# Rules and Regulations

Federal Register

Vol. 91, No. 184

Thursday, September 24, 2026



## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

### 15 CFR Part 705

**[Docket No. 260915–0004]**

**RIN 0694–AK57**

## Measures To Restrict Stockpiling of Polysilicon and Polysilicon Derivatives Under Proclamation 11052

**AGENCY:** Bureau of Industry and Security, Office of Strategic Industries and Economic Security, U.S. Department of Commerce.

**ACTION:** Temporary final rule.

**SUMMARY:** On August 6, 2026, the President issued Proclamation 11052, ''Adjusting Imports of Polysilicon and Its Derivatives Into the United States'' (Proclamation 11052), ordering the Secretary of Commerce (Secretary) to take action to restrict imports by a company if he determines the company is stockpiling polysilicon or polysilicon derivatives (Polysilicon Products) in advance of import adjustments that will be effective on December 4, 2026. The Bureau of Industry and Security (BIS), in this temporary final rule (TFR), announces the criteria and process it will use to monitor existing companies for evidence of stockpiling, limit a newly established importer's ability to stockpile, and subject companies that are stockpiling to an import prohibition if necessary. This TFR also establishes the process for such companies to obtain a waiver from any import prohibitions imposed pursuant to this rule, and imposes certain import limitations on new importers that register with U.S. Customs and Border Protection (CBP) on or after August 6, 2026.

**DATES:** This rule is effective September 22, 2026, through December 3, 2026.

**ADDRESSES:** Applications for import prohibition waivers must be submitted electronically to: *Polysilicon232@bis.doc.gov.* Applications can be found at *www.bis.gov/232.*

**FOR FURTHER INFORMATION CONTACT:** Stephen Astle, Director, Defense Industrial Base Division, Office of Strategic Industries and Economic Security, Bureau of Industry and Security, U.S. Department of Commerce (202) 482–4506, *Polysilicon232@bis.doc.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Background

On August 6, 2026, the President issued Proclamation 11052 (91 FR 51975), ''Adjusting Imports of Polysilicon and Its Derivatives Into the United States,'' finding that imports of polysilicon and polysilicon derivatives threatened to impair the national security of the United States. Based on that finding, the President imposed minimum import prices (MIP) and tariffs on imports of Polysilicon Products pursuant to Section 232 of the Trade Expansion Act of 1962, as amended, 19 U.S.C. 1862 (Section 232). These import adjustments take effect on December 4, 2026.

In Proclamation 11052, pursuant to Section 232, which authorizes the President to adjust imports of an article and its derivatives such that the imported articles will not threaten to impair the national security, the President authorized the Secretary to take action, in coordination with CBP, to restrict imports of Polysilicon Products from companies that are stockpiling those products in advance of December 4, 2026. Consistent with Proclamation 11052, this TFR establishes restrictions on all existing importers of record (IOR) importing Polysilicon Products prior to December 4, 2026. It also provides criteria specifically applicable to new IORs, registered after the signing date of Proclamation 11052, August 6, 2026, to be eligible to import Polysilicon Products prior to December 4, 2026 (including the application process, documentation and certification requirements).

### II. Monitoring of Existing Importers of Record

The Department of Commerce (Commerce) is monitoring imports of Polysilicon Products to identify IORs that are stockpiling in advance of December 4, 2026. Commerce will provide CBP written notice of IORs that are importing Polysilicon Products in volumes substantially greater than their historic averages. CBP will notify the IOR of Commerce's decision as well as any customs brokers conducting business on behalf of the IOR. These IORs will be prohibited from making further entries of Polysilicon Products into the United States prior to December 4, 2026. However, IORs subject to this restriction may apply to Commerce to waive this restriction, according to the conditions laid out in Section IV of this preamble. In determining whether an IOR is importing Polysilicon Products in volumes substantially greater than its historic averages, Commerce will make a fact-specific determination based on factors, including—but not limited to:

- The aggregate volume of Polysilicon Products the importer has imported since Proclamation 11052 was issued on August 6, 2026;
- The weekly average volume of Polysilicon Products the importer is importing since August 6, 2026;
- The weekly average volume of Polysilicon Products the importer imported between January 1, 2026 and August 6, 2026;
- The weekly average volume of Polysilicon Products the importer imported in 2025; and
- The use of affiliates that do not customarily import Polysilicon Products, or the use of new IORs to import Polysilicon Products.

