(d) Subject

Air Transport Association (ATA) of America Code 31, Indicating/Recording System.

(e) Unsafe Condition

This AD was prompted by discrepancies in the locking features on certain network interfaces. The FAA is issuing this AD to address these discrepancies, which could result in unapproved access to these network interfaces.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Required Action

Within 6 months after the effective date of this AD, install locking features on the applicable network interfaces using a method approved by the Manager, International Validation Branch, FAA.

(h) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 700–46–5008, dated July 20, 2022; Bombardier Service Bulletin 700–46–6008, dated July 20, 2022; Bombardier Service Bulletin 700–46–5504, dated July 20, 2022; Bombardier Service Bulletin 700–46–5504, Revision 01, dated August 22, 2024; Bombardier Service Bulletin 700–46–6504, dated July 20, 2022; or Bombardier Service Bulletin 700–46–6504, Revision 01, dated August 22, 2024.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (j)(1) of this AD and email to: *AMOC@faa.gov*. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or Bombardier Inc.'s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Additional Information

(1) For more information about this AD, contact William Reisenauer, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7301; email: *william.e.reisenauer@faa.gov*.

(2) For Bombardier Inc. material identified in this AD that is not incorporated by reference, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–2999; email *ac.yul@aero.bombardier.com;* website *bombardier.com*.

(k) Material Incorporated by Reference

None.

Issued on February 12, 2026.

Steven W. Thompson,

Acting Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2026–03055 Filed 2–13–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

15 CFR Part 4

[Docket No. 260107–0008]

RIN 0605–AA84

Updating and Streamlining the Department of Commerce's Privacy Act Regulations

AGENCY: Office of the Secretary, Department of Commerce.

ACTION: Final rule.

SUMMARY: By this rule, the Department of Commerce (''Department'') amends its regulations implementing the Privacy Act of 1974. Specifically, this rule amends those regulations by updating the position title of an agency official, removing unnecessary language related to judicial review, eliminating a provision that merely cross-references and restates statutory criminal penalty provisions, updating the name and number of an existing Privacy Act system of records, and updating the list of denying officials set forth in an appendix to the regulations. This action is necessary to ensure that the Department's regulations are up-to-date, to reduce regulatory complexity and clutter, and to minimize the potential for confusion among the public. This action is intended to promote regulatory accuracy, clarity, and efficiency without diminishing any substantive right or obligation established by the Privacy Act.

DATES: The rule is effective February 17, 2026.

FOR FURTHER INFORMATION CONTACT: Daniel Sweeney, Senior Counsel, Office of the General Counsel, at (202) 482–1395.

SUPPLEMENTARY INFORMATION: This action amends the Department's regulations at 15 CFR part 4, subpart B, which are the Department's regulations implementing the Privacy Act of 1974, as amended (5 U.S.C. 552a). By this rule, the Department is amending its Privacy Act regulations in five ways.

First, the Department is updating all references to the ''Assistant General Counsel for Litigation, Employment, and Oversight'' to use the current title for the referenced position: ''Assistant General Counsel for Employment, Litigation, and Information.'' *See* 15 CFR 4.23(d)(2), 4.25(a)(2), 4.25(g)(3)(ii), 4.28(a)(1)(ii), 4.28(a)(2)(ii)(D), 4.29(b)(1), 4.29(c), 4.29(e), 4.29(g)(1), 4.29(h), 4.29(i); Appendix B to Part 4.

Second, the Department is removing from the regulations outlining the administrative review process certain language discussing finality for purposes of judicial review. Specifically, this rule removes the following statement where it appears in three sections: ''No failure of a Privacy Act Officer to send an acknowledgment shall confer administrative finality for purposes of judicial review.'' *See* 15 CFR 4.23(d)(2), 4.25(a)(2), 4.28(a)(1)(ii). No statutory provision requires the promulgation of this statement in the Department's regulations; nor is it necessary for the operation of the administrative review processes established by the Privacy Act or these regulations. Deletion of this statement is intended to avoid creating confusion regarding judicial review, which is ordinarily a matter left for the courts to decide based on the particular laws and facts at issue.

