

a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves a collection currently approved by OMB under control number 0694-0012, Report of Requests for Restrictive Trade Practice or Boycott—Single or Multiple Transactions. The collection carries a burden estimate of 60 to 90 minutes for a manual or electronic submission for a total burden estimate of 482 hours. BIS expects the burden hours associated with this collection to not to be impacted with the publication of this rule.

List of Subjects in 15 CFR Part 766

Administrative practice and procedure, Confidential business information, Exports, Law enforcement, Penalties.

Accordingly, part 766 of the Export Administration Regulations (15 CFR parts 730-774) is amended as follows:

PART 766—ADMINISTRATIVE ENFORCEMENT PROCEEDINGS

■ 1. The authority citation for part 766 continues to read as follows:

Authority: 50 U.S.C. 4801-4852; 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783.

■ 2. Supplement no. 2 to part 766 is amended by revising paragraph (b) introductory text and paragraph (d)(1)(ii) to read as follows:

Supplement No. 2 to Part 766—Guidance on Charging and Penalty Determinations in Settlement of Administrative Enforcement Cases Involving Antiboycott Matters

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(b) Responding to Violations.

OAC within BIS investigates possible violations of the Anti-Boycott Act of 2018, the antiboycott provisions of the EAR, or any order or authorization related thereto. When BIS has reason to believe that such a violation has occurred, BIS may issue a warning letter or initiate an administrative enforcement proceeding. A violation may also be referred to the Department of Justice for criminal prosecution.

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(d) How BIS determines what sanctions are appropriate in a settlement.

(1) General Factors. BIS looks to the following general factors in determining what administrative sanctions are appropriate in each settlement.

(i) Degree of seriousness. In order to violate the antiboycott provisions of the EAR, a U.S.

person does not need to have actual “knowledge” or a reason to know, as that term is defined in § 772.1 of the EAR, of relevant U.S. laws and regulations. Typically, in cases that do not involve knowing violations, BIS will seek a settlement for payment of a civil penalty (unless the matter is resolved with a warning letter). However, in cases involving knowing violations, conscious disregard of the antiboycott provisions, or other such serious violations (e.g., furnishing prohibited information in response to a boycott questionnaire with knowledge that such furnishing is in violation of the EAR), BIS is more likely to seek a denial of export privileges or an exclusion from practice, and/or a greater monetary penalty as BIS considers such violations particularly egregious.

(ii) Category of violations. In connection with its activities described in paragraph (a)(1) of this supplement, BIS recognizes three categories of violations under the antiboycott provisions of the EAR. (See § 760.2, § 760.4 and § 760.5 of the EAR for examples of each type of violation other than recordkeeping). These categories reflect the relative seriousness of a violation, with Category A violations typically warranting the most stringent penalties, including up to the maximum monetary penalty, a denial order and/or an exclusion order. Through providing these categories in this penalty guidelines notice, BIS hopes to give parties a general sense of how it views the seriousness of various violations. This guidance, however, does not confer any right or impose any obligation as to what penalties BIS may impose based on its review of the specific facts of a case.

(A) The Category A violations and the sections of the EAR that set forth their elements are:

(1) Discriminating against U.S. persons on the basis of race, religion, sex, or national origin—§ 760.2(b);

(2) Refusing to do business—§ 760.2(a);

(3) Furnishing information about race, religion, sex or national origin of U.S. persons including, but not limited to, providing information in connection with a boycott questionnaire about the religion of employees—760.2(c).

(4) Evading the provisions of part 760—§ 760.4; and

(5) Furnishing information about associations with charitable or fraternal organizations which support a boycotted country—§ 760.2(e).

(B) The Category B violations and the sections of the EAR that set forth their elements are:

(1) Knowingly agreeing to refuse to do business—§ 760.2(a);

(2) Requiring, or knowingly agreeing to require, any other person to refuse to do business—§ 760.2(a);

(3) Implementing letters of credit—§ 760.2(f);

(4) Furnishing information about business relationships with boycotted countries or blacklisted persons—§ 760.2(d); and

(5) Making recordkeeping violations—part 762.

(C) The Category C violation and the section of the EAR that sets forth its elements

is: Failing to report timely receipt of boycott requests—§ 760.5.

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Thea D. Rozman Kendler, Assistant Secretary for Export Administration.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG-2022-0835]

Safety Zone; Battle of the Basin Boat Races Morgan City, LA

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the regulations for the Battle of the Basin Boat Races set forth in our regulations regarding Annual Marine Events in the Eighth Coast Guard District between mile marker (MM) 4 and MM 5 on the Morgan City, Port Allen Route, Louisiana (LA). This action is necessary to provide for the safety of life on these navigable waters near Morgan City, LA during high speed boat races on October 29, 2022 and October 30, 2022. During the enforcement periods, the operator of any vessel in the regulated area must comply with directions from the local Patrol Commander.

