

against disclosure of information pursuant to a contract under Part B of Title XI of the Act, except that authorities for controlling fraud and abuse under Section 1160(b) of the Act shall be exercised by the Office of Inspector General.

This delegation of authority supersedes the authorities delegated under Part A (42 U.S.C. 1301 *et seq.*) of Title XI of the Act and Part B (42 U.S.C. 1320c *et seq.*) of Title XI of the Act that were published in the **Federal Register** notice on September 6, 1984, including the authorities contained in paragraphs C.1.—15., and D. of Section F.30—Delegations of Authority; and includes F.40.—Reservations of Authority, 1.—*Under Part B of Title XI of the Social Security Act (42 U.S.C. 1320(c) et seq.)*; 3.—*General Reservations*, paragraphs a. and b. Section F.50.—Limitations of Authority, 1.—*Under Parts A and B of Title XI of the Social Security Act (42 U.S.C. 1320 et seq.)*, is deleted in its entirety and replaced with the following:

a. Disputes regarding the determinations listed in 45 CFR Part 16, Appendix A, pertaining to discretionary grants, such as grants for research or demonstration projects under section 1110 (42 U.S.C. 1310) of the Act or for special demonstration projects under Section 1115 (42 U.S.C. 1315) of the Act, are heard by the Chair and Members of the Departmental Appeals Board, Office of the Secretary, who issue the final HHS decision. See 42 CFR 430.3 and 457.206; 46 FR 43816.

b. The authority to hear appeals and issue final HHS decisions under Section 1116(e) (42 U.S.C. 1316(e)) of the Act with respect to disallowances or reconsidered disallowances under Title XIX of the Act shall be exercised only by the Chair and Members of the Departmental Appeals Board, Office of the Secretary, pursuant to Section 1116(e)(2) (42 U.S.C. 1316(e)(2)) of the Act. This includes an appeal of a Title XIX disallowance based on a State's failure to meet the timely claims requirements of Section 1132 (42 U.S.C. 1320b-2) of the Act.

c. The authorities under Sections 1128 (42 U.S.C. 1320a-7), 1128A (42 U.S.C. 1320a-7a), 1128B (42 U.S.C. 1320a-7b), 1128D (42 U.S.C. 1320a-7d), 1128E(b)(6) (42 U.S.C. 1320a-7e(b)(6)), 1140 (42 U.S.C. 1320b-10), 1156(b) (42 U.S.C. 1320c-5(b)), and 1160(b) (42 U.S.C. 1320c-9(b)) of the Act for controlling fraud and abuse in healthcare programs shall be exercised by the Office of Inspector General.

d. The hearings to which the procedures in section 1128A(c) (42 U.S.C. 1320a-7a(c)) of the Act apply, as

well as the hearings under any other section of the Act authorizing the Secretary to impose a civil remedy, including a civil money penalty, exclusion, or assessment, for which the Secretary has delegated authority to the Administrator, CMS, or to the Office of Inspector General to impose the remedy, shall be conducted by Administrative Law Judges at the Departmental Appeals Board, Office of the Secretary, who issue initial decisions subject to review and final determinations made by the Chair and Members of the Departmental Appeals Board. See 59 FR 52967; 42 CFR Parts 402 and 1002-1004, incorporating the procedures at 42 CFR Part 1005; 42 CFR Part 422, Subpart T; 42 CFR Part 423, Subpart T; and 45 CFR Part 160.

e. Disallowances under Title XXI of the Act, including disallowances based on State's failure to meet the timely claims requirements of Section 1132 (42 U.S.C. 1320b-2) of the Act, are subject to reconsideration by the Chair and Members of the Departmental Appeals Board, Office of the Secretary, under section 1116(d) (42 U.S.C. 1316(d)) of the Act, made applicable to Title XXI by Section 2107(e) (42 U.S.C. 1397gg(e)) of the Act. See 42 CFR 457.206.