Third, the Department is removing an unnecessary section in the regulations that merely cross-references and restates statutory criminal penalty provisions, which sufficiently speak for themselves. *See* 15 CFR 4.32, referencing 5 U.S.C. 552a(i)(3), 18 U.S.C. 494, 495, 1001. It is the Department's policy to eliminate regulations like § 4.32 to reduce redundancy, to streamline the Code of Federal Regulations, to promote efficiency in connection with any statutory amendments, and to facilitate the direct review and consultation of statutory provisions without introducing any potential inconsistencies or source of confusion.

Fourth, the Department is updating all references to the name and number of a system of records, ''Investigative and Inspection Records, COMMERCE/DEPT–12,'' to use the system's current name and number, ''OIG Investigative Records, COMMERCE/OIG–1,'' as well as all references to the current number alone when referenced without the name (updating ''COMMERCE/DEPT–12'' to ''COMMERCE/OIG–1''). *See* 15

CFR 4.33(b)(3), 4.34(a)(1), 4.34(b)(1), 4.34(b)(2)(i)(D), 4.34(b)(4)(i)(H).

Fifth, the Department is updating the list of officials within the Office of the Secretary who are authorized to deny requests under part 4 by adding the Deputy General Counsel for Administration.

These amendments are meant to promote regulatory accuracy, clarity, and efficiency without diminishing any substantive rights or obligations under the Privacy Act.

Regulatory Classifications

A. Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b)(B), the Department finds good cause to waive the prior notice and opportunity for public participation requirements of the Administrative Procedure Act for this final rule. The Department considers this rule to be uncontroversial, and has determined that prior notice and opportunity for public participation is unnecessary, because this rule only updates some outdated language and removes some other language that is insignificant and clearly not required by statute; public participation would not justify the continued inclusion of any of the relevant language, as is, in 15 CFR part 4 under the Department's regulatory policy. For the same reasons, the Department has determined that delaying the effectiveness of these amendments would be contrary to the public interest. All of the language being replaced or removed by this rule contributes to regulatory complexity and poses some risk of inconsistency or confusion; the amendments described herein will immediately benefit the public at little to no cost. The Department therefore finds good cause to waive the public notice and comment period under 553(b)(B) and to waive the 30-day delay in effectiveness under 553(d).

B. Executive Orders 12866, 14192, and 13132

The Office of Management and Budget has determined this rule is not significant pursuant to Executive Order (E.O.) 12866. This rule is an E.O. 14192 deregulatory action. This rule does not contain policies having federalism implications as the term is defined in E.O. 13132.

C. Regulatory Flexibility Act

Because a notice of proposed rulemaking and an opportunity for public participation are not required to be given for this rule by 5 U.S.C. 553(b)(B), 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.

D. Paperwork Reduction Act

This rule will not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

List of Subjects in 15 CFR Part 4

Administrative practice and procedure, Archives and records, Freedom of information, Penalties, Privacy.

Dated: January 13, 2026.

Paul Dabbar,

Deputy Secretary of Commerce.

Accordingly, for the reasons set forth above part 4 of title 15 of the Code of Federal Regulations is amended as follows:

PART 4—DISCLOSURE OF GOVERNMENT INFORMATION

■ 1. The authority citation for part 4 continues to read as follows:

Authority: 5 U.S.C. 301; 5 U.S.C. 552; 5 U.S.C. 552a; 5 U.S.C. 553; 31 U.S.C. 3717; 44 U.S.C. 3101; Reorganization Plan No. 5 of 1950.

Subpart B—Privacy Act

■ 2. Amend § 4.23 by revising paragraph (d)(2) to read as follows:

§ 4.23 Procedures for making inquiries.

* * * * *

(d) * * *

(2) If the Privacy Act Officer fails to send an acknowledgment within ten working days, as provided in paragraph (d)(1) of this section, the requester may ask the Assistant General Counsel for Employment, Litigation and Information to take corrective action.

* * * * *

■ 3. Amend § 4.25 by revising paragraphs (a)(2) and (g)(3)(ii) to read as follows:

§ 4.25 Disclosure of requested records to individuals.

(a) * * *

(2) If the Privacy Act Officer fails to send an acknowledgment within ten working days, as provided in paragraph (a)(1) of this section, the requester may ask the Assistant General Counsel for Employment, Litigation and Information to take corrective action.

* * * * *

(g) * * *

(3) * * *

(ii) As to denial under paragraphs (g)(1)(ii) of this section, (g)(1)(iv) of this section or (to the limited extent provided in paragraph (g)(3)(i)(A) of this section) paragraph (g)(1)(i) of this section, the individual may file for review with the Assistant General Counsel for Employment, Litigation and Information, as indicated in the Privacy Act Officer's initial denial notification. The individual and the Department shall follow the procedures in § 4.28 to the maximum extent practicable.

