

company in the most recently completed segment of this proceeding. For exporters of acidic solid HEDP that do not have an exporter-specific or producer/exporter-specific separate AD cash deposit rate, the AD cash deposit rate will be equal to the cash deposit rate for the China-wide entity.¹¹

Further, we will direct CBP to collect a cash deposit for estimated countervailing duties. If the acidic solid HEDP was produced and exported by the same company, the cash deposit rate will be equal to the company-specific CVD cash deposit rate established for that company in the most recently completed segment of this proceeding. If both the producer and the exporter of the subject merchandise have company-specific CVD cash deposit rates, and their rates differ, the cash deposit rate will be the higher of these two rates. If either the producer or the exporter, but not both, have company-specific cash deposit rates, the cash deposit rate will be that company's CVD cash deposit rate. For companies that do not have a company-specific CVD cash deposit rate, the CVD cash deposit rate will be the cash deposit rate for all other producers and exporters.¹²

These suspension of liquidation and cash deposit requirements will remain in effect until further notice.

Administrative Protective Order

This notice will serve as the only reminder to all parties subject to an administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

Commerce is issuing and publishing this determination in accordance with section 781(c) of the Act and 19 CFR 351.226(g)(2).

Dated: February 18, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Orders

The merchandise covered by the *Orders* includes all grades of aqueous acidic (non-

neutralized) concentrations of 1-hydroxyethylidene-1, 1-disphosphonic acid (HEDP), also referred to as hydroxyethylidenediphosphonic acid, hydroxyethanediphosphonic acid, acetodiphosphonic acid, and etidronic acid. The Chemical Abstract Service (CAS) registry number for HEDP is 2809–21–4.

The merchandise subject to the *Orders* is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 2931.90.9043. It may also enter under HTSUS subheadings 2811.19.6090, 2931.90.9041, 2931.90.9051, 2811.19.6190, 2931.39.0018, 2931.49.0050 and 2931.49.0080. While HTSUS subheadings and the CAS registry number are provided for convenience and customs purposes only, the written description of the scope of the *Orders* is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the *Orders*
- IV. Merchandise Subject to the Circumvention Inquiry
- V. Period of Circumvention Inquiry
- VI. Use of Facts Available and Adverse Inferences
- VII. Discussion of the Issue
Comment: Submission of New Factual Information from U.S. Importers
- VIII. Recommendation

[FR Doc. 2026–03538 Filed 2–20–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Request; Applications for Inclusion on the Lists of Arbitrators Under the Data Privacy Framework Program

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed

information collection must be received on or before April 24, 2026.

ADDRESSES: Interested persons are invited to submit written comments to David Ritchie, Senior Policy Advisor, International Trade Administration, Department of Commerce by email to dpf.program@trade.gov or PRA@trade.gov. Please reference OMB Control Number 0625–0281 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to David Ritchie, Senior Policy Advisor, International Trade Administration, Department of Commerce by email to dpf.program@trade.gov or PRA@trade.gov, or by phone at 202–482–1512.

SUPPLEMENTARY INFORMATION:

I. Abstract

The United States, the European Union (EU), the United Kingdom (UK), and Switzerland share a commitment to enhancing privacy protection, the rule of law, and a recognition of the importance of transatlantic data flows to our respective citizens, economies, and societies, but take different approaches to doing so. Given those differences, the Department of Commerce (DOC) developed the EU–U.S. Data Privacy Framework (EU–U.S. DPF), the UK Extension to the EU–U.S. Data Privacy Framework (UK Extension to the EU–U.S. DPF), and the Swiss-U.S. Data Privacy Framework (Swiss-U.S. DPF) in consultation with the European Commission, the UK Government, the Swiss Federal Administration, industry, and other stakeholders. These arrangements were respectively developed to provide U.S. organizations reliable mechanisms for personal data transfers to the United States from the European Union/European Economic Area, the United Kingdom (and, as applicable, Gibraltar), and Switzerland while ensuring data protection that is consistent with EU, UK, and Swiss law.

