

One day earlier, on June 17, 2025, EPA signed a notice pursuant to section 705 of the APA, 5 U.S.C. 705, further postponing the effective date of the provisions applicable to the conditions of use subject to TSCA section 6(g) exemptions until August 19, 2025. Extension of Postponement of Effectiveness for Certain Provisions of Trichloroethylene (TCE); Regulation Under the Toxic Substances Control Act (TSCA), 90 FR 26453, June 23, 2025 (FRL–8317.1–03–OCSP) (“Second Notice”). Both Environmental and Labor Petitioners and EPA notified the court of this postponement. Industry and Environmental and Labor Petitioners reiterated their prior positions in response to those filings.

On August 16, 2025, with judicial proceedings ongoing, EPA signed a notice pursuant to section 705 of the APA, 5 U.S.C. 705, further postponing the effective date of the provisions applicable to the conditions of use subject to TSCA section 6(g) exemptions until November 17, 2025. Extension of Postponement of Effectiveness for Certain Provisions of Trichloroethylene (TCE); Regulation Under the Toxic Substances Control Act (TSCA), 90 FR 40534, August 20, 2025 (FRL–8317.1–04–OCSP) (“Third Notice”). In September 2025, EPA notified the court that it had taken interim final action to revise certain compliance deadlines finalized in the challenged rule.

On November 7, 2025, the court requested supplemental letter briefs from the parties asking about ripeness, hardship, and the scope of the stay motions in light of EPA’s stated intention to reconsider and modify the TCE Rule and multiple postponements of the Rule’s effective date.

On November 10, 2025, EPA signed a notice pursuant to section 705 of the APA, 5 U.S.C. 705, further postponing the effective date of the provisions applicable to the conditions of use subject to TSCA section 6(g) exemptions until February 17, 2026. Extension of Postponement of Effectiveness for Certain Provisions of Trichloroethylene (TCE); Regulation Under the Toxic Substances Control Act (TSCA), 90 FR 51027, November 14, 2025 (FRL–8317.1–05–OCSP) (“Fourth Notice”).

The parties responded to the court’s request for supplemental letter briefs on November 20, 2025. On December 23, 2025, EPA requested briefing on an issue newly raised by Petitioners’ briefs. Petitioners opposed EPA’s request. Judicial proceedings are ongoing.

II. Statutory Authority

As discussed in the Initial Notice, section 705 of the APA authorizes an

agency to postpone the effective date of an agency action pending judicial review when the agency finds “that justice so requires.” 5 U.S.C. 705. Notice and comment is not required when an agency delays the effective date of a rule under APA section 705 because such a stay pending judicial review is not substantive rulemaking subject to APA section 553; it merely maintains the status quo to allow for judicial review. See *Bauer v. DeVos*, 325 F. Supp. 3d 74, 106–07 (D.D.C. 2018); *Sierra Club v. Jackson*, 833 F. Supp. 2d 11, 28 (D.D.C. 2012).

III. Postponement of Effective Date

In light of the fact that the pending litigation is still ongoing and for the same reasons as set forth in the Initial Notice, EPA has determined that justice requires a 90-day extension of the postponement of the effective date (*i.e.*, until May 18, 2026) of the conditions for each of the TSCA section 6(g) exemptions. See 40 CFR 751.325(a)(2). The extension of the postponement applies, for example, to the conditions imposed under the TSCA section 6(g) exemption for the use of TCE as a processing aid for specialty polymeric microporous sheet material manufacturing. 40 CFR 751.325(b)(6)(i) through (iv).

The postponement will temporarily preserve the status quo while the Third Circuit litigation is pending. Nothing has materially changed since the Initial Notice nor extensions of that notice that would affect EPA’s analysis of whether justice requires a stay of these provisions. While the court requested supplemental letter briefs in November 2025, Industry Petitioners’ stay motions and EPA’s abeyance motion are still pending. Therefore, per the reasons discussed in the Initial Notice, EPA believes extending the postponement for 90 days is necessary.

Authority: 5 U.S.C. 705 and 15 U.S.C. 2605(a).

Lee Zeldin,

Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 250312–0037; RTID 0648–XF501]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; modification of a closure; request for comments.

