

### c. Brief Overview of the Petitions

Each petitioner states that it typically receives a bus shell<sup>14</sup> from an “original manufacturer” and “customizes the Over-the-Road Bus (OTRB)” to meet the needs of entertainers, politicians, musicians, celebrities and other specialized customers who use motorcoaches as a necessity for their businesses.” Each petitioner states that it “builds out the complete interior” of the bus shell, including—

roof escape hatch; fire suppression systems (interior living space, rear tires, electrical panels, bay storage compartments, and generator); ceiling, side walls and flooring; seating; electrical system, generator, inverter and house batteries; interior lighting; interior entertainment equipment; heating, ventilation and cooling system; galley with potable water, cooking equipment, refrigerators, and storage cabinets; bathroom and showers; and sleeping positions.

Each petitioner states that “fewer than 100 entertainer-type motorcoaches with side-facing seats are manufactured and enter the U.S. market each year.”

Pursuant to 49 CFR 555.6(d), an application must provide “[a] detailed analysis of how the vehicle provides the overall level of safety or impact protection at least equal to that of nonexempt vehicles.”

Each petitioner reiterates the agency’s discussion from the November 2013 seat belt final rule, summarized above. The petitioners also state that NHTSA has not conducted testing on the impact or injuries to passengers in side-facing seats in motorcoaches, so “there is no available credible data that supports requiring a Type 2 belt at the side-facing seating positions.” Each petitioner believes that if they comply with the final rule as published, they would be “forced to offer” customers—

a motorcoach with a safety feature that could make the occupants less safe, or certainly at least no more safe, than if the feature was not installed. The current requirement in FMVSS 208 for Type 2 belts at side-facing seating positions in OTRBs makes the applicants unable to offer a motor vehicle whose overall level of safety is equivalent to or exceeds the level of safety of a non-exempted vehicle.

Pursuant to 49 CFR 555.5(b)(7), petitioners must state why granting an exemption allowing it to install Type 1 instead of Type 2 seat belts in side-facing seats would be in the public

interest and consistent with the objectives of the Safety Act.

Each petitioner states that granting an exemption to allow manufacturers an option of installing a Type 1 lap belt at side-facing seating positions is consistent with the public interest because “NHTSA’s analysis in developing this rule found that such belts presented no demonstrable increase in associated risk.” The petitioners also each state that the final rule requiring Type 2 belts at side-facing seats “was not the result of any change in NHTSA policy or analysis, but rather resulted from an overly broad mandate by Congress for ‘safety belts to be installed in motorcoaches at each designated seating position.’” They state that, “based on the existing studies referenced herein and noted in the rulemaking, petitioners assert that Type 1 belts at side-facing seats may provide equivalent or even superior occupant protection than Type 2 belts.”

Petitioners believe that an option for Type 1 belts at side-facing seats is consistent with the objectives of the Safety Act because, they state, § 30111(a) of the Safety Act states that the Secretary shall establish motor vehicle safety standards that “shall be practicable, meet the need for motor vehicle safety, and be stated in objective terms.” Petitioners state that—

an option for Type 1 or Type 2 belts at side-facing seating positions is practicable as it allows the manufacturer to determine the best approach to motor vehicle safety depending on the intended use of the vehicle and its overall design. Additionally, the option to install either Type 1 or Type 2 belts at such locations meets the need for motor vehicle safety as it is consistent with current analysis by NHTSA and the European Commission that indicates no demonstrable difference in risk between the two types of belts when installed in sideways-facing seats. Finally, the option for Type 1 or Type 2 belts at side-facing seat locations provides an objective standard that is easy for manufacturers to understand and meet.

The petitioners indicate that if there is no future NHTSA research, testing or analysis to justify the use of Type 2 belts in side-facing seats in over-the-road buses, they expect to seek to renew the exemption, if granted, at the end of the exemption period.

### f. Comment Period

The agency seeks comment from the public on the merits of the petitions requesting a temporary exemption from FMVSS No. 208’s shoulder belt requirement for side-facing seats. NHTSA would like to make clear that the petitioners seek to install lap belts at the side-facing seats; they do not seek to be completely exempted from a belt

requirement. Further, the petitioners’ requests do not pertain to forward-facing designated seating positions on their vehicles. Under FMVSS No. 208, forward-facing seating positions on motorcoaches must have Type 2 lap and shoulder belts, and the petitioners are not raising issues about that requirement for forward-facing seats. After considering public comments and other available information, NHTSA will publish a notice of final action on the petitions in the **Federal Register**.

**Authority:** 49 U.S.C. 30113; delegation of authority at 49 CFR 1.95 and 501.4.

**James Clayton Owens,**

*Deputy Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Review of American/JetBlue Agreements

**AGENCY:** Office of the Secretary of Transportation (OST), Department of Transportation (DOT).

**ACTION:** Extension of waiting period.

**SUMMARY:** American Airlines, Inc. (American) and JetBlue Airways Corporation (JetBlue) have submitted cooperative agreements, including code-sharing and alliance agreements, to the U.S. Department of Transportation (Department) for review. The statute requires such joint venture agreements between major U.S. passenger airlines to be submitted to the Department at least 30 days before the agreements may take effect and authorizes the Department to extend the waiting period for these agreements beyond the initial 30-day period. The Department has determined to extend the waiting period for the American/JetBlue agreements for an additional 90 days.

**DATES:** The waiting period will now expire on November 19, 2020.

**FOR FURTHER INFORMATION CONTACT:** Todd Homan, Director, Office of Aviation Analysis, 1200 New Jersey Avenue SE, Washington, DC 20590 or (202) 366–5903.