### III. Prohibition of Polysilicon Imports by Newly Established Importers of Record

Absent approval from Commerce according to the process detailed in Section IV of this preamble, new IORs that registered with CBP on or after August 6, 2026, are prohibited from importing Polysilicon Products prior to December 4, 2026, in weekly volumes greater than the following quantities for each of the following Harmonized Tariff Schedule of the United States (HTSUS) Subheadings:

- HTSUS 2804.61.00: 12 kg
- HTSUS 3818.00.0020, 3818.00.0040, 3818.00.0045, 3818.00.0050, and 3818.00.0091: 7 kg
- HTSUS 8541.42.00: 2,000 No.
- HTSUS 8541.43.00: 55 No.

These quantities are based on historic import data and are designed to ensure that new IORs can import Polysilicon

Products at or below the typical volumes brought in by existing importers of those products. Commerce may adjust these volumes in the future if it determines such an adjustment is necessary to address stockpiling. Commerce and CBP shall coordinate to take action against importers and customs brokers that establish, use, or facilitate multiple importers of record or other arrangements for the purpose of circumventing the requirements of this program.

New IORs that import Polysilicon Products in weekly volumes that exceed these quantities, absent approval from Commerce, will be prohibited from making further entries of Polysilicon Products into the United States prior to December 4, 2026. Commerce will provide CBP written notice of new IORs that exceed these quantities. CBP will notify the new IOR of Commerce's decision as well as any customs brokers conducting business on behalf of the IOR. Customs brokers that enter Polysilicon Products and/or act as the importer of record between September 22, 2026, and December 4, 2026, are reminded of their affirmative obligation to avoid facilitating violations of this Section III. In determining whether a new IOR may be attempting to use a customs broker's services to violate supplement no.1 to part 705, a customs broker should at least consider the following factors:

• *Status:* Whether an IOR is a new IOR that was established on or after August 6, 2026.

• *Import Behavior:* For new IORs, whether the new IOR has made other entries of Polysilicon Products during the current week and, if so, the precise volume of Polysilicon Products that the new IOR has entered.

• *Ownership:* For new IORs, the direct and indirect beneficial owners of the new IOR, whether such owners have created other new IORs to import Polysilicon Products, and whether those other new IORs have met or exceeded the quantities provided for in supplement no. 1 to part 705 (also specified in Section III of this preamble).

• *Disposition of the Merchandise:* For new IORs, the ultimate consignee and delivery user, and whether the goods will be transferred to or used for the benefit of an IOR subject to a prohibition under supplement no. 1 to part 705.

Actions by customs brokers to evade the prohibition on stockpiling Polysilicon Products may result in CBP enforcement actions. These enforcement actions could potentially include but are not limited to: proceedings to revoke or suspend the customs broker's license under 19 CFR 111.53 or issuance of a broker penalty or penalties under 19 U.S.C. 1641. As per 19 CFR 111.32, a customs broker must not file or procure or assist in the filing of any claim, or of any document, affidavit, or other papers, known by such customs broker to be false. Additionally, customs brokers are further reminded that they must not give, solicit, or procure the giving of information that the customs broker knows or should know to be false or misleading in any matter pending before the Department of Homeland Security (DHS) or any DHS representative.

## IV. Application Process

Companies that are prohibited or restricted from importing Polysilicon Products into the United States prior to December 4, 2026, may apply to Commerce for a waiver. For existing IORs subject to a prohibition, waivers will allow the company to resume importing Polysilicon Products; for new IORs subject to a quantitative import restriction, waivers will allow the company to import Polysilicon Products in quantities subject to the stockpiling restrictions applicable to existing IORs under paragraphs (a) through (d) in supplement no. 1 to part 705. Applications can be found at *www.bis.gov/232.* Applicants must submit the application and associated documentation to *Polysilicon232@bis.doc.gov.* The complete application should include the following information, with reference, as appropriate, to the relevant application section:

1. *Section 1—Organization Information:* Full legal name, address, ownership structure and beneficial ownership, including the country where the company's (or companies') headquarters is located. The name, title, and contact information of the authorized representative(s) submitting the application should also be included. The company (or companies) should also provide information about the products it manufactures and where such manufacturing takes place.