* * * * *

■ 4. Amend § 4.28 by revising paragraphs (a)(1)(ii) and (a)(2)(ii)(D) to read as follows:

§ 4.28 Agency review of requests for correction or amendment.

(a)

(1) * * *

(ii) If the Privacy Act Officer fails to send the acknowledgment within ten working days, as provided in paragraph (a)(1)(i) of this section, the requester may ask the Assistant General Counsel for Employment, Litigation and Information, or in the case of a request to the Office of the Inspector General, the Counsel to the Inspector General, to take corrective action.

(2) * * *

(ii) * * *

(D) The procedures for appeal of the denial as set forth in § 4.29, including the address of the Assistant General Counsel for Employment, Litigation and Information, or in the case of a request to the Office of the Inspector General, the address of the Counsel to the Inspector General.

* * * * *

■ 5. Amend § 4.29 by revising paragraphs (b)(1), (c), (e), (g) introductory text, (g)(1) to read as follows:

§ 4.29 Appeal of initial adverse agency determination on correction or amendment.

* * * * *

(b) * * *

(1) An appeal from a request to a component other than the Office of the Inspector General should be addressed to the Assistant General Counsel for Employment, Litigation and Information, U.S. Department of Commerce, Room 5896, 14th and Constitution Avenue NW, Washington, DC 20230. An appeal should include the words ''Privacy Act Appeal'' at the top of the letter and on the face of the envelope. An appeal not addressed and marked as provided herein will be so marked by Department personnel when it is so identified, and will be forwarded immediately to the Assistant General Counsel for Employment, Litigation and Information. An appeal which is not

properly addressed by the individual will not be deemed to have been ''received'' for purposes of measuring the time periods in this section until actual receipt by the Assistant General Counsel for Employment, Litigation and Information. In each instance when an appeal so forwarded is received, the Assistant General Counsel for Employment, Litigation and Information shall notify the individual that his or her appeal was improperly addressed and the date on which the appeal was received at the proper address.

* * * * *

(c) The individual's appeal shall be signed by the individual, and shall include a statement of the reasons for why the initial denial is believed to be in error, and the Department's control number assigned to the request. The Privacy Act Officer who issued the initial denial shall furnish to the Assistant General Counsel for Employment, Litigation and Information, or in the case of an initial denial by the Office of the Inspector General, to the Counsel to the Inspector General, the record(s) the individual requests to be corrected or amended, and all correspondence between the Privacy Act Officer and the requester. Although the foregoing normally will comprise the entire record on appeal, the Assistant General Counsel for Employment, Litigation and Information, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, may seek any additional information necessary to ensure that the final determination is fair and equitable and, in such instances, disclose the additional information to the individual to the greatest extent possible, and provide an opportunity for comment thereon.

* * * * *

(e) The Assistant General Counsel for Employment, Litigation and Information, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, shall act upon the appeal and issue a final determination in writing not later than thirty working days (*i.e.,* excluding Saturdays, Sundays and legal public holidays) from the date on which the appeal is received, except that the Assistant General Counsel for Employment, Litigation and Information, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, may extend the thirty days upon deciding that a fair and equitable review cannot be made within that period, but only if the individual is advised in writing of the reason for the extension and the estimated date by which a final determination will be issued. The estimated date should not be later than the sixtieth day after receipt of the appeal unless unusual circumstances, as described in § 4.25(a), are met.

* * * * *

(g) If the appeal is denied, the final determination shall be transmitted promptly to the individual and state the reasons for the denial. The notice of final determination shall inform the individual that:

(1) The individual has a right under the Act to file with the Assistant General Counsel for Employment, Litigation and Information, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, a concise statement of reasons for disagreeing with the final determination. The statement ordinarily should not exceed one page, and the Department reserves the right to reject an excessively lengthy statement. It should provide the Department control number assigned to the request, indicate the date of the final determination and be signed by the individual. The Assistant General Counsel for Employment, Litigation and Information, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, shall acknowledge receipt of such statement and inform the individual of the date on which it was received;

* * * * *

(h) In making the final determination, the Assistant General Counsel for Employment, Litigation and Information, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, shall employ the criteria set forth in § 4.28(c) and shall deny an appeal only on grounds set forth in § 4.28(e).