SUMMARY: NMFS is opening directed fishing for Pacific cod by vessels using pot gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent the underharvest of, and to achieve the full use of, the A season allowance of the 2026 total allowable catch (TAC) of Pacific cod allocated to vessels using pot gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), February 17, 2026, through 1200 hours, A.l.t., June 10, 2026. Comments must be received at the following address no later than 4:30 p.m., A.l.t., March 5, 2026.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2024–0124, by any of the following methods:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit <https://www.regulations.gov> and type NOAA–NMFS–2024–0124 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

Mail: Submit written comments to Gretchen Harrington, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (*e.g.*, name, address, *etc.*), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will

accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Abby Jahn, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared and recommended by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

NMFS closed directed fishing for Pacific cod by vessels using pot gear in the Central Regulatory Area of the GOA on January 20, 2026 (91 FR 2719, January 22, 2026). The A season allowance of the 2026 Pacific cod TAC apportioned to vessels using pot gear in the Central Regulatory Area of the GOA is 3,688 metric tons (mt) as established by the final 2025 and 2026 harvest specifications for groundfish in the GOA (90 FR 12468, March 18, 2025) and inseason adjustment (91 FR 5858, February 10, 2026). NMFS has determined that as of February 13, 2026, approximately 1,239 mt of Pacific cod remain in the A season allowance of the 2026 TAC of Pacific cod allocated to vessels using pot gear in the Central Regulatory Area of the GOA.

In accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully use the A season allowance of the 2026 TAC of Pacific cod allocated to vessels using pot gear in the Central Regulatory Area of the GOA, NMFS is terminating the previous closure and is opening directed fishing for Pacific cod by vessels using pot gear in the Central Regulatory Area of the GOA. The Regional Administrator, Alaska Region, NMFS (Regional Administrator) has determined that this adjustment is necessary to prevent the underharvest of the A season allowance of the 2026 TAC of Pacific cod allocated to vessels using pot gear in the Central Regulatory Area of the GOA and that reopening of directed fishing for Pacific cod by vessels using pot gear in the A season in the Central Regulatory Area of the GOA is necessary to achieve this A season allowance for vessels using pot gear in that area. The Regional Administrator considered the following factors in reaching this decision: (1) the total catch of Pacific cod during the prior open season by vessels using pot

gear in the Central Regulatory Area of the GOA, which shows the A seasonal allowance for this gear (pot gear) has not been reached, (2) the harvest capacity and stated intent on future harvesting patterns of vessels participating in this fishery, and (3) the remaining Pacific cod TAC available to harvest in the Central Regulatory Area of the GOA by vessels using pot gear in the A season.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR part 679, which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest, as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion, and would delay the opening of directed fishing for Pacific cod by vessels using pot gear in the A season in the Central Regulatory Area of the GOA. Any delay could prevent the full use of the A season allowance of the 2026 TAC of Pacific cod allocated to vessels using pot gear in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data on catch, harvest capacity and intent, and available TAC for harvest only became available as of February 13, 2026.

There is good cause under 5 U.S.C. 553(d)(3) to establish an effective date less than 30 days after date of publication. This finding is based upon the reasons provided above for waiver of prior notice.

Without this inseason adjustment, NMFS could not allow the fishery for Pacific cod by vessels using pot gear in the A season in the Central Regulatory Area of the GOA to be harvested in an expedient manner. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until March 5, 2026.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 13, 2026.

David R. Blankinship,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 250312-0037; RTID 0648-XF431]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 50 Feet Length Overall Using Hook-and-Line Gear in the Central Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher vessels less than 50 feet (15.2 meters (m)) length overall using hook-and-line (HAL) gear in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2026 A season allowance of the total allowable catch (TAC) of Pacific cod allocated to catcher vessels less than 50 feet (15.2 m) length overall using HAL gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), February 15, 2026 through 1200 hours, A.l.t., June 10, 2026.

FOR FURTHER INFORMATION CONTACT: Abby Jahn, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared and recommended by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the 2026 Pacific cod TAC allocated to catcher vessels less than 50 feet (15.2 m) length overall using HAL gear in the Central Regulatory Area of the GOA is 1,927 metric tons (mt) as established by the final 2025 and 2026 harvest specifications for groundfish in the GOA (90 FR 12468, March 18, 2025) and the inseason adjustment (91 FR 5858, February 10, 2026).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has