2. *Section 2—Projected Type, Volume, and Use of Imports:* Explanation detailing how the company intends to use the imported Polysilicon Product(s) including whether the imports support the company's own manufacturing, and if so how; or whether the company plans to transfer the imported merchandise to third parties, and an estimate of the anticipated volume of imports the company intends to enter into the United States prior to December 4, 2026, if a waiver is granted.

3. *Section 3—Legitimate Business Purpose:* An explanation of the business considerations associated with the company's Polysilicon Product import volumes.

For IORs subject to a prohibition imposed pursuant to supplement no. 1 to part 705, companies should explain why the volume of imports they were entering into the United States from August 6, 2026, until the effective date of the prohibition were grounded in legitimate commercial considerations unrelated to the implementation of Proclamation 11052.

For new IORs seeking a waiver, companies should detail why they have established themselves as a new IOR, whether they have pre-existing customers or business relationships in the United States for Polysilicon Products that predate the August 6, 2026, signature date of Proclamation 11052, the foreign manufacturers whose Polysilicon Products they seek to enter into the United States, and any other factor the company deems relevant.

4. *Section 4—Certification:* Company applications should be signed by a senior official in the company. Applications shall include a certification, such as a sworn statement, from a senior officer of the company confirming that the submission is true, accurate, and complete to the best of the company's knowledge, under penalty of perjury, and confirming that the company has conducted reasonable diligence to verify the accuracy of the assertions and facts contained in its submissions.

5. *Section 5—Representations and Acknowledgments to Be Included in the Application:* A commitment to not stockpile Polysilicon Products prior to December 4, 2026.

6. *Section 6—Additional Information:* Any other information the applicant believes is necessary to facilitate Commerce's decision-making. If companies believe that any of the identified requirements are not appropriate for their particular situation, they should provide a detailed explanation of why the requirements detailed in supplement no.1 to part 705 (d) are inappropriate or inapplicable to their particular situation.

### *A. Review and Approval Process*

Commerce may request supplemental documentation in addition to the information listed in paragraph (d) to supplement no. 1 to part 705 (and also detailed in section IV of this preamble), or clarification of any documentation submitted. Commerce will make an individual, fact-specific, company-specific decision for each applicant.

Commerce may respond to individual applications with questions, revisions, conditional approval pending an applicant's acceptance of proposed modifications to the proposal, or approval of the proposal as submitted. Approved applicants will be notified in writing of Commerce's decision. Commerce intends to respond to applications within 14 days of the date of receipt. Relevant information from the application may be transmitted by Commerce to CBP. CBP will administer the import adjustment prospectively after receiving a notice of approval from Commerce.

*B. Confidentiality*

Commerce will protect the confidentiality of all information submitted by companies pursuing a waiver.

**V. Regulatory Changes**

This TFR makes the following revisions to supplement no. 1 to part 705:

- The supplement title is revised to read Requirements for Applications Requesting a Waiver to the Import Prohibition for Polysilicon and Polysilicon Derivatives;
- An introductory paragraph is created explaining the background of the prohibition on the importation of Polysilicon Products into the United States and the establishment of an application waiver to the prohibition;
- Paragraph (a) explains the scope of the application waiver process;
- Paragraph (b) provides information on who may submit an application;
- Paragraph (c) provides the timeframe for submitting applications;
- Paragraph (d) provides the information on where to submit an application, the general requirements for submitting an application, and the information required in the application;
- Paragraph (e) provides the information on the review process of received applications, the process for correcting invalid applications, and the process for Commerce to request additional information for an application;
- Paragraph (f) details the procedures Commerce takes with determinations made regarding applications.
- Paragraph (g) details the obligations for customs brokers that enter Polysilicon Products into the United States;
- Paragraph (h) details the exception to the import prohibition for new IORs importing certain Polysilicon Products of permitted quantities; and
- Table 1 details the specific Polysilicon Product HTSUS codes and weekly quantities permitted under paragraph (h).