**SUPPLEMENTARY INFORMATION:** On July 22, 2020, American and JetBlue submitted cooperative agreements, including code-sharing and alliance agreements, to the Department. We are informally reviewing the agreements submitted by the two carriers under 49 U.S.C. 41720. The statute requires such joint venture agreements between major U.S. passenger airlines to be submitted to the Department at least 30 days before the agreements may take effect.

<sup>14</sup> The petitions describe the bus as generally containing the following components: exterior frame; driver’s seat; dash cluster, speedometer, emissions light and emissions diagnosis connector; exterior lighting, headlights, marker lights, turn signals lights, and brake lights; exterior glass, windshield and side lights with emergency exits; windshield wiper system; braking system; tires, tire pressure monitoring system and suspension; and engine and transmission.

Pursuant to 49 U.S.C. 41720(a)(1), this requirement currently covers code-sharing agreements, long-term wet leases involving a substantial number of aircraft, and agreements concerning frequent flyer programs. By publishing a notice in the **Federal Register**, we may extend the waiting period by up to 150 days in the case of a joint venture agreement with respect to code-sharing and by up to 60 days for other types of agreements. At the end of the waiting period (either the 30-day period or any extended period established by us), the parties are free to implement their agreement unless the Department has taken action. If we determine that the agreements' implementation would constitute an unfair or deceptive practice or unfair method of competition, the Department would issue an order under 49 U.S.C. 41712 and institute a formal enforcement proceeding.

In the past, we have conducted the reviews authorized by 49 U.S.C. 41720 informally. The airline parties to joint venture agreements have filed the agreements directly with the Department staff that reviews them. Further, we have not established a docketed proceeding on any such agreements. As part of the Department's informal review of the agreements under Section 41720, we focus on whether they would reduce competition or would violate antitrust laws or principles. Our review is analogous to the review of notifiable mergers and acquisitions conducted by the Justice Department and the Federal Trade Commission under the Hart-Scott-Rodino Act, 15 U.S.C. 18a, since we are considering whether we should institute a formal proceeding for determining whether an agreement would violate section 41712.

In our review, we consult the Justice Department, which is responsible for enforcing the antitrust laws and may file suit and seek injunctive relief against the parties to an airline agreement, whether or not the agreement is subject to 49 U.S.C. 41720. We seek to avoid duplicative proceedings by this Department and the Justice Department.

Joint venture agreements featuring code-sharing and other forms of cooperation between separate entities do not constitute a merger and, in contrast to the antitrust-immunized alliances between U.S. and foreign airlines, are less likely to lead to a substantial integration of the partners' operations. Such agreements, however, would likely reduce competition if their terms or the resulting relationship among the airline partners would create the potential for collusion on price and

service levels in markets where the airlines compete, or if the agreements and the airlines' relationship could otherwise significantly reduce competition, for example, by unreasonably restricting each airline's ability to set its own fares and service levels.

The joint venture agreements submitted by the parties require the Department to undertake a detailed review of the carriers' submission and analysis of its impacts to competition, as well as analyzing the benefits of the transaction. While American and JetBlue submitted agreements on July 22, 2020, they are still negotiating and finalizing several alliance agreements material to the transaction. The two carriers also filed prior to completing their document production process. We need adequate time to review these documents once they are filed. Extending the waiting period will also facilitate the Department coordinating, as contemplated by 49 U.S.C. 41720(f), with the Antitrust Division of the Department of Justice, which is responsible for ensuring that the agreements comply with the antitrust laws of the United States. We have therefore determined to extend the waiting period by 90 days, from August 21, 2020, to November 19, 2020.

We understand the need to complete our review as expeditiously as possible, so that American and JetBlue will know our views on whether and under what terms they may go forward with the agreements. We may therefore terminate the waiting period upon earlier completion of our review.

**Authority:** 49 U.S.C. 41720(c)(2).

Dated: August 14, 2020.

**Joel Szabat,**

*Assistant Secretary for Aviation and International Affairs.*

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**BILLING CODE P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Notice of OFAC Sanctions Actions

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one

or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

**FOR FURTHER INFORMATION CONTACT:**

OFAC: Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490; Assistant Director for Licensing, tel.: 202-622-2480; or Assistant Director for Regulatory Affairs, tel.: 202-622-4855.

**SUPPLEMENTARY INFORMATION:**

**Electronic Availability**

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website ([www.treas.gov/ofac](http://www.treas.gov/ofac)).

**Notice of OFAC Action(s)**

On August 17, 2020, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

*Individuals*

1. ECOBU, Patrick (a.k.a. MUKISA, Patrick), Uganda; DOB 29 Jan 1976; nationality Uganda; Gender Male; National ID No. 001278331 (Uganda) (individual) [GLOMAG].

Designated pursuant to section 1(a)(iii)(A)(1) of Executive Order 13818 of December 20, 2017, "Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption," 82 FR 60839, 3 CFR, 2017 Comp., p. 399, (E.O. 13818) for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, corruption, including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to government contracts or the extraction of natural resources, or bribery.

2. MIREMBE, Dorah, Uganda; DOB 27 Feb 1979; nationality Uganda; Gender Female; National ID No. 001278404 (Uganda) (individual) [GLOMAG].

Designated pursuant to section 1(a)(iii)(A)(1) of E.O. 13818 for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, corruption, including the misappropriation of state assets, the expropriation of private assets for personal gain, corruption related to government contracts or the extraction of natural resources, or bribery.

3. MUKIIBI, Moses, Uganda; DOB 09 May 1954; POB Bugobango Village, Mpigi District, Uganda; nationality Uganda; Gender Male (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(B)(1) of E.O. 13818 for being a current