

resulting from the piracy or counterfeiting and a description of the methodology used to calculate the harm.

- Whether the volume of counterfeit or pirated goods or estimates of harm has increased or decreased from previous years, and an approximate calculation of that increase or decrease for each year.
- Whether the infringing goods or services sold, traded, distributed, or made available pose a risk to public health or safety.
- Any known contractual, civil, administrative, or criminal enforcement activity against the market and the outcome of that enforcement activity.
- Additional actions taken by right holders, such as discussing concerns with the market, sending cease and desist letters, sending warning letters to landlords or requests to enforce the terms of their leases, and the outcome of these actions.
- Additional actions taken by the market owners or operators to remove, limit, or discourage the availability of counterfeit or pirated goods or services, the effectiveness of market policies and guidelines in addressing counterfeiting and piracy, and the level of cooperation with right holders and law enforcement.
- Any other additional information relevant to the review.

### III. Submission Instructions

All submissions must be in English and sent electronically via *Regulations.gov*. To submit comments, locate the docket (folder) by entering the docket number USTR-2023-0009 in the search bar on the *Regulations.gov* homepage and click 'search.' The site will provide a search-results page listing all documents associated with this docket. Locate the reference to this notice by selecting 'notice' under 'document type' on the left side of the search-results page, and click on the link entitled 'Comment'. You should provide comments in an attached document, and name the file according to the following protocol, as appropriate: Commenter Name or Organization\_2023 Notorious Markets. Please include the following information in the 'type comment' field: 2023 Review of Notorious Markets for Counterfeiting and Piracy. USTR prefers submissions in Microsoft Word (.docx) or Adobe Acrobat (.pdf) format. If the submission is in another file format, please indicate the name of the software application in the 'type comment' field. For further information on using *Regulations.gov*, please select 'how to use *Regulations.gov*' on the bottom of any page.

Please do not attach separate cover letters to electronic submissions. Instead, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the comment itself, rather than submitting them as separate files.

Please include the name, email address, and phone number of an individual who can be contacted if there are issues or questions with the submission. The contact information can be included in the submission or sent to Jake Ewerdt, Deputy Assistant U.S. Trade Representative for Innovation and Intellectual Property, at *notoriousmarkets@ustr.eop.gov* or (202) 395-6862.

For any comment submitted electronically that contains business confidential information (BCI), the file name of the business confidential version should begin with the characters 'BCI'. Any page containing BCI must be clearly marked 'BUSINESS CONFIDENTIAL' on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. A filer requesting business confidential treatment must certify that the information is business confidential and that they would not customarily release it to the public. Additionally, the submitter should type 'Business Confidential 2023 Review of Notorious Markets for Counterfeiting and Piracy' in the 'comment' field. Filers of comments containing BCI also must submit a public version. Begin the file name of the public version with the character 'P'. USTR will place the non-business confidential version in the docket at *Regulations.gov* and it will be available for public inspection.

As noted, USTR strongly urges submitters to file comments through *Regulations.gov*. You must make any alternative arrangements in advance of the relevant deadline and before transmitting a comment by contacting Jake Ewerdt at *notoriousmarkets@ustr.eop.gov* or (202) 395-6862.

USTR will post comments in the docket for public inspection, except properly designated BCI. You can view comments on *Regulations.gov* by entering docket number USTR-2023-

0009 in the search field on the home page.

**Daniel Lee,**

*Assistant U.S. Trade Representative for Innovation and Intellectual Property, Office of the United States Trade Representative.*

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**BILLING CODE 3390-F3-P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2023-0153]

#### Agency Information Collection Activities; Renewal of an Approved Information Collection: Truck and Bus Maintenance Requirements and Their Impact on Safety

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

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

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. FMCSA requests approval to renew an ICR titled, "Truck and Bus Maintenance Requirements and Their Impact on Safety" will allow for a study that focuses on vehicle maintenance and aims to determine the impact of vehicle maintenance requirements on overall motor carrier safety. This information collection supports the DOT Strategic Goal of Safety.

**DATES:** Comments on this notice must be received on or before September 1, 2023.

**ADDRESSES:** You may submit comments identified by Docket Number FMCSA-2023-0153 using any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590-0001 between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

- Fax: 1–202–493–2251.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:**

Mike Lukuc, Program Manager, Technology Division, DOT, FMCSA, West Building 6th Floor, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 385–238; [mike.lukuc@dot.gov](mailto:mike.lukuc@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**Instructions**

All submissions must include the Agency name and docket number. For detailed instructions on submitting comments, see the Public Participation heading below. Note that all comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

**Public Participation and Request for Comments**

If you submit a comment, please include the docket number for this notice (FMCSA–2023–0153), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online.

