and E.O. 11961 (3 CFR, 1977 Comp., p. 860 as amended by E.O. 12013 (3 CFR, 1977 Comp., p. 147), E.O.

12318 (3 CFR, 1981 Comp., p. 173), and E.O. 12518 (3 CFR, 1985 Comp., p. 348).

2. Section 801.10 is revised to read as follows:

#### **§ 801.10 Rules and regulations for the BE-20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons.**

The BE-20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons, will be conducted covering companies' 2001 fiscal year and every fifth year thereafter. All legal authorities, provisions, definitions, and requirements contained in §§ 801.1 through 801.9(a) are applicable to this survey. Additional rules and regulations for the BE-20 survey are given in this section. More detailed instructions and descriptions of the individual types of services covered are given on the report form itself.

(a) The BE-20 survey consists of two parts and seven schedules. Part I requests information needed to determine whether a report is required and which schedules apply. Part II requests information about the reporting entity. Each of the seven schedules covers one or more types of services and is to be completed only if the U.S. Reporter has transactions of the type(s) covered by the particular schedule.

(b) *Who must report—(1) Mandatory reporting.* A BE-20 report is required from each person who had transactions (either sales or purchases) in excess of \$1 million with unaffiliated foreign persons in any of the services listed in paragraph (c) of this section during its fiscal year covered by the survey.

(i) The determination of whether a U.S. person is subject to this mandatory reporting requirement may be judgmental, that is, based on the judgement of knowledgeable persons in a company who can identify reportable transactions on a recall basis, with a reasonable degree of certainty, without conducting a detailed records search. Because the \$1 million threshold applies separately to sales and purchases, the mandatory reporting requirement may apply only to sales, only to purchases, or to both sales and purchases.

(ii) Reporters who file pursuant to this mandatory reporting requirement must complete Parts I and II of form BE-20 and all applicable schedules. The total amounts of transactions applicable to a particular schedule are to be entered in the appropriate column(s) on line 1 of the schedule. In addition, except for sales of merchanting services, these amounts must be distributed below line 1 to the country(ies) involved in the

transaction(s). For sales of merchanting services, the data by individual foreign country are not required to be reported, although these data may be reported voluntarily.

(iii) Application of the \$1 million exemption level to each covered service is indicated on the schedule for that particular service. It should be noted that an item other than sales or purchases may be used as the measure of a given service for purposes of determining whether the threshold for mandatory reporting of the service is exceeded.

(2) *Voluntary Reporting.* If, during the fiscal year covered, the U.S. person's total transactions (either sales or purchases) in any of the types of services listed in paragraph (c) of this section are \$1 million or less, the U.S. person is requested to provide an estimate of the total for each type of service.

(i) Provision of this information is voluntary. The estimates may be judgmental, that is, based on recall, without conducting a detailed manual records search. Because the \$1 million threshold applies separately to sales and purchases, the voluntary reporting option may apply only to sales, only to purchases, or to both sales and purchases.

(ii) The amounts of transactions reportable on a particular schedule are to be entered in the appropriate column(s) in the voluntary reporting section of the schedule; they are not required to be disaggregated by country. Reporters filing voluntary information only should also complete Parts I and II of the form.

(3) Any U.S. person that receives the BE-20 survey form from BEA, but is not reporting data in either the mandatory or voluntary section of the form, must nevertheless complete and return the Exemption claim included with the form to BEA. This requirement is necessary to ensure compliance with reporting requirements and efficient administration of the Act by eliminating unnecessary followup contact.