The DOC issued the EU–U.S. DPF Principles and the Swiss-U.S. DPF Principles, including the respective sets of Supplemental Principles (collectively the Principles) and Annex I of the Principles, as well as the UK Extension to the EU–U.S. DPF under its statutory authority to foster, promote, and develop international commerce (15 U.S.C. 1512). The International Trade Administration (ITA) administers and supervises the Data Privacy Framework program, including by maintaining and

¹¹ See *AD Order*, 82 FR at 22808.

¹² See *CVD Order*, 82 FR at 22810.

making publicly available the Data Privacy Framework List, an authoritative list of U.S. organizations that have self-certified to the DOC and declared their commitment to adhere to the Principles pursuant to the EU–U.S. DPF and, as applicable, the UK Extension to the EU–U.S. DPF, and/or the Swiss-U.S. DPF. While the decision by an organization to self-certify its compliance pursuant to the EU–U.S. DPF and, as applicable the UK Extension to the EU–U.S. DPF, and/or the Swiss-U.S. DPF and by extension participate in the Data Privacy Framework program is voluntary; effective compliance is compulsory: organizations that self-certify to the DOC and publicly declare their commitment to adhere to the Principles must comply fully with the Principles. Such commitments to comply with the Principles are legally enforceable under U.S. law. On the basis of the Principles, Executive Order 14086, 28 CFR part 201, and accompanying letters and materials, including ITA’s commitments regarding the administration and supervision of the Data Privacy Framework program, the European Commission, the UK Government, and the Swiss Federal Administration have respectively recognized the adequacy of the protection provided by the EU–U.S. DPF, the UK Extension to the EU–U.S. DPF, and the Swiss-U.S. DPF thereby enabling personal data transfers from each respective jurisdiction to U.S. organizations participating in the relevant part of the Data Privacy Framework program.

As respectively described in Annex I of the EU–U.S. DPF Principles, the UK Extension to the EU–U.S. DPF, and Annex I of the Swiss-U.S. DPF Principles the DOC commits separately with the European Commission, the UK Government, and the Swiss Federal Administration to implement an arbitration mechanism to provide EU, UK, and Swiss individuals with the ability under certain circumstances to invoke binding arbitration to determine, for residual claims, whether an organization has violated its obligations under the Principles as to those individuals. Organizations that self-certify their compliance pursuant to the EU–U.S. DPF, including those that also elect to participate in the UK Extension to the EU–U.S. DPF are obligated to arbitrate claims and follow the terms as set forth in Annex I of the EU–U.S. DPF Principles, provided that an EU or UK (as applicable) individual has invoked binding arbitration by delivering notice to the organization at issue and following the procedures and subject to

the conditions set forth in Annex I of the EU–U.S. DPF Principles. Organizations that self-certify their compliance pursuant to the Swiss-U.S. DPF are obligated to arbitrate claims and follow the terms as set forth in Annex I of the Swiss-U.S. DPF Principles, provided that a Swiss individual has invoked binding arbitration by delivering notice to the organization at issue and following the procedures and subject to the conditions set forth in Annex I of the Swiss-U.S. DPF Principles. An individual’s decision to invoke this binding arbitration option is entirely voluntary. Arbitral decisions will be binding on all parties to the arbitration. Under this binding arbitration option, a panel (consisting of one or three arbitrators, as agreed by the parties) has the authority to impose individual-specific, non-monetary equitable relief (such as access, correction, deletion, or return of the individual’s data in question) necessary to remedy the violation of the Principles only with respect to the individual. No damages, costs, fees, or other remedies are available. The parties will select the arbitrators from the list(s) of arbitrators described below.

Pursuant to the EU–U.S. DPF and the UK Extension to the EU–U.S. DPF, the DOC and the European Commission has developed and will seek to maintain a list of at least 10 arbitrators. The parties, including the EU or UK individual who has invoked binding arbitration, will select arbitrators for the arbitration panel from that list of arbitrators developed under the EU–U.S. DPF (EU–U.S. DPF List of Arbitrators). To be eligible for inclusion on the EU–U.S. DPF List of Arbitrators, applicants must be admitted to practice law in the United States and be experts in U.S. privacy law, with expertise in EU data protection law; and shall not be subject to any instructions from, or be affiliated with, either party, or any participating organization, or the United States, European Union, or any EU Member State or any other governmental authority, public authority, or enforcement authority. Arbitrators will remain on the EU–U.S. DPF List of Arbitrators for a period of 3 years, absent exceptional circumstances or removal for cause, renewable by the DOC, with prior notification to the European Commission for additional 3-year terms.

