implementing rule at 49 CFR part 556), Morgan submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Morgan's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles involved: Affected are approximately 139 MY 2012 and 2013 Morgan model M3W three-wheeled motorcycles manufactured during the period August 1, 2012 to August 14, 2013.

III. Noncompliance: Morgan explains that the noncompliance is that the affected vehicles were equipped with dual horizontally-mounted headlamps mounted 29 inches apart (lens edge to lens edge) rather than within 200 mm as stated in FMVSS No. 108. In addition, Morgan states that the headlamps are not marked with the symbol ''DOT.''

IV. Rule Text: Paragraphs S7.9.6.2(b) and S10.17.1.2.2 of FMVSS No. 108 require in pertinent part:

Paragraph S7.9.6.2(b) (applies only to the subject vehicles manufactured before December 1, 2012).

If the system consists of two headlamps, each of which provides both an upper and lower beam, the headlamps shall be mounted either at the same height and symmetrically disposed about the vertical centerline or mounted on the vertical centerline. If the headlamps are horizontally disposed about the vertical centerline, the distance between the closest edges of their effective projected luminous lens areas shall not be greater than 200 mm (8 in.).

Paragraph S10.17.1.2.2 (applies only to the subject vehicles manufactured after December 1, 2012).

If the headlamps are horizontally disposed about the vertical centerline, the distance between the closest edges of their effective projected luminous lens areas must not be greater than 200 mm.

V. Summary of Morgan's Analyses: Morgan stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

1. Horizontal Separation of the Headlamps

• Morgan contends that the headlamps meet the technical requirements of FMVSS No. 108 and that the current horizontal spacing of 29 inches is in the best interests of road safety. If the M3W were compliant with the existing motorcycle head lamp spacing requirement, other road users would not have an accurate indication of the width of an oncoming M3W.

• For ongoing production Morgan shall source an FMVSS No. 108 compliant headlamp and shall install such lamp in accordance with FMVSS No. 108 along the vertical centerline of the M3W. This lamp shall be wired to the vehicle lighting switch. The two lamps separated by 29 inches shall remain available as optional driving lamps wired to a separate switch and shall be supplemental driving lamps. This change in specification shall apply to any US retail sales after the date of Morgan's notification of noncompliance submitted under 49 CFR part 573 for the subject vehicles.

II. Lens Marking

• Morgan contends that the noncompliance is inconsequential as it relates to motor vehicle safety on the basis that the lamps meet the substantive requirements of FMVSS No. 108 and Morgan owners almost exclusively go to Morgan dealers for replacement parts.

• For ongoing production, the headlamps shall have all FMVSS required markings.

Morgan also presents several arguments as to how it believes previous NHTSA inconsequential noncompliance determinations can be applied to a decision on its petition. See Morgan's petition for a complete discussion of its reasoning.

In addition, Morgan knows of no reports of injuries or other safety issues in the US or the rest of the world caused by the subject noncompliance.

In summation, Morgan believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

In its petition, Morgan also requested that NHTSA amend the headlamp spacing requirements in FMVSS No. 108 during future rulemaking. This request cannot be considered as part of the instant petition as filed under 49 CFR part 556. However, Morgan may consider petitioning the Agency for rulemaking. The appropriate type of petition to request a change in a rule is one filed under 49 CFR Part 552 *Petitions for Rulemaking, Defect, and Non-Compliance Orders.*

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the vehicles that Morgan no longer controlled at the time it determined that the noncompliance existed. However, a decision on this petition cannot relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant motor vehicles under their control after Morgan notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Issued on: December 2, 2013.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2013–29249 Filed 12–6–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35724 (Sub-No. 1)]

California High-Speed Rail Authority—Construction Exemption—In Fresno, Kings, Tulare, and Kern Counties, California

By petition filed on September 26, 2013, California High-Speed Rail Authority (Authority), a state agency formed in 1996, seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 for authority to construct an approximately 114-mile high-speed passenger rail line between Fresno and Bakersfield, Cal. (the Line).

