

collection techniques or other forms of information technology, when appropriate; and (4) whether the collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility. Submitted comments will be summarized and included in the Board's request for OMB approval.

#### Description of Collection

*Title:* Demurrage Liability Disclosure Requirements.

*OMB Control Number:* 2140-0021.

*STB Form Number:* None.

*Type of Review:* Extension with change (relating to the change in burden hours based on the estimated decrease in (a) the number of respondents from 650 to 575 and (b) the time per response from eight hours to one hour, due to fact that the unique burdens associated with the initiation of the collection no longer exist).

*Respondents:* Freight railroads subject to the Board's jurisdiction.

*Number of Respondents:* 575 (including seven Class I [*i.e.*, large] railroads).

*Estimated Time per Response:* One hour.

*Frequency:* Occasionally. The notice requirement is triggered in two circumstances: (1) When a shipper initially arranges with a railroad for transportation of goods pursuant to the railroad's tariff; or (2) when a railroad changes the terms of its demurrage tariff.

*Total Burden Hours (annually including all respondents):* 864.6 hours. Board staff estimates that: (1) Seven Class I railroads will each take on 15 new customers each year (105 hours); (2) each of the seven Class I railroads will update its demurrage tariffs every three years (2.3 hours annualized); (3) 568 non-Class I railroads will each take on one new customer a year (568 hours); and (4) each non-Class I railroad will update its demurrage tariffs every three years (189.3 hours annualized).

*Total "Non-hour Burden" Cost:* No non-hourly cost burdens associated with this collection have been identified. The notice may be provided electronically.

*Needs and Uses:* Demurrage is a charge that railroads assess their customers for detaining rail cars beyond a specified amount of time. It both compensates railroads for expenses incurred for that rail car, and serves as a penalty for undue car detention to promote efficiency. Demurrage is subject to the Board's jurisdiction under 49 U.S.C. 10702 and 10746, which require railroads to compute demurrage

charges and to establish demurrage-related rules.

A railroad and its customers may enter into demurrage contracts without providing notice, but, in the absence of such contracts, demurrage will be governed by the railroad's demurrage tariff. Under 49 CFR 1333.3, a railroad's ability to charge demurrage pursuant to its tariff is conditional on its having given, prior to rail car placement, actual notice of the demurrage tariff to the person receiving rail cars for loading and unloading. Once a shipper receives a notice as to a particular tariff, additional notices are only required when the tariff changes materially. The parties use the information in these disclosure requirements to avoid demurrage disputes, and the Board uses the information to resolve demurrage disputes that come before the agency.

Under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Section 3507(b) of the PRA requires, concurrent with an agency's submitting a collection to OMB for approval, a 30-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information.

Dated: August 11, 2017.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2017-17340 Filed 8-15-17; 8:45 am]

**BILLING CODE 4915-01-P**

## SURFACE TRANSPORTATION BOARD

### 60-Day Notice of Intent To Seek Extension of Approval: Applications for Land-Use-Exemption Permits

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995, the Surface Transportation Board (STB or Board) gives notice that it is requesting from the Office of Management and Budget (OMB) an extension of approval for the collection of Applications for Land-Use-Exemption Permits (for Solid Waste Rail Transfer Facilities).

**DATES:** Comments on this information collection should be submitted by October 13, 2017.

**ADDRESSES:** Direct all comments to Chris Oehrle, PRA Officer, Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001, or to *pra@stb.gov*. When submitting comments, please refer to "Paperwork Reduction Act Comments: Applications for Land-Use-Exemption Permits."

**FOR FURTHER INFORMATION CONTACT:** For further information regarding Land-Use-Exemption Permits, contact *pra@stb.gov*, or submit your question at <https://www.stb.gov/Ect1/ecorrespondence.nsf/incoming?OpenForm>. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:** Comments are requested concerning: (1) The accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, when appropriate; and (4) whether the collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility. Submitted comments will be summarized and included in the Board's request for OMB approval.

#### Description of Collection

*Title:* Applications for Land-Use-Exemption Permits.

*OMB Control Number:* 2140-0018.

*STB Form Number:* None.

*Type of Review:* Extension without change.

*Respondents:* Any applicant seeking a land-use-exemption permit.

*Number of Respondents:* One.

*Estimated Time Per Response:* 160 hours.

*Frequency:* On occasion.

*Total Burden Hours (annually including all respondents):* 160 hours.

*Total "Non-hour Burden" Cost:* An estimated \$200,000 to hire an environmental consultant to work with Board staff on the required environmental report.

*Needs and Uses:* Pursuant to 49 U.S.C. 10501(c)(2), as amended by the Clean Railroads Act of 2008 (CRA), 49 U.S.C. 10908-10910, the Board adopted final rules in *Solid Waste Rail Transfer Facilities*, EP 684 (STB served Nov. 20, 2012). Under these rules, a person seeking a Land-Use-Exemption Permit must file an application including substantial facts and argument as to why

a permit is necessary and, as required by the National Environmental Policy Act, an environmental report and/or an environmental impact statement. To date, the Board has not received any applications under these rules.

