

prepare an environmental assessment or environmental impact statement.

As required by the ESA, as applicable, issuance was based on a finding that such permits: (1) were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: September 9, 2026.

Larissa Plants,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF959]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Northeast Fisheries Science Center Fisheries and Ecosystem Research

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

ACTION: Notice; receipt of application for letter of authorization; request for comments and information.

SUMMARY: NMFS has received a request from the Northeast Fisheries Science Center (NEFSC) for authorization to take small numbers of marine mammals incidental to fisheries and ecosystem research in the Atlantic Ocean over the course of 5-years from the date of issuance. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of the NEFSC's request for the development and implementation of regulations governing the incidental taking of marine mammals. NMFS invites the public to provide information, suggestions, and comments on the NEFSC's application and request.

DATES: Comments and information must be received no later than October 13, 2026.

ADDRESSES: Comments on the applications should be addressed to the Permits and Conservation Division, Office of Protected Resources, NMFS. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to ITP.cockrell@noaa.gov.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

An electronic copy of the NEFSC's application may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Craig Cockrell, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An incidental take authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined "negligible impact" in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term "take" means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as: any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Summary of Request

On July 16, 2026, NMFS received an application from the NEFSC requesting authorization for take of marine mammals incidental to their fisheries and ecosystem research activities with a variety of fishing gear in the Atlantic Ocean. We determined the application was adequate and complete on August 26, 2026. The requested regulations would be valid for 5-years (2027–2032). The NEFSC plans to conduct the specified activity along the east coast of the U.S. in the Atlantic Ocean. It is possible that marine mammals may interact with several types of fishing gear proposed for use in the NEFSC's fisheries and ecosystem research, resulting in serious injury and mortality. Therefore, the NEFSC requests authorization to incidentally take marine mammals.

Specified Activities

The Federal Government has a responsibility to conserve and protect living marine resources in U.S. Federal waters and has also entered into a number of international agreements and treaties related to the management of living marine resources in international waters outside the United States. NOAA has the primary responsibility for managing marine fin and shellfish species and their habitats, with that responsibility delegated within NOAA to NMFS.

In order to direct and coordinate the collection of scientific information needed to make informed management decisions, Congress created six Regional Fisheries Science Centers, each a distinct organizational entity and the scientific focal point within NMFS for region-based Federal fisheries-related research. This research is aimed at monitoring fish stock recruitment, abundance, survival and biological rates, geographic distribution of species and stocks, ecosystem process changes,

and marine ecological research. The NEFSC is the research arm of NMFS in the Greater Atlantic Region. The NEFSC conducts research and provides scientific advice to manage fisheries and conserve protected species in the Atlantic Ocean, primarily from Maine through North Carolina. However, some limited fisheries research is conducted in more southern estuaries and Atlantic Ocean. The NEFSC provides scientific information to support the North Atlantic and Mid-Atlantic Fishery Management Council and numerous other domestic and international fisheries management organizations.

The NEFSC collects a wide array of information necessary to evaluate the status of exploited fishery resources and the marine environment. NEFSC scientists and their partners conduct fisheries-independent research onboard NOAA-owned and operated vessels or on chartered vessels. The gear types used fall into several categories: trawl gear used at various levels in the water column, longlines with multiple hooks, gillnets, and other gear. Of research gear used by NEFSC, only trawl, hook and line gear (including longline gears), fyke nets, and gillnets are likely to interact with marine mammals resulting in serious injury or mortality.

Information Solicited

Interested persons may submit information, suggestions, and comments concerning the NEFSC's request (see **ADDRESSES**). NMFS will consider all information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by the NEFSC, if appropriate.

Dated: September 8, 2026.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

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COMMISSION OF FINE ARTS

Notice of Meeting

Per 45 CFR Chapter XXI § 2102.3, the next meeting of the U.S. Commission of Fine Arts is scheduled for September 17, 2026, at 9:00 a.m. and will be held in the Commission offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street NW, Washington, DC 20001-2728. Items of discussion may include buildings, infrastructure, parks, memorials, and public art.

Draft agendas and additional information regarding the Commission are available on our website: www.cfa.gov. Inquiries regarding the agenda, as well as any public testimony, and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address; by emailing cfastaff@cfa.gov; or by calling 202-504-2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated September 4, 2026 in Washington, DC.

Zakiya N. Walters,

Administrative Officer.

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DEPARTMENT OF DEFENSE

Office of the Secretary

Notice of Availability of Final Environmental Assessment and Finding of No Significant Impact

AGENCY: Department of Defense (DoD).

ACTION: Notice of availability.

SUMMARY: Pursuant to the provisions of Title 41 of the Fixing America's Surface Transportation Act (FAST-41) (42 United States Code (U.S.C.) 4370m *et seq.*), The DoD (referred to herein as "the Department of War" or "DoW") announces the availability of the Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI), following DoW's evaluation of the potential environmental effects of the construction and operation of an integrated non-ferrous smelting and refining facility and associated infrastructure in Montgomery County, Tennessee.

FOR FURTHER INFORMATION CONTACT: Rose Johnson, Office of the Assistant Secretary of War for Energy, Installations, and Environment, (571) 372-6793, rose.m.johnson140.civ@mail.mil.

SUPPLEMENTARY INFORMATION: Project Crucible is a covered project under the FAST-41 statute. FAST-41 is intended to provide transparency into the environmental review and authorization process for infrastructure projects, which is accomplished by posting projects on the Permitting Dashboard. The Project Crucible FAST-41 Permitting Dashboard can be viewed at <https://www.permits.performance.gov/>

permitting-project/fast-41-covered-projects/project-crucible.

The Final EA evaluates the reasonably foreseeable environmental effects associated with the construction and operation of Project Crucible, an integrated non-ferrous smelting and refining facility near Clarkesville, Montgomery County, Tennessee. The EA was prepared in accordance with the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) and DoW NEPA Implementing Procedures to inform DoW's decision whether to provide financial assistance through the DoW Office of Strategic Capital to Crucible Metals, LLC for Project Crucible and to inform the Tennessee Valley Authority's (TVA) decision-making responsibilities associated with the Connected Actions. The U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), Tennessee State Historic Preservation Officer (SHPO), federally recognized Indian Tribes, TVA, and other participating agencies were involved in review and consultation related to the Proposed Action.

The Final EA evaluates the reasonably foreseeable environmental effects of the Proposed Action and no action alternative. Environmental resource areas carried forward for detailed analysis in the EA include air quality and greenhouse gases, water resources, acoustic environment, biological resources, cultural resources, utilities, solid and hazardous waste and hazardous materials, transportation, and socioeconomics. Based on the analysis presented in the EA, which was prepared in accordance with the requirements of NEPA and DoW NEPA Implementing Procedures, and in coordination with the USACE, Tennessee SHPO, federally recognized Indian Tribes, USFWS, and TVA, DoW finds that implementation of the Proposed Action would not significantly affect the quality of the human environment.

Endangered Species Act Section 7. The DoW consulted with the USFWS under section 7 of the Endangered Species Act regarding the proposed action and received concurrence with DoW's finding that the Proposed Action may affect but is not likely to adversely affect ESA-listed species. USFWS also acknowledged DoW's "no jeopardy" conference determinations for species proposed for listing. There are no federally designated critical habitats in the proposed project area.

National Historic Preservation Act Section 106. In consultation with