Pursuant to the Swiss-U.S. DPF the DOC and the Swiss Federal Administration has developed and will seek to maintain a list of up to five arbitrators to supplement the list of arbitrators developed under the EU–U.S. DPF. The parties, including the Swiss

individual who has invoked binding arbitration, will select arbitrators for the arbitration panel from the list of arbitrators developed under the EU–U.S. DPF, as supplemented by the list of arbitrators developed under the Swiss-U.S. DPF (Swiss-U.S. DPF Supplemental List of Arbitrators). To be eligible for inclusion on the Swiss-U.S. DPF Supplemental List of Arbitrators, applicants must be admitted to practice law in the United States and be experts in U.S. privacy law, with expertise in European or Swiss data protection law; and shall not be subject to any instructions from, or be affiliated with, either party, or any participating organization, or the United States, Switzerland, European Union, or any EU Member State or any other governmental authority, public authority, or enforcement authority. Arbitrators will remain on the Swiss-U.S. DPF Supplemental List of Arbitrators for a period of 3 years, absent exceptional circumstances or removal for cause, renewable by the DOC, with prior notification to the Swiss Federal Administration for additional 3-year terms.

To be considered for inclusion on the EU–U.S. DPF List of Arbitrators or the Swiss-U.S. DPF Supplemental List of Arbitrators, eligible individuals will be respectively evaluated by the DOC and the European Commission and the DOC and the Swiss Federal Administration on the basis of independence, integrity, and expertise:

Independence:

—Freedom from bias and prejudice.

Integrity:

—Held in the highest regard by peers for integrity, fairness, and good judgment.
—Demonstrates high ethical standards and commitment necessary to be an arbitrator.

Expertise:

—Required expertise:
—Admission to practice law in the United States.
—Level of demonstrated expertise in U.S. privacy law and EU and/or Swiss data protection law (as applicable).
—Other expertise that may be considered includes any of the following:
—Relevant educational degrees and professional licenses.
—Relevant professional or academic experience or legal practice.
—Relevant training or experience in arbitration or other forms of dispute resolution.

The DOC has agreed with the European Commission to the adoption of arbitration rules that govern arbitration proceedings and a code of

conduct for arbitrators under the EU–U.S. DPF (and similarly agreed with the UK Government as relates to arbitration proceedings under the UK Extension to the EU–U.S. DPF), and the Swiss Federal Administration to the adoption of arbitration rules that govern arbitration proceedings and a code of conduct for arbitrators under the Swiss–U.S. DPF. In the event that the rules governing the proceedings and/or the code of conduct for arbitrators need to be changed, the DOC and the European Commission and the Swiss Federal Administration will agree to amend those rules or adopt a different set of existing, well-established U.S. arbitral procedures, and/or amend the code of conduct for arbitrators (as applicable).

The DOC has selected the International Centre for Dispute Resolution (ICDR), the international division of the American Arbitration Association (AAA) (collectively ICDR–AAA) to administer arbitrations pursuant to and manage the arbitral fund identified in Annex I of the EU–U.S. DPF Principles, including as relates to the UK Extension to the EU–U.S. DPF, and Annex I of the Swiss–U.S. DPF Principles. Among other things, the ICDR–AAA facilitates arbitrator fee arrangements, including the collection and timely payment of arbitrator fees and other expenses. The DOC and the European Commission (and the UK Government, as appropriate, with regard to the UK Extension to the EU–U.S. DPF) agreed to the adoption of a set of arbitration rules to govern binding arbitration proceedings described in Annex I of the EU–U.S. DPF Principles, as well as a code of conduct for arbitrators that is consistent with generally accepted ethical standards for commercial arbitrators and Annex I of the Principles. The DOC and the Swiss Federal Administration agreed to the adoption of a set of arbitration rules to govern binding arbitration proceedings described in Annex I of the Swiss–U.S. DPF Principles, as well as a code of conduct for arbitrators that is consistent with generally accepted ethical standards for commercial arbitrators and Annex I of the Principles.

