

§ 479.105 Transferring and possessing machine guns.

(a) *General.* As provided by 26 U.S.C. 5812 and 26 U.S.C. 5822, an application to make or transfer a firearm must be denied if making, transferring, receiving, or possessing the firearm would place the maker or transferee in violation of law. Section 922(o), Title 18, U.S.C., makes it unlawful for any person to transfer or possess a machine gun, except that a government entity may transfer, receive, or possess a machine gun and persons may transfer to them under the government entity's authority; or persons may lawfully transfer or possess a machine gun that was lawfully possessed before May 19, 1986. Therefore, notwithstanding any other provision of this part, no application to make, transfer, or import a machine gun will be approved except as provided by this section. For purposes of this section, the term "government entity" means the United States or any department or agency thereof, or a state, or a department, agency, or political subdivision thereof.

(b) * * * * *

(c) *Importing and manufacturing.* Subject to compliance with the provisions of this part, importers and manufacturers qualified under this part may import and manufacture machine guns on or after May 19, 1986, to sell or distribute them to any government entity, or for qualified dealers to use as sales samples pursuant to paragraph (d) of this section. Importers and manufacturers may only register and subsequently transfer machine guns they imported or manufactured under this provision if they sell or distribute such weapons to a government entity for its official use, and do so solely for that purpose. Subject to compliance with the provisions of this part, qualified manufacturers may manufacture machine guns on or after May 19, 1986, to export them in compliance with the Arms Export Control Act (22 U.S.C. 2778) and implementing regulations prescribed by the Department of State.

(d) *Transferring to, and possession by, qualified dealers.*

(1) Subject to compliance with the provisions of this part, ATF will approve applications to transfer and register a machine gun manufactured or imported on or after May 19, 1986, to dealers qualified under this part if the dealers establish by specific information that they are requesting to transfer and possess the machine gun under a government entity's authority.

(2) Dealers may show they have such authority by a letter from a government entity, which must:

(i) Be written on the government entity's letterhead;

(ii) Include a request from the government entity that the dealer obtain a particular machine gun;

(iii) Affirm that transferring to the dealer, and the dealer possessing the machine gun is under the authority of the requesting government entity; and

(iv) Be signed by a person with authority to sign on behalf of the government entity, to include such person's contact information.

(3) ATF will confirm with the signing government official that the letter is a bona fide request by the government entity.

(e) *Making machine guns on or after May 19, 1986.* Subject to compliance with the provisions of this part, ATF will approve applications to make and register machine guns on or after May 19, 1986, for the benefit of a government entity if the applicant establishes by specific information that they are making the weapon at the request and on behalf of the government entity. Making a weapon on behalf of a government entity includes making weapons intended for actual sale to a government entity, developing an invention or prototype for possible future use by a government entity, and making a weapon in connection with research and development on behalf of a government entity.

(f) *Discontinuing NFA business.* Because 18 U.S.C. 922(o) makes it unlawful to transfer or possess a machine gun except as provided in the law, any qualified manufacturer, importer, or dealer intending to discontinue business involving firearms regulated by this part must notify ATF of their intent before relinquishing or allowing their special occupational taxpayer status to lapse. The licensee must also transfer, in compliance with the provisions of this part, any machine gun manufactured or imported after May 19, 1986, to a government entity or to a qualified manufacturer, importer, or dealer. The licensee must use ATF Form 5320.3, Application to Transfer/Register NFA Firearm (Tax-Exempt) to Special Occupational Taxpayer ("Form 3") to notify ATF that they are discontinuing business and transferring the firearms.

(g) *Transfers from U.S. government to a qualified licensee.* The U.S. government may transfer an unregistered machine gun in its possession to any qualified licensee pursuant to a valid government contract or letter drafted on government letterhead. The contract or letter must specify that the U.S. government department or agency is transferring the government-furnished machine gun to

the licensee to possess it under the department or agency's authority for a government purpose. Such purpose may include further manufacture, repair, or testing. For purposes of this paragraph, the licensee does not need to register the machine gun while they possess the machine gun, provided the government contract or letter states that the machine gun will be subsequently returned to the U.S. government.

Robert Cekada,

Director.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG-2026-0080]

RIN 1625-AA08

Special Local Regulation; Neuse and Trent Rivers, New Bern, NC

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a special local regulation (SLR) for certain navigable waters of the Neuse and Trent Rivers near New Bern, NC. The SLR is needed to protect personnel, vessels, and the marine environment from potential hazards during annual raft races in New Bern, NC. This proposed rulemaking would prohibit persons and vessels from being in the regulated area unless specifically authorized by the Captain of the Port, North Carolina. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before May 18, 2026.

ADDRESSES: To submit comments and view available documents, go to <https://www.regulations.gov> and search for USCG-2026-0080.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rule, contact MSTC Shawn Stanley, Sector North Carolina Waterways Management Division, U.S. Coast Guard; telephone 571-607-6971, or email shawn.w.stanley2@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port for the North Carolina
Carolina Captain of the Port Zone

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background and Authority

Coast Guard regulations define “regatta or marine parade” as an organized water event of limited duration which is conducted according to a prearranged schedule. 33 CFR 100.05(a). And, as explained in 33 CFR 100.15, Coast Guard requires that an organization planning to hold a regatta or marine event apply for a permit if the event, by its nature, circumstances, or location, will introduce extra or unusual hazards to the safety of life on the navigable waters of the United States. These permits may be approved by the Coast Guard, or by the state in which the event is to take place, if there is a Coast Guard-State agreement in place. See 33 CFR 100.10. Upon the approval of an application, the Captain of the Port for the North Carolina Captain of the Port Zone (COTP) may promulgate such “Special Local Regulations” (SLR’s) as he or she deems necessary to ensure safety of life on the navigable waters immediately prior to, during, and immediately after the event. See 33 CFR 100.35(a).

