



DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 774

[Docket No. 260406-0093]

RIN 0694-AJ98

Extension of Authorized Integrated Circuit (IC) Designer Status and Application Deadline to become an Approved IC Designer

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) is revising the Export Administration Regulations (EAR) by extending by about eight months the triggering date for authorized integrated circuit designer status and submission date for applications to become an approved integrated circuit (IC) designer. The new date is December 31, 2026.

DATES: *Effective date:* The effective date of this rule is April 7, 2026. *Extended date to apply to become an approved IC designer:* Applications must be received by December 31, 2026, after which time, applicants may be considered authorized IC designers for 180 days.

FOR FURTHER INFORMATION CONTACT: Carlos Monroy at 202-482-3246 or by e-mail: Carlos.Monroy@bis.doc.gov or rpd2@bis.doc.gov.

SUPPLEMENTARY INFORMATION: On January 16, 2025, BIS published an interim final rule (IFR) (90 FR 5298) (FDD IFR), adding certain presumptions for “front-end fabricators” and “OSAT” companies seeking to export, reexport, or transfer (in-country) certain “applicable advanced logic integrated circuits” under ECCN 3A090.a (see § 742.6(a)(6)(iii)(A) and Note 1 to 3A090.a), unless the presumption is overcome via Note 1 to 3A090.a. The FDD IFR provided three ways to overcome the presumption that involve Approved IC designers, approved “OSAT” companies, or via identifying authorized IC designers with criteria included in Note 1 to

3A090.a. To be listed, entities must submit requests to BIS and be approved through the End-user Review Committee (ERC).

This final rule revises Note 1 to ECCN 3A090.a by removing the April 13, 2026 date wherever it occurs, and replacing it with December 31, 2026. This change will allow entities additional time to apply to be approved IC designers and allows BIS additional time to process these applications.

Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included ECRA (codified, as amended, at 50 U.S.C. 4801–4852). ECRA provides the legal basis for BIS’s principal authorities and serves as the authority under which BIS issues this rule. In particular, and as noted elsewhere, Section 1753 of ECRA (50 U.S.C. Section 4812) authorizes the regulation of exports, reexports, and transfers (in-country) of items subject to U.S. jurisdiction. Further, Section 1754(a)(1)-(16) of ECRA (50 U.S.C. Section 4813(a)(1)-(16)) authorizes, *inter alia*, the establishment of a list of controlled items; the prohibition of unauthorized exports, reexports, and transfers (in-country); the requirement of licenses or other authorizations for exports, reexports, and transfers (in-country) of controlled items; apprising the public of changes in policy, regulations, and procedures; and any other action necessary to carry out ECRA that is not otherwise prohibited by law. Pursuant to Section 1762(a) of ECRA (50 U.S.C. Section 4821(a)), these changes can be imposed in a final rule without prior notice and comment.

Rulemaking Requirements

1. BIS has examined the impact of this rule as required by Executive Orders (E.O.) 12866 and 13563, which 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 (*e.g.*, potential economic, environmental, public, health, and safety effects, distributive impacts, and

equity). This final rule is not significant under Executive Order 12866. Therefore, EO 14192 does not apply.

2. Notwithstanding any other provision of 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 of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections of information approved by OMB under the following control numbers: OMB Control Number 0694-0088–Simple Network Application Process and Multipurpose Application Form; OMB Control Number 0694-0096–Five Year Records Retention Period; OMB Control Number 0694-0137–License Exemptions and Exclusions; OMB Control Number 0694-0152–Automated Export System (AES) Program.

For OMB control number 0694-0088, Simple Network Application Process and Multipurpose Application Form, BIS estimates that the extension included in this final rule will result in a net increase of 75 advisory opinions submitted to BIS with an increase of 38 burden hours. However, the increase in burden falls within the existing burden estimates associated with this control number. For OMB Control number 0694-0137, *License Exceptions and Exclusions*, BIS estimates the extension included in this final rule will result an increase of 20 approved IC designers, and an increase in 385 burden hours, but the increase in burden falls within the existing burden estimates associated with this control number. For OMB Control number 0607-0152, *Automated Export System (AES) Program*, BIS expects an increase of 100 submissions, for an increase in 5 burden hours, but the increase in burden falls within the existing burden estimates associated with this control numbers. Changes impacting OMB Control Number 0694-0096, *Five Year Records Retention Period*, are not expected to result in a change in burden hours.

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

4. Pursuant to section 1762 of the Export Control Reform Act of 2018, this action is exempt from the Administrative Procedure Act (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the APA (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.

List of Subjects in 15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, part 774 of the Export Administration Regulations (15 CFR parts 730 through 774) is amended as follows:

PART 774 - THE COMMERCE CONTROL LIST

1. The authority citation for part 774 continues to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 8720; 10 U.S.C. 8730(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 42 U.S.C. 2139a; 15 U.S.C. 1824; 50 U.S.C. 4305; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228.

Supplement No. 1 to Part 774 [Amended]

2. In supplement no. 1 to part 774, in ECCN 3A090, amend note 1 to 3A090.a in paragraphs a.(2) and (3) by removing the date “April 13, 2026”, wherever it occurs, and adding in its place the date “December 31, 2026.”

Julia A. Khersonsky,

Deputy Assistant Secretary for Strategic Trade.

