

this purpose, such application services include, but are not limited to, appointment management, fee collection, document delivery, and the collection of biometric data from applicants.

Additionally, I hereby determine the provision of such application services by private entities for foreign missions in the United States to be subject to such terms and conditions as may be established by the Department's Office of Foreign Missions and that any state or local laws to the contrary are hereby preempted.

In accordance with § 211(a) of the Act, it shall be unlawful for any person to make available any benefits to a foreign mission that are contrary to the Act. The United States, acting on its own behalf or on behalf of a foreign mission, has standing to bring or intervene in an action to obtain compliance with this chapter, including any action for injunctive or other equitable relief.

Dated: March 18th, 2013.

Patrick F. Kennedy,

Under Secretary for Management.

[FR Doc. 2013-07628 Filed 4-1-13; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2013-0011]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 19 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions will enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions are effective April 2, 2013. The exemptions expire on April 2, 2015.

FOR FURTHER INFORMATION CONTACT:

Elaine M. Papp, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Room W64-224, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or 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.

Privacy Act: Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's Privacy Act Statement for the Federal Docket Management System (FDMS) published in the **Federal Register** on December 29, 2010 (75 FR 82132), or you may visit <http://www.gpo.gov/fdsys/pkg/FR-2010-12-29/pdf/2010-32876.pdf>.

Background

On February 4, 2013, FMCSA published a notice of receipt of Federal diabetes exemption applications from 19 individuals and requested comments from the public (78 FR 7852). The public comment period closed on March 6, 2013, and no comments were received.

FMCSA has evaluated the eligibility of the 19 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that "A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control" (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled "A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to

Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century." The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 19 applicants have had ITDM over a range of 4 to 44 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated and discussed in detail in the February 4, 2013, **Federal Register** notice and they will not be repeated in this notice.

Discussion of Comments

FMCSA received no comments in this proceeding.

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Conclusion

Based upon its evaluation of the 19 exemption applications, FMCSA exempts Nicholas C. Bolton (NY), Isaias Gomez (IN), Brandon E. Hamlett (NV), Douglas F. Keller (MI), Mark R. Loesel (WI), Steven A. Marion (MA), Jason E. McAnnally (AL), Robert W. Moen (IA), Craig S. Moran (CA), Wayne A. Ondrusek (PA), Lenicia R. Riley (TX), Mark L. Sandager (MN), Samuel L. Sergio (MA), Jason L. Shaw (OK), Paul M. Shierk (OR), Kailey J. Skroko (IN), Samantha K. Tsuchiya (CA), David W. West (MO), and Eugene Zollner, II (OH) from the ITDM requirement in 49 CFR 391.41(b)(3), subject to the conditions listed under "Conditions and Requirements" above.

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption will be valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the 1/exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA

for a renewal under procedures in effect at that time.

Issued on: March 21, 2013.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2013-07459 Filed 4-1-13; 8:45 am]

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DEPARTMENT OF THE TREASURY

United States Mint

National Baseball Hall of Fame Commemorative Coin Program Design Competition

ACTION: Notification of the Opening of the National Baseball Hall of Fame Commemorative Coin Program Design Competition on April 11, 2013.

SUMMARY: The United States Mint announces the opening of a national coin design competition that will culminate in the Secretary of the Treasury's selection of the image for the obverse (heads side) of the 2014 National Baseball Hall of Fame Commemorative Coins. The competition, which is open to all United States citizens and permanent residents ages 14 and over, begins on April 11, 2013, at 12 noon Eastern Daylight Time (EDT). The submission period will end at 12 noon EDT on April 26, 2013, if 10,000 or more entries have been received by that time. If fewer than 10,000 entries have been received by 12 noon EDT on April 26, 2013, then the submission period will remain open until 10,000 entries have been received, but will end no later than May 11, 2013, at 12 noon EDT. The winner of the design competition will be awarded \$5,000, and the winner's initials will appear on the minted coins.

The National Baseball Hall of Fame Commemorative Coin Act (Act), Public Law 112-152 (Aug. 3, 2012), requires the Secretary of the Treasury to mint and issue three 2014 commemorative coins to recognize and celebrate the National Baseball Hall of Fame: up to 50,000 \$5 gold coins, up to 400,000 \$1 silver coins, and up to 750,000 half-dollar clad coins. The Act requires a competition, which Challenge.gov is hosting, to select a common obverse design emblematic of the game of baseball. Additionally, the Act expresses Congress's sense that the \$5 gold and \$1 silver coins have a shape such that the obverse is concave and the reverse is convex.

Entries will be evaluated during a selection process consisting of an initial screening for minimum requirements and four evaluation rounds. The

Citizens Coinage Advisory Committee, the U.S. Commission of Fine Arts, and the National Baseball Hall of Fame will review the finalist designs, after which the United States Mint will put forward a recommended design to the Secretary of the Treasury for selection.

Official rules, guidelines, and entry instructions for the United States Mint National Baseball Hall of Fame Commemorative Coin Program Design Competition can be found at www.usmint.gov/batterup and at www.batterup.challenge.gov.

FOR FURTHER INFORMATION CONTACT: The United States Mint's Competition Administrator is Leslie Schwager, Program Specialist. She can be reached at baseballcompetition@usmint.treas.gov.

Authority: National Baseball Hall of Fame Commemorative Coin Act, Public Law 112-152.

Dated: March 27, 2013.

David Motl,

Chief Financial Officer, United States Mint.

[FR Doc. 2013-07622 Filed 4-1-13; 8:45 am]

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DEPARTMENT OF THE TREASURY

United States Mint

United States Mint Kids' Baseball Coin Design Challenge

ACTION: Notification of the Opening of the United States Mint Kids' Baseball Coin Design Challenge on April 11, 2013.

SUMMARY: The United States Mint announces the opening of a national kids' baseball coin design challenge on April 11, 2013, that seeks design entries from contestants age 13 years or younger on the theme, "What's Great about Baseball." As part of the United States Mint's education initiative, this challenge is designed to provide learning materials for children, teachers, and parents on the United States Mint and its coins and medals, to build awareness of the bureau's operations and programs, and to complement the United States Mint National Baseball Hall of Fame Commemorative Coin Program Design Competition, which is a national competition for individuals 14 or older to create the design for the common obverse (front) of coins to be issued under the 2014 National Baseball Hall of Fame Commemorative Coin Program.

In creating their design entries, contestants are allowed to use any medium—acrylics, watercolor, pencil, charcoal, marker, spray paint, crayon,