

Medicare, that is included on the preclusion list because of a felony conviction will remain on the preclusion list for a 10-year period, beginning on the date of the felony conviction, unless CMS determines that a shorter length of time is warranted. Factors that CMS considers in making such a determination are—

- (1) The severity of the offense;
- (2) When the offense occurred; and
- (3) Any other information that CMS deems relevant to its determination.

(D) In cases where an individual is excluded by the OIG, the individual must remain on the preclusion list until the expiration of the CMS-imposed preclusion list period or reinstatement by the OIG, whichever occurs later.

(viii) Payment denials under paragraph (c)(6) of this section that are based upon the prescriber's inclusion on the preclusion list are not appealable by beneficiaries.

\* \* \* \* \*

Dated: June 3, 2019.

**Ann C. Agnew,**

*Executive Secretary to the Department,  
Department of Health and Human Services.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### 45 CFR Part 88

**RIN 0945-AA10**

### Protecting Statutory Conscience Rights in Health Care; Delegations of Authority

#### Correction

In rule document 2019-09667 beginning on page 23170 in the issue of Tuesday, May 21, 2019 make the following correction:

On pages 23170 through 23272 the date at the top of the page should read "Tuesday, May 21, 2019".

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 46 CFR Parts 10, 11, and 15

**[Docket No. USCG-2018-0100]**

**RIN 1625-AC46**

### Amendments to the Marine Radar Observer Refresher Training Regulations

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is revising its merchant mariner credentialing regulations to remove obsolete portions of the radar observer requirements and harmonize the radar observer endorsement with the merchant mariner credential. These revisions will reduce an unnecessary financial burden on mariners required to hold a radar observer endorsement. This rule will affect mariners who have served on radar-equipped vessels, in a position that routinely uses radar for 1 year in the previous 5 years for navigation and collision avoidance purposes, and mariners who have taught a Coast Guard-approved or accepted radar course at least twice within the past 5 years. These mariners will no longer be required to complete a Coast Guard-approved or accepted radar refresher or recertification course in order to renew their radar observer endorsements. We are retaining the existing requirements for mariners seeking an original radar observer endorsement and for mariners who do not have 1 year of routine relevant sea service on board radar-equipped vessels in the previous 5 years or have not taught a Coast Guard-approved or accepted radar course at least twice within the past 5 years. This final rule adopts, with modification, the notice of proposed rulemaking published on June 11, 2018.

**DATES:** This final rule is effective July 22, 2019.

**ADDRESSES:** You may view comments and related material identified by docket number USCG-2018-0100 using the Federal eRulemaking Portal at <https://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For information about this document call or email Mr. Davis Breyer, Coast Guard; telephone 202-372-1445, email [davis.j.breyer@uscg.mil](mailto:davis.j.breyer@uscg.mil).

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#### I. Abbreviations

ARPA Automatic Radar Plotting Aids  
 BLS Bureau of Labor Statistics  
 CFR Code of Federal Regulations  
 CGAA 2015 Coast Guard Authorization Act of 2015  
 CGAA 2018 Coast Guard Authorization Act of 2018  
 DHS Department of Homeland Security  
 FR Federal Register  
 MERPAC Merchant Marine Personnel Advisory Committee  
 MMC Merchant Mariner Credential  
 MMLD Merchant Mariner Licensing and Documentation  
 NPRM Notice of proposed rulemaking  
 OMB Office of Management and Budget  
 RA Regulatory analysis  
 RFA Regulatory Flexibility Act § Section  
 STCW International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended  
 STCW Code Seafarers' Training, Certification and Watchkeeping Code  
 U.S.C. United States Code

#### II. Basis and Purpose

This rule amends the radar observer requirements by removing obsolete portions and harmonizing the expiration dates of the radar observer endorsement and the merchant mariner credential (MMC). Title 46 of the United States Code (U.S.C.), Section 7101 authorizes the Coast Guard to determine and establish the experience and professional qualifications required for the issuance of officer credentials. The Secretary of the Department of Homeland Security (DHS) has delegated 46 U.S.C. 7101 authority to the Commandant of the Coast Guard by Department of Homeland Security Delegation No. 0170.1(II)(92)(e). The specifics of these professional qualifications and the Coast Guard's evaluation process are prescribed by Title 46 Code of Federal Regulations (CFR) parts 10 and 11, and the manning requirements are detailed in 46 CFR part 15. Section 304 of the Coast Guard Authorization Act of 2015 (CGAA 2015), Public Law 114-120, February 8, 2016