

upward from 700 feet above the surface at Creech AFB Airport, Indian Springs, NV. This type of Class E airspace is designed to contain instrument approach procedures. This Class E airspace area is not required because there are no instrument procedures published for Creech AFB Airport.

This action also implements two administrative updates to the Class D legal description. The second line of the text header is updated from “Indian Springs Air Force Auxiliary Field, NV” to “Creech AFB Airport, NV”, to match the FAA database. Additionally, the third line of the text header is updated from “(lat. 36°35’14” N, long. 115°40’24” W)” to “(lat. 36°35’11” N, long. 115°40’39” W)”, to match the FAA database.

FAA Order JO 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial, and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

#### § 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11F, Airspace Designations and Reporting Points, dated August 10, 2021, and effective September 15, 2021, is amended as follows:

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

#### AWP NV D Indian Springs, NV [Amended]

Creech AFB Airport, NV  
(Lat. 36°35’11” N, long. 115°40’39” W)

That airspace extending upward from the surface to and including 5,700 feet MSL within a 5-mile radius of the airport, excluding Restricted Area R-4806W. This Class D 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 Chart Supplement.

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### AWP NV E5 Indian Springs, NV [Revoked]

Indian Springs Air Force Auxiliary Field, NV  
(Lat. 36°35’14” N, long. 115°40’24” W)

Issued in Des Moines, Washington, on October 1, 2021.

**B.G. Chew,**

*Acting Group Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2021–21933 Filed 10–6–21; 8:45 am]

**BILLING CODE 4910–13–P**

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Parts 232 and 239

[Release Nos. 33–10984; 34–93056; 39–2540; IC–34376]

### Adoption of Updated EDGAR Filer Manual, Form ID Amendments

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Final rule.

**SUMMARY:** The Securities and Exchange Commission (“Commission”) is adopting amendments to Volumes I and II of the Electronic Data Gathering, Analysis, and Retrieval system (“EDGAR”) Filer Manual (“Filer Manual”) and related rules and forms. The EDGAR system was upgraded on September 20, 2021.

**DATES:** *Effective date:* October 7, 2021. The incorporation by reference of the EDGAR Filer Manual is approved by the Director of the Federal Register as of October 7, 2021.

**FOR FURTHER INFORMATION CONTACT:** For questions regarding the amendments to Volumes I and II of the Filer Manual and related rules, please contact Rosemary Filou, Deputy Director and Chief Counsel, or Daniel Chang, Senior Special Counsel, in the EDGAR Business Office at (202) 551–3900. For questions concerning the updates to Forms 24F–2, N–RN, N–CEN, or N–PORT, please contact Heather Fernandez in the Division of Investment Management at (202) 551–6708. For questions concerning the changes to Form X–17A–5, please contact Rose Wells, Senior Counsel, in the Division of Trading and Markets at (202) 551–5527. For questions concerning submission form types SBS DISPUTE NOTICE and SBS DISPUTE NOTICE/A, please contact Andrew Bernstein, Senior Special Counsel, in the Division of Trading and Markets at (202) 551–5565. For questions regarding the changes to submission form types D, D/A, or 424I, please contact Chris Windsor, Senior Special Counsel, in the Division of Corporation Finance at (202) 551–3419. For questions concerning the taxonomies or schemas, please contact the Office of Structured Disclosure in the Division of Economic and Risk Analysis at (202) 551–5494.

**SUPPLEMENTARY INFORMATION:** We are adopting an updated EDGAR Filer Manual, Volume I: “General Information,” Version 39 (September 2021) and Volume II: “EDGAR Filing,” Version 59 (September 2021), amendments to 17 CFR 232.301 (“Rule 301 of Regulation S–T”); and amendments to Form ID (referenced in 17 CFR 239.63, 17 CFR 269.7, and 17 CFR 274.402). The updated Filer Manual volumes are incorporated by reference into the Code of Federal Regulations.