The Line is the second of nine segments of the planned California High-Speed Train System (HST System), which would, when completed, provide high-speed intercity passenger rail service over more than 800 miles of new rail line throughout California.[1] The complete system would connect the major population centers of Sacramento, the San Francisco Bay Area, the Central Valley, Los Angeles, the ''Inland Empire'' (*i.e.,* the region east of the Los Angeles metropolitan area), Orange County, and San Diego. The Authority states that it plans to contract with a

[1] Earlier this year the Board granted an exemption for construction of the first segment of the HST System, between Merced and Fresno, Cal. (Merced-to-Fresno segment). *See Cal. High-Speed Rail Auth.—Constr. Exemption—in Merced, Madera & Fresno Cntys., Cal.,* FD 35724 (STB served June 13, 2013) (*June Decision*).

passenger rail operator to commence HST System operations once it has completed construction of the portion of the HST system between Merced and the San Fernando Valley, which includes the Line.

Request for Conditional Approval. The Authority requests that the Board conditionally grant the exemption authority by addressing the transportation aspects of the project in advance of the environmental issues. The Authority states that its design-build contract for a 29-mile segment of the HST System, which is composed of a five-mile portion of the Line and a 24-mile portion of the Merced-to-Fresno segment, requires the Authority to give its contractor a notice to proceed with construction of the five-mile Line segment by July 12, 2014. The Authority asserts that if it cannot issue the notice to proceed by then, the five-mile segment will be removed from the contract and the Authority will need to renegotiate the price for the construction of the 24-mile segment and the price and timetable for the five-mile segment, which could result in a substantial aggregate increase in the cost of construction of the two segments. The Authority also expresses concern regarding a possible Board member vacancy after January 1, 2014, and thus asks that the requested conditional grant of authority be effective by year's end. A Board vacancy, however, would not prevent the Board from carrying out its functions.

Although the Board has sometimes made conditional grants of construction exemption authority in the past, it has not done so in several years. It has also questioned the benefits to a construction applicant given that the Board must consider the environmental effects of the construction proposal before any final approval can be given and before any construction may begin.[2] Therefore, in the absence of a showing of some unique or compelling circumstances, it is our policy to determine the transportation merits of a construction proposal based on a complete record, including the environmental record.[3]

The Authority has not presented any unique or compelling circumstances that demonstrate that a two-step decisional process is warranted. We have an independent statutory obligation to review thoroughly transactions brought before the agency for authorization under the Interstate Commerce Act. The fact that the Authority contractually agreed to notify its contractor by a certain date that construction can proceed is not a sufficient basis for the Board to carry out its independent statutory obligation in a piecemeal fashion. Moreover, no construction may begin until after the environmental review is completed and the Board issues its final decision.[4] Neither a contractual obligation nor a notice to proceed can change that fact. There is also the possibility that the Board could deny the petition for exemption notwithstanding a prior conditional grant. Accordingly, the Authority's request for a conditional grant of the requested exemption authority, subject to the completion of the environmental review process, will be denied.

Replies to the Petition for Exemption. Given that the original deadline for replies to the petition fell during the recent Federal government shutdown, during which the Board did not accept any filings,[5] we will extend the period for replies to December 24, 2013, to permit sufficient time for interested persons to prepare and file responses.[6] Such replies should address the transportation merits of the petition.

Environmental Review. Currently, the Federal Railroad Administration (FRA) and the Authority are jointly leading a project-level environmental review of the Line.[7] In August 2011, FRA and the Authority issued a Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS), an analysis of the environmental impacts and benefits of implementing the high-speed train between Fresno and Bakersfield. Public comments on the Draft EIR/EIS were due in September 2011. Thereafter, FRA and the Authority issued a Revised Draft EIR/EIS in July 2012, on which public comments were due in October 2012. Preparation of the Final EIR/EIS is underway.

In August 2013, the Board became a cooperating agency, as defined by 40 CFR 1508.5, for the preparation of the project-level EIR/EIS for the Line, as well as for the other remaining segments of the HST System. As a cooperating agency, the Board, through its Office of Environmental Analysis (OEA), will work with the Authority and FRA to fulfill its obligations under the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.* OEA is currently working with FRA and the Authority in the preparation of the Final EIR/EIS for the Line. The entire environmental record for the Line, including the Draft EIR/EIS, Revised Draft EIR/EIS, public comments on those draft documents, and the Final EIR/EIS will serve as the basis for OEA's recommendation to the Board regarding whether, from an environmental perspective, the Authority's construction exemption should be granted, denied, or granted with environmental conditions. Because the public comment periods on the project-level Draft EIR/EIS and Revised Draft EIR/EIS have closed, the Board is not soliciting additional comments on environmental matters in this proceeding.