f. The hearings under Section 1155 (42 U.S.C. 1320c-4) of the Act, which incorporates by reference Section 205(b) (42 U.S.C. 405(b)) of the Act, shall be conducted by Administrative Law Judges in the Office of Medicare Hearings and Appeals, Office of the Secretary, with review by the Medicare Appeals Council at the Departmental Appeals Board, Office of the Secretary. See 42 CFR Part 478, Subpart B and 42 CFR Part 405, Subpart J.

g. The hearings under Section 1156(b)(4) (42 U.S.C. and 1320c-5(b)(4)) of the Act, which incorporates section 205(b) (42 U.S.C. 405(b)) of the Act, shall be conducted by the Administrative Law Judges at the Departmental Appeals Board, Office of the Secretary, who issue initial decisions subject to review and final determinations made by the Chair and Members of the Departmental Appeals Board. See 42 CFR Part 1004, incorporating the procedures at 42 CFR Part 1005; 59 FR 52967.

This delegation of authority is effective immediately.

These authorities may be re-delegated.

These authorities shall be exercised under the Department's policy on regulations and the existing delegation of authority to approve and issue regulations.

I hereby affirm and ratify any actions taken by the Administrator, CMS, or his or her subordinates, which involved the

exercise of the authorities under Part A (42 U.S.C. 1301 *et seq.*) of Title XI of the Act and Part B (42 U.S.C. 1320c *et seq.*) of Title XI of the Act delegated herein prior to the effective date of this delegation of authority.

Authority: 44 U.S.C. 3101

Dated: March 4, 2011.

Kathleen Sebelius,
Secretary.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Funding Opportunity Announcement (FOA), Initial Review

The meeting announced below concerns The Institutional Collaboration between the Institute Pasteur of Madagascar and the Centers for Disease Control and Prevention on Malaria and Vector-Borne Diseases Funding Opportunity Announcement (FOA) GH11-003, and Research Activities in Support of Malaria Prevention and Control in the Republic of Uganda as Part of the President's Malaria Initiative, FOA GH11-004, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 12 p.m.–3 p.m., May 19, 2011 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92-463.

Matters To Be Discussed: The meeting will include the initial review, discussion, and evaluation of applications received in response to "Institutional Collaboration between the Institute Pasteur of Madagascar and the Centers for Disease Control and Prevention on Malaria and Vector-Borne Diseases, FOA GH11-003, and Research Activities in Support of Malaria Prevention and Control in the Republic of Uganda as Part of the President's Malaria Initiative, FOA GH11-004, initial review."

Contact Person for More Information: Sheree Marshall-Williams, PhD, Scientific Review Officer, CDC, 1600 Clifton Road, NE., Mailstop D72, Atlanta, Georgia 30333, Telephone: (404) 639-7742.

The Director, Management Analysis and Services Office, has been delegated the

authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: March 4, 2011.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Opportunity to Partner; Testing of Patient Compartment Seating and Restraints to Proposed Test Standard

Authority: 29 U.S.C. 669.

AGENCY: NIOSH, Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of informational meeting and opportunity to partner.

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH), CDC, HHS, in collaboration with the National Truck Equipment Association, Ambulance Manufacturers Division (NTEA-AMD) has developed a series of proposed ambulance component test standards. One such standard, AMD STANDARD 026—Seat, Seat Mount and Occupant Restraint Dynamic Test—Proposed (draft), seeks to improve occupant and seat retention during crash conditions. As a part of the standard development process, NIOSH will be conducting a series of tests to evaluate existing, redesigned, and/or new seating to validate the test methods proposed. It is anticipated testing will be conducted in up to three phases over approximately 15 months. NIOSH will contract with an independent test facility and provide funding for all testing, instrumentation, data collection, and data analysis. Prospective industry partners will provide the following test assets: Seating, seat retention devices, and occupant restraints. This project has three key goals: (1) To validate test and data collection methodologies proposed in AMD 026 (draft) to support standard development; (2) to support and facilitate the transition of the industry from the current seating design parameters to those proposed in SAE J2917 Surface Vehicle Recommended Practice, Occupant Restraint and

Equipment Mounting Integrity—Frontal Impact System-Level Ambulance Patient Compartment, published May 2010, and SAE J2956 Surface Vehicle Recommended Practice, Occupant Restraint and Equipment Mounting Integrity—Side Impact System-Level Ambulance Patient Compartment (draft); and, (3) to develop the design and production “cost-of-change” to meet the proposed design parameters.

