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**FOR FURTHER INFORMATION CONTACT:** Steven Andrews, Hazardous Materials Standards and Rulemaking Division, (202) 366–8553, Office of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On August 11, 2014, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a notice of proposed rulemaking [79 FR 46748] seeking comments on our proposal to revise the Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180) applicable to return shipments of certain hazardous materials by motor vehicle. PHMSA proposed to establish a new section in the regulations to provide an exception for materials that are transported in a manner that meets the definition of “reverse logistics.” In this NPRM, PHMSA also proposed to clearly identify the hazardous materials authorized, and the packaging, hazard communication, and training requirements applicable to reverse logistics shipments. In addition, this rulemaking also proposed to expand an existing exception for reverse logistics shipments of used automobile batteries that are being shipped from a retail facility to a recycling center.

**II. Extension of Comment Period**

PHMSA received a request to extend the comment period by thirty days from the American Trucking Association (ATA). ATA is conducting its annual meeting in early October 2014, and will require more time to adequately respond with an official comment. ATA is requesting this extension in order to have sufficient time to fully evaluate the impacts of the proposed requirements associated with the proposals in the NPRM. An extension of the comment period will provide ATA and its members the opportunity to compile valuable and comprehensive comments.

Due to PHMSA's desire to collect meaningful input from affected

stakeholders, PHMSA is granting the ATA's request to extend the comment period to ensure ATA and other stakeholders have sufficient time to review the proposals in the NPRM. PHMSA is confident the 30-day extension will allow stakeholders sufficient time to conduct a more thorough review.

Issued in Washington, DC, on September 19, 2014, under authority delegated in 49 CFR 1.97(b).

**William S. Schoonover,**

*Deputy Associate Administrator, Pipeline and Hazardous Materials Safety Administration.*

[FR Doc. 2014–22759 Filed 9–24–14; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

**49 CFR Part 219**

[Docket No. FRA–2009–0039]

**RIN 2130–AC10**

**Control of Alcohol and Drug Use: Coverage of Maintenance of Way Employees, Retrospective Regulatory Review-Based Amendments (RRR)**

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of proposed rulemaking; extension of comment period.

**SUMMARY:** On July 28, 2014, FRA published an NPRM proposing to expand the scope of its alcohol and drug regulations to cover employees who perform maintenance-of-way (MOW) activities and certain additional substantive amendments. This document provides notice that FRA is extending the comment period for this NPRM by 60 days.

**DATES:** The comment period for the NPRM published on July 28, 2014 (79 FR 43830), which was closing on September 26, 2014, is extended until November 25, 2014.

**ADDRESSES:** *Comments:* Comments related to Docket No. FRA–2009–0039 may be submitted by any of the following methods:

- *Online:* Comments should be filed at the Federal eRulemaking Portal, <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility, U.S. DOT, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* Room W12–140 on the Ground level of the West Building,

1200 New Jersey Avenue SE., Washington, DC between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking, RIN 2130–AC10. Note that all comments received will be posted without change to <http://www.regulations.gov> including any personal information provided. Interested parties should also be aware that anyone is able to search the electronic form of all written communications and comments received into any agency docket by the name of the individual submitting the document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477), or you may visit <http://www.dot.gov/privacy.html>.

**FOR FURTHER INFORMATION CONTACT:** For program and technical issues, contact Gerald Powers, Drug and Alcohol Program Manager, Office of Safety Enforcement, Mail Stop 25, Federal Railroad Administration, 1200 New Jersey Avenue SE., Washington, DC 20590 (telephone 202–493–6313), [gerald.powers@dot.gov](mailto:gerald.powers@dot.gov). For legal issues, contact Elizabeth A. Gross, Trial Attorney, Office of Chief Counsel, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 10, Washington, DC 20590 (telephone 202–493–1342), [elizabeth.gross@dot.gov](mailto:elizabeth.gross@dot.gov); or Patricia V. Sun, Trial Attorney, Office of Chief Counsel, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 10, Washington, DC 20590 (telephone 202–493–6060), [patricia.sun@dot.gov](mailto:patricia.sun@dot.gov).

**SUPPLEMENTARY INFORMATION:** In response to Congress' mandate in the Rail Safety Improvement Act of 2008 (RSIA), on July 28, 2014, FRA published an NPRM proposing to expand the scope of its alcohol and drug regulations to cover employees who perform maintenance-of-way (MOW) activities. 79 FR 43830. In addition, in the NPRM, FRA proposed certain additional substantive amendments to its alcohol and drug regulations that either respond to National Transportation Safety Board recommendations or update and clarify the regulations based on a retrospective regulatory review analysis.