(c) *Covered types of services.* Only the services listed in this paragraph are covered by the BE-20 survey. Other services, such as transportation and reinsurance, are not covered. Covered services are Agricultural services; research, development, and testing services; management, consulting, and public relations services; management of health care facilities; accounting auditing, and bookkeeping services; legal services; educational and training services; mailing, reproduction, and commercial art; employment agencies and temporary help supply services;

industrial engineering services; industrial-type maintenance, installation, alteration, and training services; performing arts, sports, and other live performances, presentations, and events; sale and purchase of rights to natural resources, and lease bonus payments; use or lease of rights to natural resources, excluding lease bonus payments; disbursements to fund news-gathering costs of broadcasters; disbursements to fund news-gathering costs of print media; disbursements to fund production costs of motion pictures; disbursements to fund production costs of broadcast program material other than news; disbursements to maintain government tourism and business promotion offices; disbursements for sales promotion and representation; disbursements to participate in foreign trade shows (purchases only); premiums paid on purchases of primary insurance; losses recovered on purchases of primary insurance; construction services (purchases only); engineering, architectural, and surveying services (purchases only); mining services (purchases only); merchanting services (sales only); financial services (purchases only, by companies or parts of companies that are not financial services providers); advertising services; computer and data processing services; data base and other information services; telecommunications services; operational leasing services; other trade-related services; auxiliary insurance services; waste treatment and depollution services; and "other" private services. "Other" private services covers transactions in the following types of services: Language translation services, salvage services, security services account collection services, satellite photograph and remote sensing/satellite imagery services, space transport (includes satellite launches, transport of goods and people for scientific experiments, and space passenger transport), and transcription services.

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[TD 8966]

RIN 1545-AT47

#### Effect of the Family and Medical Leave Act on the Operation of Cafeteria Plans; Correction

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

**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains corrections to final regulations that were published in the **Federal Register** on October 17, 2001 (66 FR 52675). These regulations relate to cafeteria plans that reflect changes made by the Family and Medical Leave Act of 1993 (Act).

**DATES:** These corrections are effective October 17, 2001.

**FOR FURTHER INFORMATION CONTACT:** Shoshanna Chaiton, (202) 622-6080 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

The final regulations that are the subject of this correction are under section 125 of the Internal Revenue Code.

##### Need for Correction

As published, the final regulations (TD 8966) contain errors that may prove to be misleading and are in need of clarification.

##### Correction of Publication

Accordingly, final regulations (TD 8966), (FR Doc. 01-25909), published on October 17, 2001 (66 FR 52675) is corrected as follows:

##### § 1.125-3 [Corrected]

On page 52677, column 3, § 1.125-3, line 3, the language "Family and Medical Leave Act (FMLA)" is corrected to read "Family and Medical Leave Act (FMLA), 29 U.S.C. 2601 *et seq.*,"

On page 52677, column 3, § 1.1253, Q-1, lines 4 and 5, the language "when taking unpaid Family and Medical Leave Act (FMLA), 29 U.S.C., is corrected to read "when taking unpaid FMLA, 29 U.S.C."

**LaNita Van Dyke,**

*Acting Chief, Regulations Unit, Associate Chief Counsel, (Income Tax and Accounting).*

[FR Doc. 01-30621 Filed 12-10-01; 8:45 am]

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## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 201

[Docket No. RM 2001-7A]

#### Disruption or Suspension of Postal or Other Transportation or Communications Services

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Interim regulations; Request for comments; Correction.

**SUMMARY:** On December 4, 2001, the Copyright Office published an interim regulation addressing the effect of a general disruption or suspension of postal or other transportation or communications services. This document makes corrections to that interim regulation.

**EFFECTIVE DATE:** December 11, 2001.

**FOR FURTHER INFORMATION CONTACT:** Sandra L. Jones, Writer Editor, or Marilyn J. Kretsinger, Assistant General Counsel, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington DC 20024-0400. Telephone: (202) 707-8380. Fax: (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** The Copyright Office published an interim regulation in the **Federal Register** on December 4, 2001, addressing the effect of a general disruption or suspension of postal or other transportation or communications services on the Office's receipt of deposits, applications, fees, or any other materials, and the assignment of a date of receipt to such materials. This document makes a non-substantial correction to the interim regulation.

In rule RM2001-7 published on December 4, 2001, (66 FR 62942), make the following correction. On page 62944, in the third column, redesignate paragraphs (f)(i) through (iv) as paragraphs (f)(1) through (4).

Dated: December 6, 2001.

**Marilyn J. Kretsinger,**

*Assistant General Counsel.*

[FR Doc. 01-30603 Filed 12-10-01; 8:45 am]

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