### I. Background

The Filer Manual contains technical specifications needed for filers to make submissions on EDGAR. Filers must comply with the applicable provisions of the Filer Manual in order to assure

the timely acceptance and processing of filings made in electronic format.<sup>1</sup> Filers should consult the Filer Manual in conjunction with our rules governing mandated electronic filings when preparing documents for electronic submission.

## II. Amendments to Volume I of the Filer Manual and Form ID

Volume I of the EDGAR Filer Manual provides that new filers must request EDGAR access by submitting Form ID.<sup>2</sup> Form ID will be revised to include a privacy notice that will supplement the general Privacy Act Notice available at *SEC.gov* by providing more detailed information tailored to Form ID.<sup>3</sup>

Form ID will also be revised to clarify that information provided on the form may become publicly available. Form ID requires new filers to provide mailing, business, and contact addresses; telephone numbers for those addresses; and their email address. It is not uncommon for individual filers or small business owners to list personal telephone numbers and home addresses on Form ID. Although Form ID submissions are not publicly posted, some information from Form ID is made public and some information may be automatically incorporated in other filings.<sup>4</sup>

Separately, Volume I will be amended to alert filers that the staff may request that filers provide relevant documents to support requests to change a company name. Currently, Volume I requires that filers maintain current company information in EDGAR. Changes to a filer's company name are manually reviewed by SEC staff. Requesting that filers provide documents supporting name changes will further the integrity of EDGAR by helping assure that company names on accounts are accurate.

<sup>1</sup> See Rule 301 of Regulation S-T.

<sup>2</sup> Form ID, uniform application for access codes to file on EDGAR (referenced in 17 CFR 239.63, 249.446, 269.7, and 274.402). Form ID requests limited identity information regarding the applicant, e.g., name, address and telephone number.

<sup>3</sup> See the SEC's Privacy Act Notice available at [www.sec.gov/privacy.htm](http://www.sec.gov/privacy.htm). Among other things, the privacy notice in Form ID will include the authority that authorizes the solicitation of information, the principal purpose for which the information is to be used, the routine uses which may be made of the information, and the effects of not providing the requested information.

<sup>4</sup> In particular, the filer's mailing and business addresses are generally posted on EDGAR as header information for most filings.

## III. EDGAR System Changes and Associated Modifications to Volume II of the EDGAR Filer Manual

EDGAR is being updated in Release 21.3, and corresponding amendments to Volume II of the Filer Manual will be made to reflect these changes, as described below.<sup>5</sup>

On April 8, 2020, the Commission adopted rules to modify the registration, communications, and offering processes for business development companies ("BDCs") and other closed-end investment companies under the Securities Act of 1933.<sup>6</sup> As part of the rulemaking, the Commission amended 17 CFR 230.424, 230.456, and 230.457 (Securities Act rules 424, 456, and 457), as well as Forms S-1, S-3, F-1, and F-3 to permit issuers of certain continuously offered, exchange-traded products that share a number of similarities to exchange-traded funds, but are not registered under the Investment Company Act, to elect to register an offering of an indeterminate amount of securities and to pay registration fees in a manner consistent with mutual funds and exchange-traded funds. Accordingly, EDGAR Release 21.3 will add new submission form type 424I to permit these filers to register an offering of "Exchange-Traded Vehicle Securities," with registration fees due annually on a net basis.

As part of that same rulemaking, the Commission adopted a requirement that filings on Form 24F-2 be submitted in a structured format. EDGAR Release 21.3 will introduce a Pilot phase for filing Form 24F-2 in a structured format.

On November 2, 2020, the Commission adopted a new rule and amended an existing rule and forms to provide an updated, comprehensive approach to the regulation and use of derivatives and certain other transactions by mutual funds (other than money market funds), exchange-traded funds, registered closed-end funds, and BDCs (collectively "funds").<sup>7</sup> To implement these changes, EDGAR Release 21.3 will add new submission form types N-RN and N-RN/A (formerly known as N-LIQUID and N-LIQUID/A) to allow funds to report certain information confidentially to the Commission. EDGAR Release 21.3 will

<sup>5</sup> EDGAR Release 21.3 will be deployed on or about September 20, 2021. EDGAR Release 21.2 was deployed on June 21, 2021.