Additionally, Consistent with Proclamation 11021 of April 2, 2026, ''Strengthening Actions Taken to Adjust Imports of Aluminum, Steel, and Copper into the United States'' (Proclamation 11021) (91 FR 18201), this TFR also removes the aluminum and steel inclusions process. Prior to this TFR, supplement no. 1 to part 705 established the regulatory framework for the inclusions process for aluminum and steel duties implemented by the President. Proclamation 11021 terminated the aluminum, steel, and copper derivatives inclusions process established in Proclamations 10895 and 10896 on February 10, 2025, and Proclamation 10962 on July 30, 2025.

**VI. Rulemaking Requirements**

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This temporary final rule has been determined to be a ''significant regulatory action'' under section 3(f) of Executive Order 12866, although not economically significant under section 3(f)(1). This temporary final rule is exempt from E.O. 14192 because it is being issued with respect to a national security function of the United States, per section 5(a) of E.O. 14192.

2. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

3. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment, and a delay in effective date are inapplicable because this regulation involves a military or foreign affairs function of the United States. (*See* 5 U.S.C. 553(a)(1)). As explained in the report submitted by the Secretary to the President, Polysilicon Products are essential to the national security and economy of the United States. Polysilicon is the base material for semiconductors, which enable all digital products and services and provide the technical foundation for the functioning of the defense industrial base, necessary to the function of the United States military. For example, semiconductors are critical inputs for U.S. defense systems, such as radar and communication systems, electronic warfare and cybersecurity systems, and guidance and control systems for missiles and drones. Polysilicon is also essential for the production of solar products, which are used to support various U.S. defense programs. The President found that Polysilicon Products are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security of the United States, and is therefore implementing actions, including MIPs and a tariff regime, to protect U.S. national security. The President directed the Secretary to monitor imports of Polysilicon Products and to restrict imports by any company and its affiliates if the Secretary determines that a company is stockpiling Polysilicon Products before the actions implemented in Proclamation 11052 take effect on December 4, 2026.

Commerce also finds that there is good cause under 5 U.S.C. 553(b)(B) to waive the provisions of the Administrative Procedure Act requiring prior notice and the opportunity for public comment, and that there is good cause under 5 U.S.C. 553(d)(3) to waive the delay in effective date, because such delays would be impracticable or contrary to the public interest. Commerce is aware of trade data from the week after publication of Proclamation 11052 showing dramatic increases in polysilicon imports from some IORs compared to their historic weekly average import volumes. This information suggests that importers are already stockpiling polysilicon and polysilicon derivatives and that time is of the essence in addressing this issue. Providing time for notice and comment or a 30-day delay before this rule takes effect would allow importers to continue stockpiling Polysilicon Products, which undermines the actions taken in Proclamation 11052 to adjust imports of such products to rebuild the capacity of domestic industry to produce Polysilicon Products and address the national security threat.

In addition, to fulfill the direction to the Secretary in Proclamation 11052 to restrict imports by any company and its affiliates that stockpile Polysilicon Products before December 4, 2026, the Secretary must expeditiously establish criteria to determine when importers are stockpiling Polysilicon Products and implement a process to restrict such imports. The MIPs and tariff regime implemented in Proclamation 11052 take effect on December 4, 2026—in approximately three months—and the President directed the Secretary to restrict stockpiling of Polysilicon Products in the interim. Allowing time for notice and consideration of public comments on this rule would significantly reduce the period during which this rule would be in effect. Given that this rule is only temporarily effective, providing for public comments would impair the Secretary's ability to identify and minimize stockpiling during these three months, allowing stockpiling in the interim that worsens the national security threat posed by the imports of polysilicon and polysilicon derivatives identified by the President. A 30-day delay in effective date would similarly undermine the effectiveness of Proclamation 11052 and the purpose of this rule because every additional day provides time for importers to stockpile products that will be subject to the upcoming MIPs and tariff regime.

The measures described in this rule are being issued on a temporary basis. This temporary final rule will be in effect through December 3, 2026.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

5. The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) provides that an agency generally cannot conduct or sponsor a collection of information, and no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, unless that collection has obtained Office of Management and Budget (OMB) approval and displays a currently valid OMB Control Number.

