

determined that this proposed rulemaking does not involve new or substantially changed technology.

List of Subjects in 49 CFR Part 391

Alcohol abuse, Diabetes, Drug abuse, Drug testing, Highway safety, Medical, Motor carriers, Physical qualifications, Reporting and recordkeeping requirements, Safety, Transportation.

For the reasons set forth in the preamble, FMCSA proposes to amend 49 CFR part 391 as follows:

PART 391—QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS

■ 1. The authority citation for part 391 continues to read as follows:

Authority: 49 U.S.C. 504, 508, 31133, 31136, and 31502; sec. 4007(b) of Pub. L. 102–240, 105 Stat. 1914, 2152; sec. 114 of Pub. L. 103–311, 108 Stat. 1673, 1677; sec. 215 of Pub. L. 106–159, 113 Stat. 1748, 1767; sec. 32934 of Pub. L. 112–141, 126 Stat. 405, 830; and 49 CFR 1.87.

■ 2. Revise § 391.41(b)(3) to read as follows:

§ 391.41 Physical qualifications for drivers.

* * * * *

(b) * * *

(3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control, unless the person meets the requirements in § 391.46;

* * * * *

■ 3. Revise § 391.45 to read as follows:

§ 391.45 Persons who must be medically examined and certified.

Except as provided in § 391.67, the following persons must be medically examined and certified in accordance with § 391.43 as physically qualified to operate a commercial motor vehicle:

(a) Any person who has not been medically examined and certified as physically qualified to operate a commercial motor vehicle;

(b) Any driver who has not been medically examined and certified as qualified to operate a commercial motor vehicle during the preceding 24 months, unless the driver is required to be examined and certified in accordance with paragraphs (c), (d), (e) or (f) of this section;

(c) Any driver authorized to operate a commercial motor vehicle only within an exempt intra-city zone pursuant to § 391.62, if such driver has not been medically examined and certified as qualified to drive in such zone during the preceding 12 months;

(d) Any driver authorized to operate a commercial motor vehicle only by operation of the exemption in § 391.64, if such driver has not been medically examined and certified as qualified to drive during the preceding 12 months;

(e) Any driver who has diabetes mellitus requiring insulin for control and who qualifies for a medical certificate under the standards in § 391.46, if such a person has not been medically examined and certified as qualified to drive during the preceding 12 months;

(f) Any driver whose ability to perform his or her normal duties has been impaired by a physical or mental injury or disease.

■ 4. Add new § 391.46 to read as follows:

§ 391.46 Physical qualification standards for a person with insulin-treated diabetes mellitus.

(a) *Diabetes mellitus requiring insulin.* A person with diabetes mellitus requiring insulin for control is physically qualified to operate a commercial motor vehicle in interstate commerce provided:

(1) The person otherwise meets the physical qualification standards in § 391.41 or has the exemption or skill performance evaluation certificate, if required; and

(2) The person has the medical evaluations required by paragraph (b) of this section and meets the monitoring requirements in paragraph (c) of this section.

(b) *Medical evaluations.* A person with diabetes mellitus requiring insulin for control must have the following medical examinations.

(1) *Evaluation by the treating clinician.* Prior to the annual or more frequent examination required by § 391.45, the person must be evaluated by the treating clinician. For purposes of this paragraph, “treating clinician” means a physician or health care professional who manages and prescribes insulin for the treatment of individuals with diabetes mellitus. The treating clinician must determine that within the previous 12 months the person has—

(i) Had no severe hypoglycemic reaction resulting in a loss of consciousness or seizure, or requiring the assistance of another person, or resulting in impaired cognitive function; and

(ii) Properly managed his or her diabetes.

(2) *Medical examiner’s examination.*

(i) At least annually, the person must be medically examined and certified as physically qualified in accordance with

§ 391.43 and free of complications that might impair his or her ability to operate a commercial motor vehicle.

(ii) The medical examiner must obtain written notification from the person’s treating clinician that the person’s diabetes is being properly managed and must evaluate whether the person is physically qualified to operate a commercial motor vehicle.

(c) *Blood glucose records.* During the period of medical certification, the driver with insulin-treated diabetes mellitus must monitor and maintain blood glucose records as determined by the treating clinician and submit those blood glucose records to the treating clinician at the time of the evaluation required in paragraph (b)(1) of this section.

Issued under the authority of delegation in 49 CFR 1.87.

Dated: April 22, 2015.

T.F. Scott Darling, III,
Chief Counsel.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

RIN 0648–XD680

Endangered and Threatened Wildlife; 90-Day Finding on a Petition to List the Common Thresher Shark as Threatened or Endangered Under the Endangered Species Act

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

ACTION: Extension of public comment period.

SUMMARY: We, NMFS, announce the extension of the public comment period on our March 03, 2015, 90-day finding on a petition to list the Common Thresher Shark (*Alopias vulpinus*) as endangered or threatened under the ESA, or, in the alternative, delineate six distinct population segments (DPSs) of the common thresher shark, as described in the petition, and list them as endangered or threatened. As part of that finding, we solicited scientific and commercial information about the status of this species and announced a 60-day comment period to end on May 04, 2015. Today, we extend the public comment period by 60 days to July 6, 2015. Comments previously submitted

need not be resubmitted, as they will be fully considered in the agency's 12-month finding.

DATES: The deadline for receipt of comments is extended from May 04, 2015, until July 6, 2015.

ADDRESSES: You may submit comments, information, or data, identified by "NOAA-NMFS-2015-0025" by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0025. Click the "Comment Now" icon, complete the required fields, and enter or attach your comments.

- *Mail or hand-delivery:* Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

Instructions: You must submit comments by one of the above methods to ensure that we receive, document, and consider them. 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. All comments received are a part of the public record and will generally be posted for public viewing on <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. We 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

FOR FURTHER INFORMATION CONTACT:

Chelsey Young, NMFS, Office of Protected Resources (OPR) (301) 427-8491 or Marta Nammack, NMFS, OPR (301) 427-8469.

SUPPLEMENTARY INFORMATION:

Background

On March 03, 2015, we published a positive 90-day finding on a petition from Friends of Animals requesting that we list the common thresher shark *Alopias vulpinus* as endangered or threatened under the ESA, or, in the alternative, delineate six distinct population segments (DPSs) of the common thresher shark, as described in the petition, and list them as endangered or threatened. In that notice we also announced the initiation of a status review and solicited information from the public to help inform the status review of the species and determine its risk of extinction.

We received a request to extend the public comment period by 60 days in order to provide the public with additional time to gather relevant information and adequately comment

on the validity of the petitioned action in a meaningful and constructive manner. In addition, a technical error on the Regulations.gov Web site prevented the public from accessing materials in the docket folder for the 90-day finding, including existing public comments and other substantive materials. We considered the request and concluded that a 60-day extension should allow sufficient time for responders to submit comments without significantly delaying the completion of the status review. We are therefore extending the close of the public comment period from May 04, 2015 to July 6, 2015. Although we have extended the public comment period, we are unable to extend the deadline for completing the status review. As such, we urge members of the public to submit their comments as soon as possible to allow us more time to review and incorporate the submitted information where appropriate.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: April 29, 2015.

Perry F. Gayaldo,

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

[FR Doc. 2015-10348 Filed 5-1-15; 8:45 am]

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