To submit your comment online, go to <https://www.regulations.gov/docket/FMCSA-2023-0153/document>, click on this notice, click “Comment,” and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

Comments received after the comment closing date will be included in the

docket and will be considered to the extent practicable.

**Privacy Act**

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**Background**

FMCSA’s core mission is to reduce crashes, injuries, and fatalities involving large trucks and buses. To aid in accomplishing this, the Agency uses the Compliance, Safety, Accountability (CSA) enforcement program to prioritize and target interventions of those motor carriers who are most likely to be involved in a future crash. As part of the CSA program, the Agency deploys the Safety Measurement System (SMS). SMS uses inspection, crash, and investigation data captured in the Motor Carrier Management Information System to calculate a percentile for each motor carrier. A motor carrier’s SMS percentile is based on its past compliance with a complete range of safety-based regulations (such as driver safety, hours of service, driver fitness, and vehicle maintenance, among others). The survey described in this notice focuses on the vehicle maintenance component of those safety regulations. The study goal is to determine what improvements, ranging from better compliance interventions to better vehicle maintenance requirements, would enhance motor carrier safety.

In 2014, the John A. Volpe National Transportation Systems Center conducted a study to assess the effectiveness of SMS in identifying the highest risk motor carriers to be targeted for interventions. One finding from the study was that motor carriers targeted for intervention due to “vehicle maintenance” issues (*i.e.*, violations) had a 65 percent higher crash rate compared to the national average. These violations are based on Federal and state inspections of components critical to the safe operation of the vehicle. It is important to recognize that proper and regular preventative maintenance (*i.e.*, systematic maintenance programs) among carriers—rather than Federal and State inspections, which are by nature limited to the most visible or obvious safety-related components—should be the primary activity applied to ensure safe equipment operation. While these initial findings are important, they raise

additional questions. One such question is prompted by the stipulation in 49 CFR 396.3(a), which states that every carrier must have a program to “systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all motor vehicles and intermodal equipment subject to its control.” Though this regulation provides some direction, there is no supporting definition of the word *systematic*, and because this term is subjective, it is likely to vary from one carrier to another. The lack of specificity regarding standard intervals for preventative maintenance makes it difficult for Federal and State personnel to evaluate the effectiveness of and compliance with a carrier’s maintenance program. Furthermore, the lack of specificity may make it difficult for carriers to ascertain and therefore comply with the regulation’s intent.

The current research effort, augmented by the proposed survey, is necessary to improve FMCSA’s understanding of the safety impact of preventative vehicle maintenance and to clarify the requirements of § 396.3(a). The study objectives are as follows:

1. Develop an operational definition of *systematic maintenance*.
2. Evaluate whether current regulations and the intervention process could be modified to improve compliance with vehicle maintenance requirements. Examples of such requirements are as follows: (i) Preventative maintenance intervals, (ii) preventative maintenance inspections with adequately trained/equipped mechanics, and (iii) adequacy of motor carriers’ maintenance facilities. [However, the results of the survey will be used only to explore what areas of rulemaking and/or other areas, such as policy guidance and training, might be useful in the future; the results of the survey will not be used for rulemaking, per se.]

3. Gather information to assist in establishing minimum standards for inspection intervals, mechanic qualifications and training, and certification of maintenance facilities.

FMCSA is authorized to conduct this research under 49 U.S.C. 31108, Motor Carrier Research and Technology Programs. Under section 31108(a)(3)(C), FMCSA may fund research, development, and technology projects that improve the safety and efficiency of commercial motor vehicle operations through technological innovation and improvement. This information collection supports the DOT strategic goal of Safety.

Under contract to FMCSA, the Virginia Tech Transportation Institute (VTTI) at the Virginia Polytechnic Institute and State University will use online surveys to obtain the data required to address the study objectives. The information collection will be administered in two phases:

*Phase I: Online Recruitment Survey.* This voluntary, seven-question survey will screen carriers and verify their eligibility for Phase II participation. To be eligible for Phase II participation, carriers must fall into one of two groups: (a) The Recommended Practices (RP) Group, which includes carriers with the lowest Vehicle Maintenance and Crash Indicator Behavior Analysis and Safety Improvement Categories (BASIC) percentiles (*i.e.*, less than or equal to the 33rd percentile); or (b) the Intervention Effects (IE) Group, which includes carriers that have experienced Federal or State interventions in the last 24 months due to vehicle maintenance violations. The BASICs are Unsafe Driving, Crash Indicator, Hours-of-Service (HOS) compliance, Vehicle Maintenance, Controlled Substances/Alcohol, Hazardous Materials (HM) Compliance, and Driver Fitness. More information on the SMS methodology can be found at <https://csa.fmcsa.dot.gov/Documents/SMSMethodology.pdf>.