On August 6, 2026, the President issued Proclamation 11052 of August 6, 2026, ''Adjusting Imports of Polysilicon and Its Derivatives Into the United States,'' finding that imports of polysilicon and polysilicon derivatives threatened to impair the national security of the United States. In Proclamation 11052, the President authorized the Secretary to take action, in coordination with CBP, to restrict imports of Polysilicon Products from companies that are stockpiling those products in advance of December 4, 2026. Consistent with Proclamation 11052, this TFR establishes restrictions on all existing IORs importing Polysilicon Products prior to December 4, 2026, as well as provides criteria for new IORs to be eligible to import Polysilicon Products prior to December 4, 2026 (including the application process, documentation, and certification requirements). Because the Proclamation requires timely implementation of the import prohibition waivers, BIS cannot reasonably comply with the normal clearance procedures and thus is invoking the ''Emergency Processing'' procedures at 5 CFR 1320.13. Delaying this collection would impede the ability of companies to enter into import prohibition waivers and compromise the effectiveness of the Proclamation's implementation. Commerce has determined the following conditions have been met:

a. The collection of information is needed prior to the expiration of time periods normally associated with a routine submission for review under the provisions of the Paperwork Reduction Act in view of Proclamation 11052, *https://www.federalregister.gov/documents/2026/08/11/2026-16400/adjusting-imports-of-polysilicon-and-its-derivatives-into-the-united-states.*

b. The collection of information is essential to the mission of Commerce, in particular to allow companies seeking to obtain import prohibition waivers by submitting applications for import prohibition waivers, to effectuate the terms outlined by Proclamation 11052. These collection requirements include detailed volumes of Polysilicon Products imported (*e.g.,* aggregate volume since Proclamation 11052 was issued, weekly average volume, weekly average volume between January 1, 2026, and August 6, 2026, weekly average volume imported in 2025, or estimated imports prior to December 4, 2026), organizational information, the intended use of the imported Polysilicon Products, certifications and attestations, and any additional information required to substantiate the application for the import prohibition waiver. The import prohibition waivers, as described in this TFR, must be submitted in electronic form via email to the BIS Section 232 import prohibition waiver inbox (*Polysilicon232@bis.doc.gov*). Applications can be found at *www.bis.gov/232.* Applications for an import prohibition waiver may be submitted after September 22, 2026, and all submissions are entirely voluntary on the part of the requesting companies.

c. Public harm is reasonably likely to result if BIS were to follow the normal clearance procedures before issuing this information collection. This information collection allows companies to apply for an import prohibition waiver to increase domestic manufacturing of Polysilicon Products, which will increase the stability of the industry. A delay in Commerce's ability to begin immediate information collection from companies seeking an import prohibition waiver could lead to companies delaying decisions to increase domestic manufacturing of Polysilicon Products, which would further import dependence that the Presidential Proclamation is seeking to reduce. Additionally, a delay would impede the publication of this temporary final rule notifying IORs of the prohibition from making further entries of Polysilicon Products into the United States prior to December 4, 2026, which would allow IORs to stockpile Polysilicon Products contrary to the national security objectives set by the President.

For the reasons stated above, BIS has requested, and OMB has granted, a new information collection for this rule under OMB control number 0694–0149 with the title *Process to Waive the Import Prohibition Measures to Restrict Stockpiling of Polysilicon and Polysilicon Derivative.* All materials for the currently approved collection can be accessed at *www.reginfo.gov.*

**List of Subjects in 15 CFR Part 705**

Administrative practice and procedure, Business and industry, Classified information, Confidential business information, Imports, Investigations, National defense.

For the reasons stated in the preamble, BIS amends 15 CFR part 705 as follows:

## PART 705—EFFECT OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

■ 1. The authority citation continues to read as follows:

**Authority:** Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862) and Reorg. Plan No. 3 of 1979 (44 FR 69273, December 3, 1979).