Applications: Applications must be typewritten, electronically submitted, and headed “Application for Inclusion on the EU–U.S. DPF List of Arbitrators” or “Application for Inclusion on the Swiss–U.S. DPF Supplemental List of Arbitrators” (as applicable).

Applications must include the following information, and each section of the application should be labeled and numbered as indicated below:

—Applicant’s name.

—Applicant’s mailing address, telephone number, and email address.

1. Independence

—Description of the applicant’s affiliations with any organization that has self-certified under the EU–U.S. DPF or the Swiss–U.S. DPF, or the United States, European Union, any EU Member State, Switzerland, or any other governmental authority, public authority, or enforcement authority.

2. Integrity

—The respective names, job titles (as applicable), mailing addresses, telephone numbers, and email addresses of three individuals willing to provide information concerning the applicant’s qualifications for service, including the applicant’s character, reputation, reliability, and judgment.

—Description of the applicant’s willingness and ability to make time commitments necessary to be an arbitrator.

3. Expertise

—Demonstration of admittance to practice law in the United States.

—Relevant academic degrees and professional training and licensing.

—Current employment, including job title and description of responsibility, as well as name and mailing address of employer, and name, job title, telephone number, and email address of supervisor or other reference.

—Employment history, including the dates and mailing addresses of each prior position and a summary of responsibilities.

—Description of expertise in U.S. privacy law and EU and/or Swiss data protection law (as applicable), and, as appropriate, any other European data protection law.

—Description of training or experience in arbitration or other forms of dispute resolution, if applicable.

—A list of publications, testimony, and speeches, if any, concerning U.S. privacy law and EU and/or Swiss data protection law (as applicable).

II. Method of Collection

Individuals interested in being considered for inclusion on the EU–U.S. DPF List of Arbitrators or the Swiss–U.S. DPF Supplemental List of Arbitrators would submit their applications to the DOC online via email at dpf.program@trade.gov.

The DOC previously requested and obtained approval of this information collection, which has allowed the DOC, as represented by ITA, to collect information from applicants for inclusion on the EU–U.S. DPF List of Arbitrators and from applicants for inclusion on the Swiss–U.S. DPF Supplemental List of Arbitrators (OMB

Control Number 0625–0281). More information on the binding arbitration option under the Data Privacy Framework program is available on the DOC’s Data Privacy Framework program website (<https://www.dataprivacyframework.gov/>).

III. Data

OMB Control Number: 0625–0281.

Form Number(s): None.

Type of Review: Regular submission, extension of a current information collection.

Affected Public: Private individuals.

Estimated Number of Respondents: 30.

Estimated Time per Response: 4 hours.

Estimated Total Annual Burden Hours: 120 hours.

Estimated Total Annual Cost to Public: \$0.

Respondent’s Obligation: Voluntary.

Legal Authority: The DOC’s statutory authority to foster, promote, and develop the foreign and domestic commerce of the United States (15 U.S.C. 1512).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request (ICR). Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-351-865, C-570-185, C-533-935, C-552-848]

Hard Empty Capsules From Brazil, the People's Republic of China, India, and the Socialist Republic of Vietnam: Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and U.S. International Trade Commission (ITC), Commerce is issuing countervailing duty (CVD) orders on hard empty capsules (capsules) from Brazil, the People's Republic of China (China), India, and the Socialist Republic of Vietnam (Vietnam).

DATES: Applicable February 23, 2026.

FOR FURTHER INFORMATION CONTACT: Seth Brown at (202) 482-0029 (Brazil), Laura Delgado at (202) 482-1468 and John Conniff at (202) 482-1009 (the People's Republic of China (China)), Gordon Struck at (202) 482-8151 (India), and Jonathan Schueler at (202) 482-9175 (the Socialist Republic of Vietnam (Vietnam)), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 705(d) and 777(i) of the Tariff Act of 1930, as amended (the Act) on December 29, 2025, Commerce published in the **Federal Register** its affirmative final determinations in the countervailing duty investigations of capsules from Brazil, China, India and Vietnam.¹ On