(i) If an appeal is partially granted and partially denied, the Assistant General Counsel for Employment, Litigation and Information, or in the case of an initial denial by the Office of the Inspector General, the Counsel to the Inspector General, shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

* * * * *

§ 4.32 [Removed and Reserved]

■ 6. Remove and reserve § 4.32.

■ 7. Amend § 4.33 by revising the heading of paragraph (b)(3) to read as follows:

§ 4.33 General exemptions.

* * * * *

(b) * * *

(3) *OIG Investigative Records—COMMERCE/OIG–1.* * * *

* * * * *

■ 8. Amend § 4.34 by revising paragraphs (a)(1), (b)(1), (b)(2)(i)(D), and (b)(4)(i)(H) to read as follows:

§ 4.34 Specific exemptions.

(a)(1) Certain systems of records under the Act that are maintained by the Department may occasionally contain material subject to 5 U.S.C. 552a(k)(1), relating to national defense and foreign policy materials. The systems of records published in the **Federal Register** by the Department that are within this exemption are: COMMERCE/BIS–1, COMMERCE/ITA–2, COMMERCE/ITA–3, COMMERCE/NOAA–11, COMMERCE/PAT–TM–4, COMMERCE/OIG–1, COMMERCE/DEPT–13, COMMERCE/DEPT–14, COMMERCE/DEPT–25, and COMMERCE/DEPT–27.

* * * * *

(b) * * *

(1) Exempt under 5 U.S.C. 552a(k)(1). The systems of records exempt are COMMERCE/BIS–1, COMMERCE/ITA–2, COMMERCE/ITA–3, COMMERCE/NOAA–11, COMMERCE/PAT–TM–4, COMMERCE/OIG–1, COMMERCE/DEPT–13, COMMERCE/DEPT–14, COMMERCE/DEPT–25, and COMMERCE/DEPT–27. The claims for exemption of COMMERCE/OIG–1, COMMERCE/BIS–1, COMMERCE/NOAA–5, COMMERCE/DEPT–25, and COMMERCE/DEPT–27 under this paragraph (b)(1) are subject to the condition that the general exemption claimed in § 4.33(b) is held to be invalid.

(2) * * *

(i) * * *

(D) OIG Investigative Records—COMMERCE/OIG–1, but only on condition that the general exemption claimed in § 4.33(b)(2) is held to be invalid.

* * * * *

(4) * * *

(i) * * *

(H) OIG Investigative Records—COMMERCE/OIG–1, but only on condition that the general exemption claimed in § 4.33(b)(3) is held to be invalid.

* * * * *

■ 9. In appendix B to part 4 revise the entry for ''Office of the General Counsel'' under the heading ''Office of the Secretary'' to read as follows:

Appendix B to Part 4—Officials Authorized To Deny Requests for Records Under the Freedom of Information Act, and Requests for Records and Requests for Correction or Amendment Under the Privacy Act

* * * * *

OFFICE OF THE SECRETARY

* * * * *

Office of the General Counsel: Deputy General Counsel; Deputy General Counsel for Administration; Assistant General Counsel for Employment, Litigation and Information

* * * * *

[FR Doc. 2026–03080 Filed 2–13–26; 8:45 am]

BILLING CODE 3510–17–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900–AS49

Evaluative Rating: Impact of Medication

AGENCY: Department of Veterans Affairs.

ACTION: Interim final rule.

SUMMARY: The Department of Veterans Affairs (VA) amends 38 CFR 4.10 within the VA Schedule for Rating Disabilities (VASRD). This amendment clarifies VA's longstanding interpretation of § 4.10 and, in doing so, amends the text to correct judicial interpretations that VA has concluded misconstrue the role of medication and treatment in evaluating functional impairment. Specifically, this amendment clarifies that veterans should be compensated for the actual level of functional impairment they experience and, therefore, that the ameliorative effects of medication should not be estimated or discounted when evaluating the severity of a veteran's disability at the time of the disability examination. This regulation is needed immediately to minimize the negative impact of an erroneous line of cases culminating in the recent decision of *Ingram* v. *Collins,* 38 Vet. App. 130 (2025), which could be applied broadly to over 500 separate diagnostic codes, requiring re-adjudications of over 350,000 currently pending claims. This in turn would overburden VA's claims adjudicatory capacity. In addition, *Ingram* requires VA to retrain all of its medical examiners and adjudicators to make assessments and decisions based not on the evidence before them but instead based on what they hypothesize the evidence would show if a veteran's disability were left untreated. For these and other reasons explained below, this regulation is critical to the integrity of the VA disability claims system.