■ 2. Supplement no. 1 to part 705 is revised to read as follows:

### Supplement No. 1 to Part 705—Requirements for Applications Requesting a Waiver to the Import Prohibition for Polysilicon and Polysilicon Derivatives

On August 6, 2026, the President issued Proclamation 11052, ''Adjusting Imports of Polysilicon and Its Derivatives Into the United States,'' finding that imports of polysilicon and polysilicon derivatives (Polysilicon Products) threatened to impair the national security of the United States. In Proclamation 11052, pursuant to section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), the President authorized the Secretary of Commerce (Secretary) to take action, in coordination with U.S. Customs and Border Protection (CBP), to restrict imports of Polysilicon Products from companies that are stockpiling those products in advance of December 4, 2026. Consistent with Proclamation 11052, the Department of Commerce (Commerce) establishes restrictions on all existing importers of record (IORs) importing Polysilicon Products prior to December 4, 2026, as well as provides criteria for existing IORs, and new IORs registered with CBP on or after August 6, 2026, to be eligible to import Polysilicon Products prior to December 4, 2026. Commerce is actively monitoring imports of Polysilicon Products to identify IORs who are stockpiling in advance of December 4, 2026. Commerce will inform CBP of IORs that are importing Polysilicon Products in volumes substantially greater than their historic averages and new IORs that registered with CBP on or after August 6, 2026 that are importing Polysilicon Products prior to December 4, 2026, in weekly volumes greater than the quantities specified in paragraph (h). These IORs will be prohibited from making further entries of Polysilicon Products into the United States prior to December 4, 2026, except as described in paragraph (g) of this supplement. However, IORs subject to this restriction may apply to Commerce to lift this restriction, according to the conditions laid out in this supplement.

(a) *Scope.* This supplement specifies the requirements and process for how directly affected parties located in the Unites States may submit applications for a waiver from the importation prohibition of Polysilicon Products implemented by the President. This supplement also identifies the time periods for such submissions, the methods of submission, and the information that must be included in such submissions. This supplement also identifies the process for analysis of the applications and the action taken upon the final determinations by the Secretary or designee.

(b) *Applications for an import prohibition waiver.* Who may submit an application?

(1) Importers of Polysilicon Products into the United States.

(2) [Reserved]

(c) *Timeframe for submitting an application.* The Bureau of Industry and Security (BIS) will open a submissions window to receive applications for import prohibition waivers between September 22, 2026, and December 3, 2026.

(d) *Application requirements.* For the request to be considered a valid application, the applicant must adhere to the following general requirements and complete the application found on *www.bis.gov/232,* providing the following information:

(1) Submission through the import prohibition waiver inbox at *Polysilicon232@bis.doc.gov;*

(2) Requests must be submitted in PDF format;

(3) Limited to 30 pages inclusive of all attachments;

(4) Any business confidential submissions must also include a non-confidential public version;

(5) Clear identification of the applicant (*e.g.,* the individual or company);

(6) A precise description of the Polysilicon Products;

(7) The weekly average volume of Polysilicon Products imported in 2025;

(8) The weekly average volume of Polysilicon Products imported between January 1, 2026 and August 6, 2026;

(9) The weekly average volume of Polysilicon Products imported into the United States since August 6, 2026;

(10) The aggregate volume of Polysilicon Products imported into the United States since August 6, 2026;

(11) The eight-digit or ten-digit Harmonized Tariff Schedule of the Unites States (HTSUS) classification for the determination;

(12) Information about the products it manufactures and where such manufacturing takes place;

(13) An explanation of how the company intends to use the imported Polysilicon Products to include whether the imported Polysilicon Products support existing manufacturing operations in the United States or support investment projects for manufacturing in the Unites States. Applicants should provide annual production volume and capacity rates for each facility receiving the imported Polysilicon Products and any applicable allocation for each facility;

(14) The use of affiliates that do not customarily import Polysilicon Products, or the use of new IORs to import Polysilicon Products;

(15) An estimate of the type of Polysilicon Products, and, for each type of Polysilicon Product, an estimate of the anticipated volume of imports into the United States prior to December 4, 2026, if a waiver is granted;

(16) An explanation of the business considerations associated with the applicant's Polysilicon Product import volumes;