¹ See *Hard Empty Capsules from Brazil: Final Affirmative Countervailing Duty Determination*, 90 FR 60607 (December 29, 2025) (*Brazil Final Determination*); see also *Hard Empty Capsules from the People's Republic of China: Final Affirmative Countervailing Duty Determination*, 90 FR 60628 (December 29, 2025) (*China Final Determination*); *Hard Empty Capsules from India: Final Affirmative*

February 12, 2026, the ITC notified Commerce of its final affirmative determinations, pursuant to sections 705(b)(1)(A)(i) and 705(d) of the Act, that an industry in the United States is materially injured by reason of subsidized imports of capsules from China, India, and Vietnam, and that an industry in the United States is threatened with material injury by reason of subsidized imports from Brazil.²

Scope of the Orders

The products covered by these orders are hard empty capsules from Brazil, China, India, and Vietnam. For a full description of the scope of these orders, see the appendix to this notice.

Countervailing Duty Orders

Based on the above-referenced affirmative final determinations by the ITC that an industry in the United States is materially injured by reason of subsidized imports of capsules from China, India, and Vietnam, and is threatened with material injury by reason of subsidized imports of capsules from Brazil,³ and in accordance with sections 705(c)(2) and 706 of the Act, Commerce is issuing these countervailing duty orders. Because the ITC determined that imports of capsules from China, India, and Vietnam are materially injuring a U.S. industry, unliquidated entries of such merchandise from China, India, and Vietnam entered or withdrawn from warehouse for consumption, are subject to the assessment of countervailing duties.

Therefore, in accordance with section 706(a) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, countervailing duties on unliquidated entries of capsules from China, India, and Vietnam. With the exception of entries occurring after the expiration of the provisional measures period and before the publication of the ITC's final affirmative injury determinations, as further described below, countervailing duties will be assessed on unliquidated entries of capsules from China, India, and Vietnam entered, or withdrawn from warehouse, for consumption on or after

Countervailing Duty Determination, 90 FR 60618 (December 29, 2025) (*India Final Determination*); and *Hard Empty Capsules from the Socialist Republic of Vietnam: Final Affirmative Countervailing Duty Determination*, 90 FR 60620 (December 29, 2025) (*Vietnam Final Determination*) (collectively, *Final Determinations*).

² See ITC's Letter, "Notification of ITC Final Determinations," dated February 12, 2026 (ITC Notification Letter).

³ *Id.*

March 31, 2025, the date of publication of the *Preliminary Determinations* in the **Federal Register**.⁴

Pursuant to section 706(b)(2) of the Act, countervailing duties shall be assessed on subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's notice of final determination if that determination is based on the threat of material injury and is not accompanied by a finding that injury would have resulted without the imposition of suspension of liquidation of entries since Commerce's preliminary determination. Additionally, section 706(b)(2) of the Act requires CBP to refund any cash deposits or bonds of estimated countervailing duties posted since the preliminary countervailing duty determination if the ITC's final determination is threat-based.

Because the ITC's final determination for Brazil is based on the threat of material injury and is not accompanied by a finding that injury would have resulted but for the imposition of suspension of liquidation of entries since the *Brazil Preliminary Determination*, section 706(b)(2) of the Act is applicable.⁵ Therefore, Commerce will instruct CBP to assess duties on entries of capsules from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's notice of final determination of threat of material injury in the **Federal Register**, in accordance with the subsidy rates listed in the rate chart below for Brazil.

Suspension of Liquidation and Cash Deposits

In accordance with section 706 of the Act, Commerce will direct CBP to reinstitute the suspension of liquidation

⁴ See *Hard Empty Capsules from Brazil: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 90 FR 14235 (March 31, 2025) (*Brazil Preliminary Determination*); *Hard Empty Capsules from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 90 FR 14244 (March 31, 2025) (*China Preliminary Determination*); *Hard Empty Capsules from India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 90 FR 14237 (March 31, 2025) (*India Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM); and *Hard Empty Capsules from the Socialist Republic of Vietnam: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 90 FR 14240 (March 31, 2025) (*Vietnam Preliminary Determination*) (collectively, *Preliminary Determinations*).

⁵ See ITC Notification Letter.