

person believes that the requested exemptive relief is necessary or appropriate in the public interest; and

(6) A clear explanation of the extent to which the requested exemptive relief is consistent with the protection of investors.

(c) A national securities exchange or other securities industry self-regulatory organization may submit an application for an order pursuant to this section on behalf of its members.

(d) An application for an order must be submitted to the Director of the Division of Trading and Markets, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, if in paper form, or to [tm@cftc.gov](mailto:tm@cftc.gov) if submitted via electronic mail.

(e) The Commission may, in its sole discretion, grant the application, deny the application, decline to entertain the application, or grant the application subject to one or more conditions.

#### **PART 140—ORGANIZATION, FUNCTIONS, AND PROCEDURES OF THE COMMISSION**

4. The authority citation for Part 140 continues to read as follows:

**Authority:** 7 U.S.C. 2 and 12a.

5. Section 140.91 is amended by reserving paragraph (a)(7) and by adding new paragraph (a)(8) to read as follows:

##### **§ 140.91 Delegation of Authority to the Director of the Division of Trading and Markets.**

(a) \* \* \*

(7) [Reserved]

(8) All functions reserved to the Commission in § 41.41 of this chapter. Any action taken pursuant to the delegation of authority under this paragraph (a)(8) shall be made with the concurrence of the General Counsel or, in his or her absence, a Deputy General Counsel.

\* \* \* \* \*

Issued in Washington, D.C. on August 10, 2001, by the Commission.

**Jean A. Webb,**

*Secretary of the Commission.*

[FR Doc. 01-20629 Filed 8-16-01; 8:45 am]

**BILLING CODE 6351-01-P**

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#### **DEPARTMENT OF STATE**

##### **22 CFR Part 62**

[Public Notice 3752]

##### **Exchange Visitor Program**

**AGENCY:** Department of State

**ACTION:** Final rule.

**SUMMARY:** This rule amends existing regulations governing the au pair exchange program. These amendments create a sub-category of au pair exchange participation under which the au pair participant will provide fewer hours of child care for the host family and the required educational component that the au pair must complete increases from not less than six semester hours of academic credit or its equivalent per year to not less than twelve semester hours of academic credit or its equivalent per year. A notice of proposed rule with request for comment regarding this matter was published in the **Federal Register** on May 16, 2001. No comments were received during the thirty day comment period.

**DATES:** This rule is effective August 17, 2001.

**FOR FURTHER INFORMATION CONTACT:** Stanley S. Colvin, Director, Office of Exchange Coordination and Designation, U.S. Department of State, 301 Fourth Street, SW, Room 852, Washington, DC 20547; telephone (202) 619-6828.

**SUPPLEMENTARY INFORMATION:** These regulations govern Department-designated au pair programs under which foreign nationals are afforded the opportunity to live with an American host family and participate directly in the home life of the host family while providing child care services and attending a U.S. post-secondary educational institution. The Department's goal in amending existing regulations is to provide an opportunity for participation by foreign nationals who wish to pursue their academic studies more vigorously. To this end, the Department now approves a reduction in the amount of child care services this au pair participant will provide to not more than 30 hours per week and an increase in the amount of academic credit the au pair will pursue to not less than twelve semester hours or its equivalent. At the suggestion of Department-designated au pair sponsors, the Department has identified this form of au pair participation as EduCare. Existing provisions for au pair participation based upon up to 45 hours of child care services and the pursuit of not less than six semester hours of academic credit or its equivalent remain unchanged.

To accomplish this dual objective, EduCare au pair participants will be placed with host families that need before and after school child care services for their school age children. Accordingly, EduCare au pair participants may not be placed with

families having pre-school children unless alternative, full-time arrangements are in place for the supervision of such pre-school children. As the EduCare au pair participant will be more actively pursuing his or her academic studies, a reduction in the number of hours that the au pair will provide child care services, from not more than 45 hours per week to not more than 30 hours per week, is hereby adopted. This reduction in the number of hours of child care services provided dictates a corresponding reduction in the weekly wage paid to an EduCare au pair participant. An au pair participating in the EduCare program will be paid in accordance with the provisions of the Fair Labor Standards Act. However, as a matter of administrative convenience for both Department-designated sponsors and participating host families, the weekly wage for EduCare au pair participants be calculated as a percentage of the weekly wage paid to all other au pair participants.

##### **List of Subjects in 22 CFR Part 62**

Cultural exchange programs.

Accordingly, 22 CFR Part 62 is amended as follows:

##### **PART 62—EXCHANGE VISITOR PROGRAM**

1. The Authority citation for Part 62 continues to read as follows:

**Authority:** 8 U.S.C. 1101(a)(15)(J), 1182, 1184, 1258; 22 U.S.C. 1431-1442, 2451-2460; Foreign Affairs Reform and Restructuring Act of 1998, Pub. L. 105-277, 112 Stat. 2681 et seq.; Reorganization Plan No. 2 of 1977, 3 CFR, 1977 Comp. p. 200; E.O. 12048 of March 27, 1978; 3 CFR, 1978 Comp. p. 168.