(i) For IORs registered with CBP prior to August 6, 2026, and identified by Commerce as subject to a prohibition from importing Polysilicon Products into the United States prior to December 4, 2026, applicants should explain why the volume of imports prior to receiving an import prohibition were for legitimate commercial considerations unrelated to the implementation of Proclamation 11052;

(ii) For IORs that register with CBP on or after August 6, 2026, applicants should detail why they have established themselves as a new IOR, whether they have pre-existing customers or business relationships in the Unites States for Polysilicon Products that predate August 6, 2026, the foreign manufacturers whose Polysilicon Products they seek to import into the United States, and any other factor the company deems relevant to this portion of their application;

(17) Applications should be signed by a senior official in the company certifying the accuracy of the assertions and facts contained in its application;

(18) A commitment to not stockpile Polysilicon Products prior to December 4, 2026;

(19) Any other information the applicant believes is necessary to facilitate Commerce's decision-making. Additionally, if a company believes that any of the requirements listed under paragraph (d) of this supplement are not appropriate for their particular situation, they should provide a detailed explanation of why the requirements are inappropriate or inapplicable.

(e) *Review of applications.* Commerce will review the received applications between September 22, 2026, and December 3, 2026, to validate the received applications contain all the required elements and do not exceed the page limitation. In the instance where the applicant did not include all the required elements or improperly filed the submission, at the discretion of the Under Secretary for Industry and Security, the applicant may be granted a 48-hour widow to resubmit a proper application. Commerce may request supplemental information in additional to the information listed in paragraph (d) of this supplement. If Commerce does request such information, Commerce will provide a timeframe during which the supplemental information must be provided. Commerce may respond to individual applications with questions, revisions, conditional approval pending applicant's acceptance of proposed modifications to the proposal.

(f) *Import prohibition waiver decisions.* Commerce will make an individual, fact-specific, company-specific decision for each applicant. Commerce intends to respond to applications within fourteen (14) days of the date of receipt. Approved applicants will be notified in writing of Commerce's decision.

(g) *Obligations of customs brokers.* Customs brokers that enter Polysilicon Products must not file or procure or assist in the filing of any claim, or of any document, affidavit, or other papers, known by such customs broker to be false. Additionally, customs brokers must not give, or solicit or procure the giving of, any information or testimony that the broker knew or should have known was false or misleading in any matter pending before the Department of Homeland Security (DHS) or to any DHS representative. Actions by customs brokers to evade the requirements in paragraph (g) of this supplement may result in CBP enforcement actions. In determining whether a new IOR may be attempting to use a broker's services to violate supplement no. 1 to part 705, a customs broker should consider the following factors:

(1) Whether an IOR is a new IOR that was established on or after August 6, 2026;

(2) For new IORs, whether the new IOR has made other entries of Polysilicon Products during the current week, and, if so, the precise volume of Polysilicon Products that the new IOR has entered;

(3) For new IORs, the direct and indirect beneficial owners of the new IOR, whether such owners have created other new IORs to import Polysilicon Products, and whether those other new IORs have met or exceeded the quantities specified in table 1 to this supplement; and

(4) For new IORs, the ultimate consignee and delivery user, and whether the goods will be transferred to or used for the benefit of an IOR subject to a prohibition under this supplement.

(h) *Exception to the import prohibition.* New IORs that register with CPB on or after August 6, 2026, are prohibited from importing Polysilicon Products except, as specified in table 1 to this supplement, the

Polysilicon Products identified by Harmonized Tariff Schedule of the United States (HTSUS) code in weekly volumes no greater than the quantities listed.

TABLE 1—POLYSILICON PRODUCTS AND QUANTITIES

| HTSUS | Quantity (no greater than per week) |
|---|---|
| 2804.61.00 | 12 kg. |
| 3818.00.0020, 3818.00.0040, 3818.00.0045, 3818.00.0050, and 3818.00.0091 | 7 kg. |
| 8541.42.00 | 2,000 No. |
| 8541.43.00 | 55 No. |

**Jessica Curyto,**

*Deputy Assistant Secretary for Technology Security.*

[FR Doc. 2026–19537 Filed 9–22–26; 8:45 am]

**BILLING CODE 3510–33–P**

## FEDERAL TRADE COMMISSION

## 16 CFR Parts 4 and 5

**RIN 3084–AB85**

## Rules of Practice

**AGENCY:** Federal Trade Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Trade Commission (''Commission'' or ''FTC'') is amending its rules of practice in order to eliminate the agency's post-employment clearance rule.