*Phase II: Carrier Maintenance Management Survey.* This voluntary, 108-question survey will include questions about demographics; maintenance practices, intervals, personnel, and facilities; and State and Federal inspections, among other things. The Phase II survey will employ branch logic; as such, carriers will be prompted to complete different sections based on their survey group (and for one section, carrier size). Consequently, no participating carrier will be asked to complete all 108 questions.

In the Phase II survey, carriers (of all sizes) in the RP Group will be asked to provide additional information about maintenance personnel and facilities (*e.g.*, mechanic training levels, tools required for adequate inspection, and certification of facilities) and vehicle maintenance issues that may impact safety. Information from the RP Group will seek to address Objective 1, relating to development of an operational definition of *systematic maintenance*, Objective 2, and Objective 3, relating to establishment of minimum standards for inspection intervals, mechanic qualifications and training, and certification of maintenance facilities.

Carriers in the IE Group will be asked to complete the section on intervention effects, which includes questions about

the status of active interventions or investigations; results of closed interventions or investigations; interactions with State versus Federal agencies; intervention activities experienced; the accuracy of violations leading to interventions; actions taken in response to interventions; changes in carrier vehicle maintenance practices as a result of an intervention; significant benefits of interventions; and ways the intervention process could be improved. Information provided by the IE Group will address the portion of Objective 2 regarding sufficiency of regulations and where interventions need to be improved to facilitate complying with these regulations.

Survey responses will be summarized and reported using plots, tables, content analysis, and calculated summary statistics. Plots and tables will provide a visual comparison of multiple choice and checkbox survey responses for successful carriers (*i.e.*, carriers in the RP Group) and those receiving interventions in the last 24 months (*i.e.*, carriers in the IE Group). These methods will also allow researchers to summarize responses by carrier operation type (*i.e.*, truck or bus) and size. Bar charts will be used to plot responses to many survey questions. Some survey responses may be summarized with tables with rows for each of the carrier operation types (truck or bus) and each carrier-size subgroup. To explore and summarize responses to open-ended survey questions, researchers will use content analysis methods. An illustration of an open-ended question in the survey is “List examples of critical safety-related maintenance activities for trailer vehicle milestones.” The goal of content analysis of open-ended questions will be to identify common answers.

The results of this information collection will be documented in a technical report to be delivered to and published by FMCSA. In addition, the results will be used to create a “recommended best practices” report that will outline minimum standards for inspection intervals, mechanic qualifications and training, and certification of maintenance facilities. Finally, VTTI is required under the contract with FMCSA to compile and analyze the collected information and develop a public-use data set.

If this data collection does not take place, the truck and bus industry would continue to operate with the uncertainty of what a “systematic maintenance” program, as currently worded in § 396.3(a), consists of. This term’s ambiguous definition makes it difficult for Federal and State inspectors to

evaluate the effectiveness of a carrier’s maintenance program or its compliance with this provision. Furthermore, this uncertainty may make it difficult for carriers to ascertain and therefore comply with the regulation’s intent.

*Title:* Truck and Bus Maintenance Requirements and Their Impact on Safety.

*OMB Control Number:* 2126–0069.

*Type of Request:* Extension of a currently approved ICR.

*Respondents:* Freight motor carriers and passenger carriers.

*Estimated Number of Respondents:* 578 respondents [578 respondents will complete the Online Recruitment Survey. Of those 578 respondents, 289 will also complete the Carrier Maintenance Manager Survey].

*Estimated Time per Response:* Varies [Online Recruitment Survey: 5 minutes. Carrier Maintenance Manager Survey: 45 minutes.]

*Expiration Date:* November 30, 2023.

*Frequency of Response:* Annually.

*Estimated Total Annual Burden:* 265 hours [Online Recruitment Survey: 578 respondents × (5 minutes ÷ 60 minutes) = 48 hours; Carrier Maintenance Manager Survey: 289 respondents × (45 minutes ÷ 60 minutes) = 217 hours].

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including: (1) whether the proposed collection is necessary for the performance of FMCSA’s functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The Agency will summarize or include your comments in the request for OMB’s clearance of this ICR.

Issued under the authority of 49 CFR 1.87.

**Thomas P. Keane,**

*Associate Administrator, Office of Research and Registration.*

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**BILLING CODE 4910–EX–P**