DATES: This interim final rule is effective February 17, 2026.

Comments must be received on or before April 20, 2026.

ADDRESSES: You may submit comments through *www.regulations.gov* under RIN 2900–AS49. That website includes a plain-language summary of this rulemaking. Instructions for accessing agency documents, submitting comments, and viewing the rulemaking docket are available on *www.regulations.gov* under ''FAQ.''

FOR FURTHER INFORMATION CONTACT: Ethan Kalett, Executive Director, Office of Regulatory Oversight and Management, (202) 461–9700.

SUPPLEMENTARY INFORMATION: This amendment clarifies VA's longstanding interpretation of § 4.10 and, in doing so, amends the text to correct judicial interpretations that VA has concluded misconstrue the role of medication and treatment in evaluating functional impairment. This interim final rule thus reaffirms the proper understanding of VA policy related to the evaluation and compensation of a veteran's disability. Congress directed that veterans be compensated for ''disability'' that results when service causes or aggravates an injury or disease. 38 U.S.C. 1110. To capture the effects of disability, the rating schedule is ''based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations.'' 38 U.S.C. 1155. This means that VA must determine how the disability impacts the veteran's ability to earn wages.

In effectuating these statutes, VA regulations have long focused on the actual level of disability experienced by a veteran. The VASRD, which is located in 38 CFR part 4, contains criteria for specific disabilities and general rules governing the assignment of ratings. Under 38 CFR 4.1, disability ratings are intended to ''represent as far as can practicably be determined the average impairment in earning capacity resulting from'' a service-connected disability based on ''accurate and fully descriptive medical examinations'' that emphasize ''limitation of activity imposed by the disabling condition.'' Section 4.1 requires that the rating assigned be based on the disability presented to the examiner and recognizes that future reevaluations may be required based on changes to the veteran's condition. The need for the examiner to make findings based on the actual condition of the veteran is re-emphasized in § 4.10, which ''imposes upon the medical examiner the responsibility of furnishing, in addition to the etiological, anatomical, pathological, laboratory and prognostic data required for ordinary medical classification, full description of the effects of disability upon the person's ordinary activity.'' Section 4.10 further directs attention to the body's ability ''to function under the ordinary conditions of daily life.'' Similarly, § 4.2 instructs claim processors to present ''a consistent picture so that the current rating may accurately reflect the elements of disability present . . . . considered from the point of view of the veteran working or seeking work.'' Consistent with these authorities, the U.S. Court of Appeals for the Federal Circuit has observed that the VASRD is designed to compensate for ''the *actual* level of the earning impairment on the veteran.'' *Nat'l Org. of Veterans' Advocs., Inc.* v. *Sec'y of Veterans Affs.,* 927 F.3d 1263, 1264 (Fed. Cir. 2019) (emphasis added).

None of these authorities are phrased in the hypothetical, or contemplate that rating a disability should require supposition. Rather, they consistently direct VA personnel to evaluate the disability as it actually exists, in the conditions of the veteran's daily life. This simple, straightforward conclusion is required on the face of longstanding regulatory authorities and consonant with the phrasing of 38 U.S.C. 1155 itself. The *Ingram* court erred by converting large portions of the VA disability rating system into an exercise in prognostication. This error must be corrected as quickly as possible to ensure the continued proper functioning of the disability rating system. Despite these legal and practical imperatives to base evaluations on the evidence of actual functional impairment, on March 12, 2025, the U.S. Court of Appeals for Veterans Claims (CAVC) determined in *Ingram* that, for the purposes of evaluating musculoskeletal conditions, examiners should not consider the evidence of disability before them. *Ingram,* 38 Vet. App. at 138. Rather, the court held that VA must estimate what level of functional impairment a disability might present if the veteran were not taking medication that ameliorated the effects of a service-connected disability. *Id.* at 135–38. *Ingram* further held that, if the record does not disclose a disability's ''baseline severity''—in which the effects of medication in lessening functional impairment are discounted—adjudicators must return the claim for VA to obtain that contrafactual information. *Id.* at 137–39.