In a document dated September 15, 2014, the American Public Transportation Association, American Short Line and Regional Railroad Association, Association of American

Railroads, and National Railroad Construction and Maintenance Association, Inc., jointly requested a 60 day extension of the NPRM's comment period. This document provides notice that FRA is extending the comment period for this NPRM by 60 days and comments to the NPRM are now due on November 25, 2014.

**Authority:** 49 U.S.C. 20103, 20107, 20140, 21301, 21304, 21311; 28 U.S.C. 2461, note; Sec. 412, Pub. L. 110-432, 122 Stat. 4889; and 49 CFR 1.89.

Issued in Washington, DC, on September 19, 2014.

**Robert C. Lauby,**

*Associate Administrator for Railroad Safety and Chief Safety Officer.*

[FR Doc. 2014-22768 Filed 9-24-14; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 259

[Docket No. 080410551-4596-01]

RIN 0648-AW57

#### Capital Construction Fund; Fishing Vessel Capital Construction Fund Procedures

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes to amend the Capital Construction Fund (CCF) regulations to eliminate provisions that no longer meet the needs of CCF participants, and to simplify and clarify the regulations to better implement the purposes of the underlying statute. These amendments would eliminate the minimum cost and maximum allowable completion time for reconstruction projects, requirements for minimum annual deposits and the requirement that any vessel acquired with CCF funds must be reconstructed, regardless of vessel condition. The new regulations would also add a restriction that the CCF program (program) would not allow withdrawals of funds for projects that increase harvesting capacity.

**DATES:** NMFS invites the public to comment on this proposed rule. Comments on the proposed rule must be received by November 10, 2014.

**ADDRESSES:** You may submit comments on this document, identified by NOAA-

NMFS-2013-0144, by any one of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to: <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0144>, Click the "Comment Now!" icon, complete the required fields and enter or attach your comments.
- **Mail:** Submit written comments to Paul Marx, Financial Services Division (FSD), NMFS-MB5, 1315 East-West Highway, Silver Spring, MD 20910; or
- **Fax:** 301-713-1939; Attn: Richard VanGorder.

**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 [www.regulations.gov](http://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). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Copies of the Regulatory Impact Review/Initial Regulatory Flexibility Analysis (RIR/IRFA) prepared for this action may be obtained from the mailing address above or by calling Richard VanGorder (see **FOR FURTHER INFORMATION CONTACT**).

Send comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule to Richard VanGorder at the address specified above and also to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer) or email to [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov), or fax to (202) 395-7825.

**FOR FURTHER INFORMATION CONTACT:** Richard VanGorder at 301-427-8784 or via email at [Richard.VanGorder@noaa.gov](mailto:Richard.VanGorder@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

This proposed rule revises and replaces the CCF regulations found at 50 CFR part 259.

The program was established by the Merchant Marine Act of 1970. The CCF was authorized by Section 607 of the

Merchant Marine Act, 1936, as amended, 46 U.S.C. 1177 (now at 46 U.S.C. 53503) and is administered pursuant to 50 CFR part 259.

The purpose of the program is to assist owners and operators of United States flagged vessels in accumulating the large amount of capital necessary for the modernization and expansion of the U.S. merchant marine fleet and to provide economic support for the U.S. fishing industry. The extensive vessel reconstruction requirements in the current regulations no longer make sense given the improved status of the merchant marine fleet.

The program encourages construction, reconstruction, or acquisition of vessels through deferral of Federal income taxes. Owners and operators of vessels deposit income from fishing into CCF accounts prior to paying income taxes. All deferred taxes are eventually recovered upon the sale of the vessel because the cost basis of the vessel is reduced by the dollar amount of CCF funds used for its purchase or improvements. The program was deemed necessary because operators of U.S.-flagged vessels are faced with a competitive disadvantage in the construction and replacement of their vessels relative to foreign-flagged operators, whose vessels are registered in countries that do not tax fishing income. The program helps counterbalance this situation through its tax-deferral privileges.

To participate in the program, a vessel owner submits an application to the Financial Services Division of the National Marine Fisheries Service in advance of the relevant Federal tax filing due date. The application identifies the income earning vessel(s), the type of project(s) anticipated and the financial institution that will hold the CCF deposits. Once the Secretary of Commerce deems an application compliant with the CCF statute and regulations, a CCF Agreement is executed between the United States and the vessel owner or operator.

Currently, there are 1,634 CCF Agreements with a total of approximately \$263M on deposit. Many of these CCF Agreements were established years ago and identify scheduled projects that are no longer viable. Consequently, CCF participants are faced with either having funds languish on deposit for nonviable scheduled projects or making a non-qualified withdrawal of funds and paying deferred taxes at the highest marginal rate.

The authority to make regulatory changes to the program is granted under 46 U.S.C. 53502(a), which permits the