On February 5, 2026, the Coast Guard received a marine permit application from an organization wishing to sponsor a raft race on the Neuse and Trent Rivers, near New Bern, NC on June 6, 2026, and on one Saturday in June annually thereafter. The COTP has determined that potential hazards associated with the presence of numerous participants racing on rafts, and spectators within a concentrated area are a safety concern for anyone within this congested area. Therefore, the COTP is proposing this rule under the authority in 46 U.S.C. 70051 and 70124, to protect people, vessels, and the marine environment in the navigable waters within the area that would be regulated by the rule.

III. Discussion of the Rule

This proposed rule would amend Table 4 to paragraph (i)(4) of 33 CFR 100.501 to establish a special local regulation which would be subject to enforcement from 10 a.m. until 4 p.m. on June 6, 2026 and on one Saturday in June in subsequent years. As noted in paragraph (g) of § 100.501, if the event is held on an alternate date from that listed in paragraph (i), the Coast Guard will publish a notice in the **Federal Register** announcing the exact date and time of the enforcement period with respect to the special local regulation in

addition to announcement in the Local Notices to Mariners and Broadcast Notice to Mariners. The regulated area would cover all navigable waters of the Neuse and Trent Rivers on a predetermined course near Union Point, in New Bern, NC. No vessel or person would be permitted to enter the regulated area without obtaining permission from the COTP or their designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

A. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons.

Vessel traffic would be able to safely transit around this regulated area. This regulation will only impact a predetermined course for approximately six hours. In addition, the Coast Guard will issue a Broadcast Notice to Mariners via VHF FM marine channel 16, which will allow small entities to adjust their transit plans, and the rule allows vessels to request permission to enter the regulated area from the COTP.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this proposed rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Small businesses may send

comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247).

B. Collection of Information

This proposed rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Governments

We have analyzed this proposed rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this proposed rule will not result in an annual expenditure of \$100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

E. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–*et. seq.*), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This proposed rule is a special local regulation under 33 CFR 100.35. It is categorically excluded from further review under paragraph L61.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period.

Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments at <https://www.regulations.gov>. To do so, go to <https://www.regulations.gov>, type USCG–2026–0080 in the search box and click “Search.” Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using <https://www.regulations.gov>, call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in the docket. To view available documents, find the docket as described in the previous

paragraph, and then select “Supporting & Related Material” in the Document Type column. We will post public comments in our online docket. Additional information is on the <https://www.regulations.gov> Frequently Asked Questions web page.

Personal information. We accept anonymous comments. Comments we post to <https://www.regulations.gov> will include any personal information you have provided, except that contact information (such as email or mailing address) will not be available for public viewing, unless the submitter includes that information in the body of the docket submission. For more about privacy and submissions to the docket in response to this document, see DHS’s eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. In § 100.501, amend Table 4 to paragraph (i)(4) by adding an entry, following the entry for the event titled “The Crossing,” for “The Great Trent River Raft Race” to read as follows.

§ 100.501 Special Local Regulations; Marine Events Within the Fifth Coast Guard District.

* * * * *

TABLE 4 TO Paragraph (i)(4)

Event	Regulated area	Enforcement ¹ period(s)	Sponsor
* The Great Trent Raft Race.	* All navigable waters of the Neuse and Trent River encompassed by a line connecting the following points beginning at 35°6.250' N 77°2.067' W; thence to 35°6.183' N 77°2.083' W, thence to 35°6.167' N 77°2.217' W, thence to 35°6.100' N 77°2.233' W, thence to 35°6.083' N 77°2.017' W, thence to 35°6.233' N 77°1.983' W, and back to the beginning point. This area is near Union Point in New Bern, NC.	* Any Saturday in June.	* New Bern Area Chamber of Commerce.

T.J. List,
Captain, U.S. Coast Guard, Captain of the Port, North Carolina COTP Zone.
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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2025–1107]

RIN 1625–AA08

Special Local Regulation; East Passage, Narragansett Bay, Newport, RI

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes revising regulations for a special local regulation (SLR) established to protect personnel, vessels, and the marine

environment from potential hazards inherent in a recurring sailboat race with a starting point on navigable waters of the Narragansett Bay, in Newport, RI. These revisions would modify the precise location of the starting point and make other changes. As under the current rule, non-participating persons and vessels would be prohibited from being in the regulated area unless specifically authorized by the Captain of the Port, Sector Southeastern New England. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 5, 2026.

ADDRESSES: To submit comments and view available documents, go to <https://www.regulations.gov> and search for USCG–2025–1107.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rule, contact MST2 Nicholas Easley, Sector Southeastern New England Waterways Management Division, U.S.

Coast Guard; telephone 401–435–2335, or email Nicholas.S.Easley@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port, Southeastern New England Captain of the Port Zone
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
SLR Special Local Regulation
U.S.C. United States Code

II. Background and Authority

The Newport to Bermuda Race, established in 1906, is the world’s oldest regularly scheduled ocean race, according to the Bermuda Race Foundation.¹ This biennially occurring sailboat race will hold its 54th edition in June 2026. But while the Coast Guard has had regulations governing the race area for decades,² these regulations have

¹ See <https://bermudarace.com/foundation/stories/>.

² See, e.g., 33 CFR 100.119 (1996).