<sup>6</sup> See Securities Offering Reform for Closed-End Investment Companies, Release 33-10771 (Apr. 8, 2020) [85 FR 33290 (June 1, 2020)].

<sup>7</sup> See Use of Derivatives by Registered Investment Companies and Business Development Companies, Release No. IC-34084 (Nov. 2, 2020) [85 FR 83162 (Dec. 21, 2020)].

also revise submission form types N-CEN, N-CEN/A, NPORT-P, NPORT-P/A, NPORT-NP, and NPORT-NP/A to allow funds to report certain information regarding derivatives and other transactions.

On September 19, 2019, the Commission adopted recordkeeping, reporting, and notification requirements applicable to security-based swap dealers ("SBSDs") and major security-based swap participants ("MSBSPs"), securities count requirements applicable to certain SBSDs, and additional recordkeeping requirements applicable to broker-dealers to account for their security-based swap and swap activities.<sup>8</sup> Accordingly, EDGAR Release 21.3 will update EDGAR to allow reports on Form X-17A-5 to be filed by two new categories of registrants (SBSDs and MSBSPs).

On December 18, 2019, the Commission adopted rules requiring the application of specific risk mitigation techniques to portfolios of uncleared security-based swaps.<sup>9</sup> To implement one of these rules, which relates to the requirement to reconcile outstanding securities-based swap transactions, EDGAR Release 21.3 will add new submission form types SBS DISPUTE NOTICE and SBS DISPUTE NOTICE/A to allow SBSDs and MSBSPs to provide the Commission with notices of certain valuation disputes with their counterparties.

On November 2, 2020, the Commission amended rules and forms to simplify, harmonize, and improve certain aspects of the exempt offering framework to promote capital formation while preserving or enhancing important investor protections.<sup>10</sup> To implement these rules, EDGAR Release 21.3 will increase the Total Offering Amount in "Item 13: Offering and Sales Amounts" from a maximum of \$5 million to \$10 million if any "Rule 504" (17 CFR 230.504) item is selected on submission form types D and D/A.

Also, the following updates will be made to Volume II of EDGAR Filer Manual:

- EDGAR will no longer accept the IFRS-2019 Taxonomy. Please see <https://www.sec.gov/info/edgar/>

<sup>8</sup> See Recordkeeping and Reporting Requirements for Security-Based Swap Dealers, Major Security-Based Swap Participants, and Broker-Dealers, Release No. 34-87005 (Sept. 19, 2019) [84 FR 68550 (Dec. 16, 2019)].

<sup>9</sup> See Risk Mitigation Techniques for Uncleared Security-Based Swaps, Release No. 34-87782 (Dec. 18, 2019) [85 FR 6359 (Feb. 2, 2020)].

<sup>10</sup> See Facilitating Capital Formation and Expanding Investment Opportunities by Improving Access to Capital in Private Markets, Release No. 33-10884 (Nov. 2, 2020) [86 FR 3496 (Jan. 14, 2021)].

*edgartaxonomies.shtml* for a complete list of supported standard Taxonomies in EDGAR.<sup>11</sup>

- EDGAR will no longer use the description “Taiwan, Province of China” for Taiwan and will only use the term “Taiwan” without a following modifier, in compliance with the U.S. Government’s Geopolitical Entities, Names, and Codes Standard. The state/country list of values for all XML Schemas will be updated to reflect this change.

- EDGAR will be updated to accept the SBSE-C Certification form immediately after receiving the SBSE registration forms SBSE, SBSE-A and SBSE-BD.

EDGAR Release 21.3 will also make general functional updates that do not require changes to the Filer Manual. In particular:

- The EDGAR Filer Management, EDGAR Filing, and EDGAR Online Forms Management websites will be updated to eliminate support for Internet Explorer and add support for Microsoft Edge, in accord with the SEC’s move to Edge generally.

