

- 4. Revise Supplement No. 8 to part 748 to read as follows:

**Supplement No. 8 to Part 748—
Information Required in Requests for
VEU Authorization**

VEU authorization applicants must provide to BIS certain information about the prospective and related respective validated end-user. This information must be included in requests for authorization submitted by prospective validated end-users, or exporters or reexporters who seek to have certain entities approved as validated end-users. BIS may, in the course of its evaluation, request additional information.

**A. Required Information for Both General
and Data Center Validated End-user
Authorization Requests**

(1) Name of proposed VEU candidates, including all names under which the candidate conducts business; complete company physical address (simply listing a post office box is insufficient); telephone number; fax number; email address; company website (if available); and name of individual who should be contacted if BIS has any questions. If the entity submitting the application is different from the prospective validated end-user identified in the application, this information must be submitted for both entities. If the candidate has multiple locations, all physical addresses located in the eligible destination must be listed.

(2) Provide an overview of the structure, ownership and business of the prospective validated end-user. Include a description of the entity, including type of business activity, ownership, subsidiaries, and joint-venture projects, as well as an overview of any business activity or corporate relationship that the entity has with either government or military organizations.

(3) List the items proposed for VEU authorization approval and their intended end-uses. Include a description of the items; the ECCN for all items, classified to the subparagraph level, as appropriate; technical parameters for the items including performance specifications; and end-use description for the items. If BIS has previously classified the item, the Commodity Classification Automated Tracking System (CCATS) number may be provided in lieu of the information listed in the foregoing provisions of this paragraph.

(4) Provide the physical address(es) of the location(s) where the item(s) will be used, if this address is different from the address of the prospective validated end-user provided in paragraph (1) of this supplement.

(5) If the prospective validated end-user plans to reexport the item, specify the destination to which the items will be reexported.

(6) Specify how the prospective validated end-user's record keeping system will allow compliance with the recordkeeping requirements set forth in § 748.15(e) of the EAR. Describe the system that is in place to ensure compliance with VEU requirements.

(7) Include an original statement on letterhead of the prospective validated end-user, signed and dated by a person who has

authority to legally bind the prospective validated end-user, certifying that the end-user will comply with all VEU requirements. This statement must include acknowledgement that the prospective end-user:

(i) Has been informed of and understands that the item(s) it may receive as a validated end-user will have been exported in accordance with the EAR and that use or diversion of such items contrary to the EAR is prohibited;

(ii) Understands and will abide by all authorization VEU end-use restrictions, including the requirement that items received under authorization VEU will only be used for authorized end-uses and may not be used for any activities described in part 744 of the EAR unless authorized by § 748.15(d);

(iii) Will comply with VEU recordkeeping requirements; and

(iv) Agrees to allow on-site reviews by U.S. Government officials to verify the end-user's compliance with the conditions of the VEU authorization.

**B. Additional Required Information for Data
Center Validated End-User Authorization
Requests**

(1) A description of controlled items required in the data center and an accompanying rationale for why these items are required;

(2) An overview of any business activity or corporate relationship that the candidate has with either government or military organizations;

(3) An overview of business activities or corporate relationships that the candidate has with any organization designated on the Entity List in Supp. No. 4 to part 744 and/or Military End-User List in Supp. No. 7 to part 744;

(4) Describe physical and logical security requirements for each location the controlled items will be housed (*e.g.*, around the clock monitoring, cybersecurity requirements, third-party monitoring; and/or physical security);

(5) A description of the policies and procedures governing employees physical and logical access to the VEU data center;

(6) Absent a legal prohibition or other such exceptional circumstances, a list of current and potential customers of the data center;

(7) An overview of the data center's information security plan, which should include:

(i) Cybersecurity plan;

(ii) Logging and monitoring plan;

(iii) Technology control plan that describes how much compute is required for the various end uses involved;

(iv) Baseline cloud configuration and identity and access management process for tenants, if a cloud provider;

(v) Personnel security plan; and

(vi) An incident, identification, investigation, and reporting plan;

(8) An explanation of the network infrastructure and architecture and service providers;

(9) An overview of the applicant's supply chain risk management plan that will prevent PRC-origin equipment entering the data-

center environment and no PRC vendors are in the supply chain; and

(10) An overview of the applicant's export control training program and compliance program procedures.

Thea D. Rozman Kendler,

*Assistant Secretary for Export
Administration.*

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**DEPARTMENT OF HOMELAND
SECURITY**

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0171]

RIN 1625–AA00

**Safety Zone; Baltimore Harbor,
Baltimore, MD**

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for waters near Baltimore, Maryland to protect the public and vessels from potential hazards created by a pollution incident in the Patapsco River. Additionally, the safety zone is needed to ensure a safe working environment for the first responders and to prevent the spread of pollution by passing traffic. This rule will prohibit persons or vessels from entering this zone unless specifically authorized by the Captain of the Port (COTP), Sector Maryland-National Capital Region or a designated representative.

DATES: This rule is effective without actual notice from October 2, 2024 to October 3, 2024. For purposes of enforcement, actual notice will be used from September 27, 2024, through October 2, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–0171 in the search box and click “Search.” Next, in the Document Type column, select “Supporting & Related Material.”