DATES: The regulations in 33 CFR 100.801 will be enforced from 10 a.m. to 6 p.m. on October 29, 2022, and October 30, 2022.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Lieutenant Jenelle Piché, Marine Safety Unit (MSU) Morgan City, U.S. Coast Guard; telephone 985-855-0724, email Jenelle.L.Piche@uscg.mil.

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the regulations set forth in 33 CFR 100.801 for the Battle of the Basin Boat Races. The regulations will be enforced from 10 a.m. to 6 p.m. on October 29, 2022, and October 30, 2022. This action is being taken to provide for the safety of life on navigable waterways during this event, which will be located between MM 4 and MM 5 on the Morgan City, Port Allen Route, LA. During the enforcement periods, if you are the

operator of a vessel in the regulated area you must comply with the regulations set forth in 33 CFR 100.801.

In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via a Safety Marine Information Broadcast and Broadcast Notice to Mariners.

Dated: September 29, 2022.

**L.T. O'Brien,**

*Captain, U.S. Coast Guard, Captain of the Port Houma.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2022-0833]

RIN 1625-AA87

#### Security Zone; Puget Sound, Tacoma, WA

**AGENCY:** Coast Guard, Department of Homeland Security (DHS).

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is extending the effective period of a temporary, 500-yard radius, moving security zone for a vessel carrying Certain Dangerous Cargo (CDC) within Puget Sound. This temporary security zone is needed to protect the vessel, the CDC, and the surrounding waterway from terrorist acts, sabotage, or other subversive acts, accidents, or other events of a similar nature. Entry of vessels or persons into this zone is prohibited while the Motor Vessel (M/V) GREEN RIDGE is in transit unless specifically authorized by the Captain of the Port Puget Sound (COTP) or a designated representative.

**DATES:** This rule is effective without actual notice from October 5, 2022, through October 8, 2022. For the purposes of enforcement, actual notice will be used from October 4, 2022, until 8:45 a.m. on October 5, 2022.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Mr. Rob Nakama, Sector Puget Sound Waterways Management Division, U.S. Coast Guard; telephone 206-217-6089, email [SectorPugetSoundWWM@uscg.mil](mailto:SectorPugetSoundWWM@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations

COTP Captain of the Port Puget Sound  
DHS Department of Homeland Security  
FR Federal Register  
M/V Motor Vessel  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

##### II. Background Information and Regulatory History

On September 30, 2022, the Coast Guard issued a rulemaking that created a temporary security zone effective October 4, 2022. Due to the vessel's new departure date, additional time is needed; as a result, the Coast Guard is establishing through temporary regulations a security zone that will be in effect through October 8, 2022. The temporary rule was issued without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This 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." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard established this security zone to ensure security of the vessel, the CDC, and the surrounding waterway from terrorist acts, sabotage, or other subversive acts, accidents, or other events of a similar nature and the effective date of the zone must be extended due to the vessel's new departure date. It would be contrary to public interest to postpone extending the temporary security zone.

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 because the security zone is needed for immediate action to respond to potential security concerns associated with the vessel.

##### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The COTP has determined that potential hazards associated with the transit of the M/V GREEN RIDGE when loaded will be a security concern within a 500-yard radius of the vessel. This rule is needed to provide for the safety and security the vessel, its cargo, and surrounding waterway from terrorist acts, sabotage or other subversive acts, accidents, or other

events of a similar nature while the vessel is transiting within Puget Sound.

##### IV. Discussion of the Rule

The Coast Guard is establishing a 500-yard radius temporary moving security zone around the M/V GREEN RIDGE. The zone for the vessel is effective from October 4, 2022, through October 8, 2022. It will be subject to enforcement this entire period unless the COTP determines it is no longer needed, in which case the Coast Guard will inform mariners via Notice to Mariners. The duration of the zone is intended to protect the vessel, the cargo, and the surrounding waterway from terrorist acts, sabotage or other subversive acts, accidents, or other events of a similar nature. No vessel or person will be permitted to enter the security zone without obtaining permission from the COTP or a designated representative.

##### 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 Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, duration, and location of the security zone. This rule will impact a small designated area of 500-yards around the moving vessel while transiting from Terminal 7 in Tacoma, WA, to Admiralty Inlet, WA. Moreover, the rule allows vessels to seek permission to enter the zone.

###### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C.