- The three websites will also be revised to include a general privacy notice, similar to the more detailed privacy notice that will be included in Form ID discussed in Section II.<sup>12</sup> The general privacy notice will link to the Privacy Act Notice available at *SEC.gov* and to guidance for filers regarding how to remove personally identifiable information (PII) inadvertently included in EDGAR filings.<sup>13</sup>

#### IV. Amendments to Rule 301 of Regulation S-T

Along with the adoption of the updated Filer Manual, we are amending Rule 301 of Regulation S-T to provide for the incorporation by reference into the Code of Federal Regulations of the current revisions. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

The updated EDGAR Filer Manual is available at <https://www.sec.gov/edgar/filer-information/current-edgar-filer-manual>. Typically, the EDGAR Filer Manual is also available for website viewing and printing in the

<sup>11</sup> Currently, taxonomies supported by EDGAR include USGAAP 2021, USGAAP 2020, SRT 2020, IFRS 2021, IFRS 2020, and IFRS 2019.

<sup>12</sup> See *supra* note 3 and accompanying text. These websites currently contain an EDGAR Privacy Notice, but that notice has been superseded by the SEC’s Privacy Act Notice available at [www.sec.gov/privacy.htm](http://www.sec.gov/privacy.htm).

<sup>13</sup> See the SEC’s Privacy Act Notice available at [www.sec.gov/privacy.htm](http://www.sec.gov/privacy.htm); Correct, withdraw, or delete a filing available at [https://www.sec.gov/edgar/filer-information/how-do-i-list\\_ref\\_3](https://www.sec.gov/edgar/filer-information/how-do-i-list_ref_3).

Commission’s Public Reference Room, 100 F Street NE, Room 1580, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Operating conditions may limit access to the Commission’s Public Reference Room.

#### V. Administrative Law Matters

Because the Filer Manual, and form and rule amendments, relate solely to agency procedures or practice and do not substantially alter the rights and obligations of non-agency parties, publication for notice and comment is not required under the Administrative Procedure Act (“APA”).<sup>14</sup> It follows that the amendments do not require analysis under requirements of the Regulatory Flexibility Act<sup>15</sup> or a report to Congress under the Small Business Regulatory Fairness Act.<sup>16</sup>

The effective date for the updated Filer Manual and related rule amendments is October 7, 2021. In accordance with the APA,<sup>17</sup> we find that there is good cause to establish an effective date less than 30 days after publication of these rules. The Commission believes that establishing an effective date less than 30 days after publication of these rules is necessary to coordinate the effectiveness of the updated Filer Manual with the related system upgrades.

#### VI. Statutory Basis

We are adopting the amendments to Regulation S-T and Form ID under the authority in Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,<sup>18</sup> Sections 3, 12, 13, 14, 15, 15B, 23, and 35A of the Securities Exchange Act of 1934,<sup>19</sup> Section 319 of the Trust Indenture Act of 1939,<sup>20</sup> and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.<sup>21</sup>

#### List of Subjects

##### 17 CFR Part 232

Incorporation by reference, Reporting and recordkeeping requirements, Securities.

##### 17 CFR Part 239

Reporting and recordkeeping requirements, Securities.

<sup>14</sup> 5 U.S.C. 553(b)(A).

<sup>15</sup> 5 U.S.C. 601 through 612.

<sup>16</sup> 5 U.S.C. 804(3)(C).

<sup>17</sup> 5 U.S.C. 553(d)(3).

<sup>18</sup> 15 U.S.C. 77f, 77g, 77h, 77j, and 77s(a).

<sup>19</sup> 15 U.S.C. 78c, 78l, 78m, 78n, 78o, 78o-4, 78w, and 78ll.

<sup>20</sup> 15 U.S.C. 77sss.

<sup>21</sup> 15 U.S.C. 80a-8, 80a-29, 80a-30, and 80a-37.