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR Kate Newkirk, Sector Maryland-NCR, Waterways Management Branch, U.S. Coast Guard; 410–365–8141, MDNCRWaterways@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

COTP Captain of the Port

CFR Code of Federal Regulations
 DHS Department of Homeland Security
 FR Federal Register
 NPRM Notice of proposed rulemaking
 § Section
 U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is establishing a temporary safety zone for waters near the Baltimore Harbor Upper Anchorage 3 near Baltimore, Maryland within 1500 feet of the SSI DEFIANT located at 39° 13.18N, 076° 31.78W. The safety zone is needed to protect the public and vessels from potential hazards created by a pollution incident in the Patapsco River. The Coast Guard is issuing this temporary rule under authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because action is necessary to respond to the potential safety hazards associated with pollution response. It is impracticable to delay establishment of this safety zone to publish an NPRM and consider comments because pollution response operations must begin as soon as possible.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is necessary to ensure the safety of vessels and persons on these navigable waters during the emergency vessel salvage operation.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under the authority in 46 U.S.C. 70034. The COTP, Sector Maryland-NCR has determined that potential hazards associated with this operation starting on September 27, 2024 will be a safety concern for anyone within a 1500-foot radius of the pollution response in the Patapsco River Entrance. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the pollution response operations are being conducted.

IV. Discussion of the Rule

This rule establishes a safety zone from September 27, 2024, through

October 3, 2024. The safety zone will cover all navigable waters within 1500-foot of the vessel, SSI DEFIANT, located at 39° 13.18N, 076° 31.78W. This rule is necessary to ensure the safety of vessels and persons during the vessel salvage operation. This rule will prohibit persons or vessels from entering this zone unless specifically authorized by the COTP or a designated representative.

The COTP or a designated representative may forbid and control the movement of all vessels in the zone. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the zone, citation for failure to comply, or both.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a “significant regulatory action,” under section 3(f) of Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on size, location, and duration of the proposed rulemaking. This safety zone would take place on a relatively small area of the Patapsco River and waters associated with Baltimore, MD, lasting from September 27, 2024 through October 3, 2024. Additionally, the Coast Guard would issue Broadcast Notices to Mariners via VHF-FM marine channel 16 about the safety zone so that waterway users may plan accordingly for transits during this restriction, and the rule will allow vessels to seek permission from the COTP Maryland-NCR or a designated representative to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, generally requires Federal agencies to review proposed and final rules for their potential economic impacts on small

entities, including small businesses, and prepare regulatory flexibility analyses. 5 U.S.C. 603, 604. The RFA requires these analyses for any rule that is subject to notice and comment procedures under section 553 of the Administrative Procedure Act. Id. As the Coast Guard has determined that notice and the opportunity to comment are unnecessary for this rule, the requirement for these analyses does not apply. Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Enforcement Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian

tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a 1500-foot safety zone around the M/V SSI DEFIANT for less than 7 days. It is categorically excluded from further review under paragraph L60(c) of appendix A, table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1; 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1, Revision No. 01.3.

■ 2. Add § 165.T05–0171 to read as follows:

§ 165.T05–0171 Safety Zone; Baltimore Harbor, MD

(a) *Location.* The following area is a safety zone: all navigable waters within 1500-feet of the location of the vessel SSI DEFIANT located at position 39° 13.18N, 076° 31.78W.

(b) *Enforcement period.* This section is effective from September 27, 2024, through October 3, 2024.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting through, or exiting from this area is prohibited unless authorized by the COTP Maryland-NCR or a designated representative.

(2) Vessels desiring to transit the regulated area may do so only with prior approval of the COTP Maryland-NCR or a designated representative and when so directed will be operated at a minimum safe navigation speed in a manner that will not endanger pollution response operations in the zone or any other vessels.

(3) The COTP Maryland-NCR or a designated representative may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(4) Entry into this zone is prohibited unless authorized by the COTP Maryland-NCR or a designated representative.

(5) Persons or vessels seeking to enter or transit through the zone must request permission from the COTP Maryland-NCR or a designated representative. They may be contacted on VHF–FM channel 16 or by telephone at 410–576–2693.

(6) If permission is granted, all persons and vessels must comply with the instructions of the COTP Maryland-NCR or designated representative.

(d) *Informational broadcasts.* The COTP Maryland-NCR or a designated representative will inform the public through Broadcast Notices to Mariners of the enforcement period for the temporary safety zone as well as any changes in the planned schedule.

Dated: September 27, 2024.

Patrick C. Burkett,

Captain, U.S. Coast Guard, Captain of the Port, Sector Maryland-National Capital Region.

[FR Doc. 2024–22720 Filed 10–1–24; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 412

[CMS–1806–CN]

RIN 0938–AV32

Medicare Program; FY 2025 Inpatient Psychiatric Facilities Prospective Payment System—Rate Update; Correction

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Final action; correction.

SUMMARY: This document corrects technical errors in the final action that appeared in the August 7, 2024 **Federal Register** titled “Medicare Program; FY 2025 Inpatient Psychiatric Facilities Prospective Payment System—Rate Update”.

DATES: This correction is effective October 1, 2024.

FOR FURTHER INFORMATION CONTACT:

The IPF Payment Policy mailbox at IPFPaymentPolicy@cms.hhs.gov for information regarding the IPF wage index.

Nick Brock (410) 786–5148, for general information regarding the inpatient psychiatric facilities prospective payment system (IPF PPS).

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2024–16909 of August 7, 2024, the fiscal year (FY) 2025 Inpatient Psychiatric Facilities Prospective Payment System (IPF PPS) final rule (89 FR 64582), there were technical errors that are identified and corrected in this correcting document. These corrections are effective as if they had been included in the FY 2025 IPF PPS final rule. Accordingly, the corrections are effective October 1, 2024.

II. Summary of Errors

A. Summary of Errors in the Preamble

There was a technical error in the calculation of the final FY 2025 IPF PPS wage indexes, which impacted several calculations. There is an impact to the