



PUBLIC NOTICE

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OFFICE OF ENGINEERING AND TECHNOLOGY ANNOUNCES WAIVER OF PROHIBITIONS ON CERTAIN CLASS I PERMISSIVE CHANGES TO COVERED UAS AND UAS CRITICAL COMPONENTS

ET Docket No. 21-232

The Federal Communications Commission’s Office of Engineering and Technology (OET) announces that certain prohibitions contained in 47 CFR §§ 2.932(b) and 2.1043(b) will not apply for now to certain UAS and UAS critical components. All UAS and UAS critical components authorized for use in the United States may continue to receive software and firmware updates that mitigate harm to U.S. consumers at least until January 1, 2027. These include all software and firmware updates to ensure the continued functionality of the devices, such as those that patch vulnerabilities and facilitate compatibility with different operating systems.

Background: On December 22, 2025, the FCC added to the Covered List uncrewed aircraft systems (UAS) and UAS critical components produced in foreign countries and equipment and services listed in section 1709 of the Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025 (FY2025 NDAA) (collectively, Covered UAS and UAS Critical Components).¹ Following a further specific determination from the Department of War (DoW), that Covered List addition was updated on January 7, 2025, to remove from the Covered List certain categories of UAS and UAS critical components until January 1, 2027.²

On October 28, 2025, the Commission adopted revisions to its rules at 47 CFR §§ 2.932(b) and 2.1043(b), which went into effect last month.³ These revisions exclude “equipment prohibited from authorization pursuant to § 2.903”—equipment on the Covered List—from equipment certification procedures allowing for permissive changes to authorized equipment.⁴ Such changes include Class I permissive changes, which generally do not require a filing with

¹ *Public Safety and Homeland Security Bureau Announces Addition of Uncrewed Aircraft Systems (UAS) and UAS Critical Components Produced Abroad, and Equipment and Services Listed In Section 1709 of the FY2025 NDAA, to FCC Covered List*, WC Docket No. 18-89, Public Notice, DA 25-1086 (Dec. 22, 2025) (UAS Public Notice).

² *Public Safety and Homeland Security Bureau Announces Exemption of Uncrewed Aircraft Systems (UAS) and UAS Critical Components from FCC Covered List*, WC Docket No. 18-89, Public Notice, DA 26-22 (Jan. 7, 2026) (Second UAS Public Notice).

³ *Protecting Against National Security Threats to the Communications Supply Chain Through the Equipment Authorization Program*, 90 Fed. Reg. 53227 (Nov. 25, 2025).

⁴ 47 CFR §§ 2.932(b), 2.1043(b).

the Commission and may include software, firmware, and security updates to mitigate harm to U.S. consumers.⁵

Applying the newly revised 47 CFR §§ 2.932(b) and 2.1043(b) to the newly added Covered UAS and UAS Critical Components would have the effect of prohibiting permissive changes to Covered UAS and UAS Critical Components even if they were authorized prior to the December 22, 2025, Covered List addition. This prohibition would be in effect even for Class I permissive changes—such as software and firmware security updates that mitigate harm to U.S. consumers—because previously-authorized UAS and UAS critical components are now covered equipment.

Legal Analysis: OET, under delegated authority,⁶ waives the applicability of the prohibitions against Class I permissive changes under 47 CFR §§ 2.932(b) and 2.1043(b) to software and firmware updates that mitigate harm to U.S. consumers for UAS and UAS critical components authorized prior to the December 22, 2025, Covered List addition. These include all software and firmware updates to ensure the continued functionality of the devices, such as those that patch vulnerabilities and facilitate compatibility with different operating systems. OET finds that special circumstances warrant a deviation from the general rules and the public interest would be better served by waiving prohibitions on these Class I permissive changes in these circumstances.⁷

The December 22, 2025, Covered List addition was distinct, warranting a limited waiver of our rules. For example, particular safety and security features regarding the continued operation of UAS uniquely support a limited waiver to ensure that relevant updates can be made. This delay will give the Commission an opportunity to consider the application of the Commission’s October 2025 Class I permissive change rule revisions to the new Covered List update. The limited duration of this waiver also reduces potential harm to the public interest.

Therefore, OET concludes that a limited waiver until January 1, 2027 is warranted and in the public interest. January 1, 2027, is convenient because it is the date until which the recent DoW determination excepts certain otherwise Covered UAS and UAS critical components. Prior to January 1, 2027, the OET will re-evaluate whether to further extend applicability.

For further information, please contact Katherine Nevitt at 301-362-3017 and katherine.nevitt@fcc.gov.

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⁵ See 47 CFR § 2.1043(b)(1) (“A Class I permissive change includes those modifications in the equipment which do not degrade the characteristics reported by the manufacturer and accepted by the Commission when certification is granted.”).

⁶ 47 CFR § 0.241(b).

⁷ See 47 CFR § 1.3; *see also Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969) (finding that the Commission may decide in some instances that waiver serves the public interest if it will not undermine the policy served by the rule).