#### Text of the Amendments

In accordance with the foregoing, title 17, chapter II of the Code of Federal Regulations is amended as follows:

#### PART 232—REGULATION S-T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

■ 1. The general authority citation for part 232 continues to read as follows:

**Authority:** 15 U.S.C. 77c, 77f, 77g, 77h, 77j, 77s(a), 77z-3, 77sss(a), 78c(b), 78l, 78m, 78n, 78o(d), 78w(a), 78ll, 80a-6(c), 80a-8, 80a-29, 80a-30, 80a-37, 7201 *et seq.*; and 18 U.S.C. 1350, unless otherwise noted.

\* \* \* \* \*

■ 2. Section 232.301 is revised to read as follows:

##### § 232.301 EDGAR Filer Manual.

Filers must prepare electronic filings in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets forth the technical formatting requirements for electronic submissions. The requirements for becoming an EDGAR Filer and updating company data are set forth in the updated EDGAR Filer Manual, Volume I: “General Information,” Version 39 (September 2021). The requirements for filing on EDGAR are set forth in the updated EDGAR Filer Manual, Volume II: “EDGAR Filing,” Version 59 (September 2021). All of these provisions have been incorporated by reference into the Code of Federal Regulations, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You must comply with these requirements in order for documents to be timely received and accepted. The EDGAR Filer Manual is available at <https://www.sec.gov/edgar/filer-information/current-edgar-filer-manual>. Typically, the EDGAR Filer Manual is also available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Operating conditions may limit access to the Commission’s Public Reference Room. You can also inspect the document at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov), or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

## PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

■ 3. The general authority citation for part 239 continues to read as follows:

**Authority:** 15 U.S.C. 77c, 77f, 77g, 77h, 77j, 77s, 77z–2, 77z–3, 77sss, 78c, 78l, 78m, 78n, 78o(d), 78o–7 note, 78u–5, 78w(a), 78ll, 78mm, 80a–2(a), 80a–3, 80a–8, 80a–9, 80a–10, 80a–13, 80a–24, 80a–26, 80a–29, 80a–30, and 80a–37; and sec. 107, Pub. L. 112–106, 126 Stat. 312, unless otherwise noted.

\* \* \* \* \*

■ 4. Form ID (referenced in §§ 239.63, 249.446, 269.7, and 274.402) is amended by revising the page titled “General Instructions” to read as follows:

**Note:** The text of Form ID does not, and the amendments will not, appear in the Code of Federal Regulations.

### Form ID

#### Uniform Application for Access Codes to File on EDGAR

\* \* \* \* \*

### General Instructions

\* \* \* \* \*

### Privacy Act Statement

**Authorities:** The information is sought pursuant to 15 U.S.C. 77a *et seq.*, 15 U.S.C. 77aaa *et seq.*, 78a *et seq.*, 80a–1 *et seq.*, and 17 CFR 232.10.

**Purpose:** The information solicited on this form will be used to determine whether to allow applicants to make filings on EDGAR, and, where access is granted, to establish and maintain the filer’s EDGAR account.

**Routine Uses:** Uses for the information collected can be found in the System of Records Notice SEC–33: General Information Technology Records. See [https://www.sec.gov/about/privacy/sorn/sec-33\\_sec\\_general\\_information\\_technology\\_records.pdf](https://www.sec.gov/about/privacy/sorn/sec-33_sec_general_information_technology_records.pdf).

**Disclosure:** Providing this information is voluntary. Failure to provide the information requested on this form, however, may affect the determination whether to allow applicants to make filings on EDGAR.

**Please note that information submitted on Form ID may become public.**

\* \* \* \* \*

By the Commission.

Dated: September 20, 2021.

**Vanessa A. Countryman,**  
Secretary.

[FR Doc. 2021–21915 Filed 10–6–21; 8:45 am]

BILLING CODE 8011–01–P

## DEPARTMENT OF STATE

### 22 CFR Part 41

[Public Notice: 11458]

RIN 1400–AE82

### Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act; Validity of Visa

**AGENCY:** Department of State.

**ACTION:** Final rule.

**SUMMARY:** This final rule replaces an outdated form name and number with a revised form name and number used for processing exchange visitor visas and updates the agency responsible for maintaining the form.