Under 49 CFR 1155.20, an applicant is required to file a notice of intent to apply for a land-use-exemption permit before filing its application. A suggested form for this notice may be found in Appendix A to 49 CFR part 1155.

Further, under 49 CFR 1155.21(e), an application must include a draft **Federal Register** notice. A suggested form for the draft **Federal Register** notice may be found at Appendix B to part 1155.

This collection is needed to develop a record in land-use-exemption-permit proceedings, a process mandated by Congress in the CRA. The Board uses the information in this collection to accurately assess the merits of a permit application.

Under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under 44 U.S.C. 3506(c)(2)(A), federal agencies are required to provide, prior to an agency's submitting a collection to OMB for approval, a 60-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: August 11, 2017.

**Jeffrey Herzig,**  
Clearance Clerk.

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BILLING CODE 4915-01-P

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2017-0015]

### 2017 Special 301 Out-of-Cycle Review of Notorious Markets: Comment Request

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Request for comments.

**SUMMARY:** The Office of the United States Trade Representative (USTR) requests written comments that identify online and physical markets based outside the United States that should be included in the 2017 Notorious Markets

List (List). Conducted under the auspices of the Special 301 program, the List identifies online and physical marketplaces that reportedly engage in and facilitate substantial copyright piracy and trademark counterfeiting. In 2010, USTR began publishing the Notorious Markets List separately from the annual Special 301 Report as an "Out-of-Cycle Review."

#### **DATES:**

*October 2, 2017 at midnight EST:* Deadline for submission of written comments.

*October 16, 2017 at midnight EST:* Deadline for submission of rebuttal comments and other information USTR should consider during the review.

**ADDRESSES:** You should submit written comments through the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments in section III below. For alternatives to online submissions, please contact USTR at [Special301@ustr.eop.gov](mailto:Special301@ustr.eop.gov) before transmitting a comment and in advance of the relevant deadline.

#### **FOR FURTHER INFORMATION CONTACT:**

Christine Peterson, Director for Intellectual Property and Innovation, at [Special301@ustr.eop.gov](mailto:Special301@ustr.eop.gov). You can find information about the Special 301 Review, including the Notorious Markets List, at [www.USTR.gov](http://www.USTR.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The United States is concerned with trademark counterfeiting and copyright piracy on a commercial scale because they cause significant financial losses for rights holders, legitimate businesses and governments, undermine critical U.S. comparative advantages in innovation and creativity to the detriment of American workers, and potentially pose significant risks to consumer health and safety as well as privacy and security. The Notorious Markets List identifies select online and physical marketplaces that reportedly engage in or facilitate substantial copyright piracy and trademark counterfeiting.

Beginning in 2006, USTR identified notorious markets in the annual Special 301 Report. In 2010, pursuant to the Administration's 2010 Joint Strategic Plan on Intellectual Property Enforcement, USTR announced that it would publish the List as an Out-of-Cycle Review, separate from the annual Special 301 Report. USTR published the first List in February 2011. USTR develops the annual List based upon public comments solicited through the **Federal Register** and in consultation

with other Federal agencies that serve on the Special 301 Subcommittee of the Trade Policy Staff Committee.

The United States encourages owners and operators of markets reportedly involved in piracy and counterfeiting to adopt business models that rely on the licensed distribution of legitimate content and products and to work with rights holders and enforcement officials to address infringement. USTR also encourages responsible government authorities to intensify their efforts to investigate reports of piracy and counterfeiting in such markets, and to pursue appropriate enforcement actions. The List does not purport to reflect findings of legal violations, nor does it reflect the United States Government's analysis of the general intellectual property rights (IPR) protection and enforcement climate in the country or countries concerned. For an analysis of the IPR climate in particular countries, please refer to the annual Special 301 Report, published each spring no later than 30 days after USTR submits the National Trade Estimate to Congress.

##### **II. Public Comments**

USTR invites written comments concerning examples of online and physical notorious markets, including foreign trade zones that allegedly facilitate substantial trademark counterfeiting and copyright piracy. To facilitate the review, written comments should be as detailed as possible. Comments must clearly identify the market and the reasons why the commenter believes that the market should be included in the List. Commenters should include the following information, as applicable:

- If a physical market, the market's name and location, *e.g.*, common name, street address, neighborhood, shopping district, city, etc., and the identity of the principal owners/operators.
- If an online market:
  - The domain name(s) past and present, available registration information, and name(s) and location(s) of the hosting provider(s) and operator(s).
  - Information on the volume of Internet traffic associated with the Web site, including number of visitors and page views, average time spent on the site, estimate of the number of infringing goods offered, sold or traded and number of infringing files streamed, shared, seeded, leached, downloaded, uploaded or otherwise distributed or reproduced, and global or country popularity rating (*e.g.*, Alexa rank).
  - Revenue sources such as sales, subscriptions, donations, upload incentives, or advertising and the