2. Section 62.31 is amended by revising paragraphs (a), (c)(1) through (c)(3), and (e) introductory text, (e)(3) and (e)(5), (j) and (k) to read as follows:

##### **§ 62.31 Au pairs.**

(a) Introduction. This section governs Department of State-designated exchange visitor programs under which foreign nationals are afforded the opportunity to live with an American host family and participate directly in the home life of the host family. All au pair participants provide child care services to the host family and attend a U.S. post-secondary educational institution. Au pair participants provide up to forty-five hours of child care services per week and pursue not less than six semester hours of academic credit or its equivalent during their year of program participation. Au pairs participating in the EduCare program provide up to thirty hours of child care

services per week and pursue not less than twelve semester hours of academic credit or its equivalent during their year of program participation.

\* \* \* \* \*

(c) \* \* \*

(1) Limit the participation of foreign nationals in such programs to not more than one year;

(2) Limit the number of hours an EduCare au pair participant is obligated to provide child care services to not more than 10 hours per day or more than 30 hours per week and limit the number of hours all other au pair participants are obligated to provide child care services to not more than 10 hours per day or more than 45 hours per week;

(3) Require that EduCare au pair participants register and attend classes offered by an accredited U.S. post-secondary institution for not less than twelve semester hours of academic credit or its equivalent and that all other au pair participants register and attend classes offered by an accredited U.S. post-secondary institution for not less than six semester hours of academic credit or its equivalent;

\* \* \* \* \*

(e) *Au pair placement.* Sponsors shall secure, prior to the au pair's departure from the home country, a host family placement for each participant. Sponsors shall not:

\* \* \* \* \*

(3) Place an au pair with a host family having children under the age of two, unless the au pair has at least 200 hours of documented infant child care experience. An au pair participating in the EduCare program shall not be placed with a family having pre-school children in the home unless alternative full-time arrangements for the supervision of such pre-school children are in place;

\* \* \* \* \*

(5) Place an au pair with a host family unless a written agreement between the au pair and the host family detailing the au pair's obligation to provide child care has been signed by both the au pair and the host family prior to the au pair's departure from his or her home country. Such agreement shall clearly state whether the au pair is an EduCare program participant or not. Such agreement shall limit the obligation to provide child care services to not more than 10 hours per day or more than 45 hours per week unless the au pair is an EduCare participant. Such agreement shall limit the obligation of an EduCare participant to provide child care service

to not more than 10 hours per day or more than 30 hours per week.

\* \* \* \* \*

(j) *Wages and hours.* Sponsors shall require that au pair participants:

(1) Are compensated at a weekly rate based upon 45 hours of child care services per week and paid in conformance with the requirements of the Fair Labor Standards Act as interpreted and implemented by the United States Department of Labor. EduCare participants shall be compensated at a weekly rate that is 75% of the weekly rate paid to non-EduCare participants;

(2) Do not provide more than 10 hours of child care per day, or more than 45 hours of child care in any one week. EduCare participants may not provide more than 10 hours of child care per day or more than 30 hours of child care in any one week;

(3) Receive a minimum of one and one half days off per week in addition to one complete weekend off each month; and

(4) Receive two weeks of paid vacation.

(k) *Educational component.* Sponsors shall require that during their period of program participation, all EduCare au pair participants be enrolled in an accredited U.S. post-secondary institution for not less than twelve semester hours of academic credit or its equivalent and that all other au pair participants be enrolled in an accredited U.S. post-secondary institution for not less than six semester hours of academic credit or its equivalent. As a condition of program participation, host family participants must agree to facilitate the enrollment and attendance of the au pair in an accredited U.S. post-secondary institution and to pay the cost of such academic course work in an amount not to exceed \$1,000 for EduCare au pair participants and in an amount not to exceed \$500 for all other au pair participants.

\* \* \* \* \*

Dated: July 10, 2001.

**Helena Kane Finn,**

*Acting Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.*

[FR Doc. 01-20800 Filed 8-16-01; 8:45 am]

**BILLING CODE 4710-05-P**

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 165**

[CGD01-01-135]

RIN 2115-AA97

**Security Zone; Arthur Kill, Staten Island, NY**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary security zone around Howland Hook Terminal in the Arthur Kill during loading operations for military equipment. This action is necessary to protect the Port of New York/New Jersey against terrorism, sabotage or other subversive acts and incidents of a similar nature during the U.S. Army's ship loading operations. This action is intended to restrict vessel traffic in a portion of the Arthur Kill.

**DATES:** This rule is effective from 6 a.m. on August 14, until 8 p.m. on August 18, 2001.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket, are part of docket (CGD01-01-135) and are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 204, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York, 718-354-4012.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Information**

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM, and that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register.**

Due to the date that specific information on the ship loading operations was made available to the Coast Guard, there was insufficient time to draft and publish an NPRM before its effective date. The delay encountered if normal rulemaking procedures were followed would be contrary to the public interest, as immediate action is needed to protect the Port of New York/ New Jersey and the U.S. Army's ship loading operations.