**DATES:** This final rule is effective November 8, 2021.

#### FOR FURTHER INFORMATION CONTACT:

Andrea B. Lage, Acting Regulatory Coordinator, U.S. Department of State, Bureau of Consular Affairs, Visa Services, 600 19th Street NW, Washington, DC 20522, 202–485–7586, [VisaRegs@state.gov](mailto:VisaRegs@state.gov).

**SUPPLEMENTARY INFORMATION:** This rule makes a technical update to replace an outdated reference to Form IAP–66, Certificate of Eligibility for Exchange Visitor Status, with the updated name of Form DS–2019, Certificate of Eligibility for Exchange Visitor Status (J–NONIMMIGRANT) (hereinafter, Form DS–2019), which the Department of State has maintained since 2001.

Effective October 1, 1999, in accordance with sections 301 and 312 of the Foreign Affairs Reform and Restructuring Act of 1998, as amended,<sup>1</sup> the United States Information Agency, which administered the Exchange Visitor Program, was abolished and its functions were transferred to the Department of State. Following the transfer, the Department of State’s Bureau of Educational and Cultural Affairs (ECA) assumed responsibility for the Exchange Visitor Program. On October 11, 2001, the Office of Management and Budget approved ECA’s request to replace the Form IAP–66 with Form DS–2019. Then, on April 11, 2002, ECA published an interim final rule that replaced the outdated Form IAP–66 with the new Form DS–2019 in several sections of 22 CFR part 62,<sup>2</sup> but no corresponding changes were made in 22 CFR part 41 at the time.

Exchange Visitor Program sponsors issue Forms DS–2019 to prospective exchange visitors. The Form DS–2019 identifies the exchange visitor and his

or her designated sponsor, and provides a brief description of the exchange visitor’s program, including the start and end date, category of exchange, and an estimate of the cost of the exchange program. The prospective exchange visitor must provide a properly executed Form DS–2019 to a consular officer to be issued a J–1 nonimmigrant visa. See 22 CFR 41.62(a)(1). After being admitted to the United States, a responsible officer extending the program of an exchange visitor is required to provide the exchange visitor a duly executed Form DS–2019 reflecting the extension and provide a notification copy of such form to the Department of State. 22 CFR 62.43(b).

By amending 22 CFR 41.112, this rule will update the Department’s regulations governing the process through which the validity of an expired nonimmigrant visa may be automatically extended to the date of application for readmission under certain circumstances. Certain exchange visitors may apply with DHS for readmission after an absence of 30 days or less solely in a contiguous territory or adjacent islands other than Cuba by presenting a current Form DS–2019 and a valid passport.<sup>3</sup> 22 CFR 41.112(d)(2)(ii). Additionally, in cases where DHS has changed the original nonimmigrant classification to another nonimmigrant classification, the validity of the expired or unexpired nonimmigrant visa may be considered to be automatically extended to the date of application for admission, and the visa may be converted as necessary to that changed classification. 22 CFR 41.112(d)(1)(ii).

### Regulatory Findings

#### Administrative Procedure Act

This rule constitutes a rule of policy and procedure, and as a result, it is exempt from notice and comment under 5 U.S.C. 553(b)(3)(A).

#### Regulatory Flexibility Act/Executive Order 13272: Small Business

Because this final rule is exempt from notice and comment rulemaking under 5 U.S.C. 553(b), it is exempt from the regulatory flexibility analysis requirements set forth by the Regulatory

<sup>3</sup> To be eligible to seek admission based on automatic extension of nonimmigrant visa validity, the applicant must have maintained and intend to resume nonimmigrant status; be applying for readmission within the authorized period of initial admission or extension of stay; not require authorization for admission under section 212(d)(3) of the Immigration and Nationality Act, 8 U.S.C. 1182(d)(3); not have applied for a new visa while abroad; and not be a national of a country identified as supporting terrorism in the Department’s annual Patterns of Global Terrorism report.

<sup>1</sup> 22 U.S.C. 6501.

<sup>2</sup> 67 FR 17613 (April 11, 2002).