DATES AND TIMES: March 23, 2011, 1 p.m.–5 p.m., Eastern Standard Time (EST) March 24, 2011, 8 a.m.–12 noon, EST, by appointment. NIOSH is available to meet with individual companies for those interested in further discussion. We anticipate offering the prospective partners the opportunity to meet for 30 minutes, to ask specific questions pertinent to their situation.

ADDRESSES: Homewood Suites Indianapolis-Downtown, 211 South Meridian Street, Indianapolis, Indiana 46225, Telephone (317) 636-7992. (Coincident with the 2011 Fire Department Instructors Conference (FDIC).)

Letters of Interest: Interested manufacturers should submit a letter of interest with information about their capabilities and level of proposed participation to Jim Green at JGreen@cdc.gov. Letters of interest must be received by April 25, 2011.

SUPPLEMENTARY INFORMATION: NIOSH proposes a series of up to 116 tests to better understand the capabilities and limitations of currently available seating and restraints, investigate redesign or new design options, and validate the proposed test standard. As a byproduct of this effort, it is expected that NIOSH and its partners will be able to demonstrate that seating and restraints provided by partners meet the design parameters specified in AMD 026 (draft) and test requirements outlined in SAE J2917 and SAE 2956 (draft), respectively.

Prospective partners will be existing seating and/or restraint manufacturers nationally or internationally. A prospective partner need not be selling to the United States market at the time of this announcement.

Prospective partners will be required to provide test assets (seating, seat retention devices, and/or occupant restraints) free of charge in exchange for their participation in this collaborative standards development and validation effort. In return, NIOSH will cover all costs associated with testing. This includes the cost of the sled buck design and manufacture, rental of appropriate test manikins, instrumentation related

to the litter, manikin, and sled buck, test execution, test data analysis, and cost data analysis.

Given the nature of the proposed change, coupled with the cost for each unit, NIOSH anticipates the need to partner with more than one manufacturer. Therefore no one manufacturer should expect to be asked to contribute all needed test assets.

In phase 1, test assets are expected to come from those in the existing product line per mutual agreement with NIOSH. In phases 2 and 3, test assets are expected to be introduced as either redesigns of existing products or new products entirely based on the results of phase 1 testing. The cost of product redesign and manufacture for phase 2 and 3 testing would be borne by the manufacturer partner(s).

Each partner will be invited to participate at the site of testing (a third party independent test facility) during the testing of its product. However, at no time will representatives from two different manufacturers be present at the same time or on the same date. As a participant, each partner will be provided with a copy of all digital video and instrumented data for use in future product development. NIOSH will retain a copy of all data but will code, to the extent possible, to prevent release of vendor specific product data. Partners will retain ownership of each test asset and will be asked to retrieve test assets once each test has been completed. All shipping and/or disposal costs of test assets to and from the independent test facility will be borne by the manufacturer partner(s).

Recognizing any change in standard or test requirement may have a coincident cost; NIOSH will also be seeking to quantify the cost of change—that is, the cost of redesigning and manufacturing to meet the proposed new test standards. In this instance, NIOSH has a separate effort in place with an independent Certified Public Accountant (CPA). Any participant or partner in this effort would be required to work with the CPA in parallel with the test program outlined above. Specifically, the partner would be required to provide the underlying cost data for each product evaluated in the test program. This would include the costs for a current or comparable pre-test or pre-standard seat, seat retention device, and occupant restraint and its companion post standard or post redesign equivalent. Prospective partners should be aware it may be possible to consider a few products within their existing product line (e.g.; entry level, mid level, and high end products). These costs may include: Per