**DATES:** These rule revisions are effective on September 24, 2026.

**FOR FURTHER INFORMATION CONTACT:** Josephine Liu, (202) 326–2170, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** The Commission is revising certain rules in parts 4 and 5 of its rules of practice, 16 CFR parts 4 and 5. Specifically, the Commission is eliminating its existing ethics clearance rule, revising part 5 to remind current and former employees of various ethics requirements, and clarifying the disciplinary actions available for violations of those ethics requirements.

### I. Revisions to Part 4—Miscellaneous Rules

The Commission is deleting old § 4.1(b)–(c), which previously contained the Commission's ethics clearance rule. The ethics clearance rule is unnecessary, because it is duplicative of other laws, regulations, and professional responsibility requirements. It is also inconsistent with the rules of other agencies, which do not impose the same substantive or procedural requirements. Moreover, because the FTC is one of the few agencies that attempts to impose additional requirements on former employees that exceed the government-wide restrictions, the rule has chilled the agency's ability to recruit and hire specialists such as economists and technologists who do not face similar restrictions at other governmental organizations. Finally, the rule could have the unintended consequence of creating a safe harbor that protects former employees from liability for violating 18 U.S.C. 207, because it requires the FTC to approve a former employee's participation in a matter if the agency lacks sufficient information to deny clearance and that agency approval could provide a defense to violations of Section 207.

In new § 4.1(a)(3), the Commission is adding a cross-reference to new § 5.30, to remind former employees of the Commission that they must comply with the post-government employment restrictions described there. In light of the Commission's elimination of the ethics clearance rule, the Commission is making a corresponding deletion of old § 4.9(b)(10)(ii), which provided that applications for ethics clearance would be part of the Commission's public record.

### II. Revisions to Part 5—Employee Standards of Conduct

The Commission is changing part 5 of its rules to remind current and former employees of various ethics requirements, and make clear the disciplinary actions available for violations of those ethics requirements. These changes include a new subpart D (§ 5.30) that describes post-employment restrictions. Subpart E (§§ 5.50–5.54), regarding disciplinary actions concerning post-employment conflict of interest, has been renamed ''Disciplinary Actions Concerning Ethics Requirements and Post-Government Employment Restrictions.'' This subpart has been streamlined and modified to conform to current agency practice.

*§ 5.1: Cross-Reference to Executive Branch-Wide Regulations*

In § 5.1, the Commission is clarifying that all agency employees—including Commissioners, political appointees, and special Government employees—are governed by the executive branch-wide ethics regulations. The Commission is also fixing the citation format and adding an explanatory parenthetical for the cross-reference to the FTC regulations at 5 CFR part 5701.

*§ 5.2: Waiver of Insubstantial Financial Conflicts*

The Commission is reorganizing and adding clarifying language to § 5.2. New § 5.2(a) is old § 5.2(d), which has also been revised for clarity. In new § 5.2(c), the Commission describes the process an official responsible for appointment must use to obtain a recommendation from the FTC's Designated Agency Ethics Official for a waiver, pursuant to 18 U.S.C. 208(b)(1) and 5 CFR 2640.301, of certain financial interests of an employee that are determined to be not so substantial as to be deemed likely to affect the integrity of the employee's services to the Government. In new § 5.2(d), the Commission is clarifying that the Inspector General is the ''official responsible for appointment'' for OIG employees. In new § 5.2(e), the Commission is adding a parenthetical to clarify that the Chairman cannot be the ''official responsible for appointment'' for himself or the Inspector General.

*§ 5.10: Cross-Reference to Executive Branch-Wide Regulations*

In § 5.10, the Commission is clarifying that all agency employees—including Commissioners, political appointees, and special Government employees—are subject to the executive branch-wide financial disclosure regulations. The Commission is also updating the cross-reference to the appropriate chapter of the FTC Administrative Manual that contains the procedures for filing and reviewing financial disclosure reports.