By this decision, we are instituting a proceeding under 49 U.S.C. 10502(b).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. A proceeding is instituted under 49 U.S.C. 10502(b).

2. Replies to the petition for exemption are due by December 24, 2013.

3. The Authority's request for a conditional construction exemption is denied.

4. This decision will be published in the **Federal Register**.

5. This decision is effective on its service date.

Decided: December 3, 2013.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Mulvey. Vice Chairman Begeman concurred with a separate expression.

Vice Chairman Begeman, concurring:

I support the Board's decision to reject the California High-Speed Rail Authority's request for a decision on the transportation aspects of the project before the environmental review of the project is completed. The Board should not approve any segment of this enormous public works project unless it first carries out a comprehensive

[2] *See Alaska R.R.—Constr. & Operation Exemption—Rail Line Between Eielson Air Force Base (N. Pole) & Fort Greely (Delta Junction), Alaska,* FD 34658 (STB served Oct. 4, 2007).

[3] *See id.*

[4] As the Board noted in its decision approving the Merced-to-Fresno segment of the HST System, there is a controversy regarding California's bond funding process. *See June Decision,* slip op. at 20 n.104. Since the Board's *June Decision,* the bond issue has continued to be litigated in state court. *See High Speed Rail Auth.* v. *All Persons Interested in re the Validity of the Authorization & Issuance of Gen. Obligation Bonds to be Issued Pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century,* Case No. 34–2013–00140689–CU–MC–GDS (Sup. Ct. Cal., Sacramento, Nov. 25, 2013).

[5] Replies were due October 16, 2013. *See* 49 CFR 1104.13(a).

[6] On November 27, 2013, Michael E. LaSalle filed a letter requesting that the Board give notice of the Authority's petition in this sub-docket to all parties of record in the main docket and provide adequate time for interested parties to reply. This decision will be published in the **Federal Register**, which will serve as public notice of this proceeding and of the extended deadline for replies to the petition.

[7] FRA and the Authority jointly began the environmental review related to the entire HST System in 2000, and in 2005 they finalized a Program EIR/EIS, a programmatic analysis on implementing the entire HST System.

analysis of the segment at issue, including its financial fitness.

Earlier this year, the Board rushed to meet the Authority's request for expedited action on the first segment of the project. Unfortunately, in order to do so and over my objections, the Board chose to ignore key components of the project's viability—its projected costs and funding. The Board reached a decision without looking at the project's financial fitness. For this and other reasons that I explained at the time, I could not fully support the Board's decision.

Today's decision acknowledges the growing controversy regarding California's bond funding process. Considerable federal taxpayers' dollars are already at stake and the recent state court decisions may very likely impact construction timing and costs.

Just as we need to consider the environmental aspects along with the transportation merits of this project before granting further approval, we should also understand its funding aspects, and then make a decision on a full record. The Authority's current petition fails to include any details about the project's finances. That void needs to be corrected before the Board acts further.

Derrick A. Gardner,

Clearance Clerk.

[FR Doc. 2013–29281 Filed 12–6–13; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Privacy Act of 1974, as Amended; System of Records

AGENCY: Bureau of the Fiscal Service, Department of the Treasury.

ACTION: Notice of new Privacy Act system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of the Treasury proposes to establish a new system of records entitled, ''Department of the Treasury/Bureau of the Fiscal Service .023—Do Not Pay Payment Verification Records.'' This system of records allows the Department of the Treasury/Bureau of the Fiscal Service to collect, maintain, analyze, and disclose records that will assist Federal agencies in identifying, preventing, and recovering payment error, waste, fraud and abuse within Federal spending as required by the Improper Payment Elimination and Recovery Improvement Act of 2012 (IPERIA), 31 U.S.C. 3321 note, Public Law 112–248. Information regarding the operation of this system of records and additional privacy protections (e.g., additional disclosure restrictions, active computer matching agreements, additional safeguards, etc.) can be found at *www.donotpay.treas.gov.*

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment. Therefore, comments must be received no later than January 8, 2014. If no comments are received, the system will become effective on January 21, 2014.

ADDRESSES: Comments may be sent by mail or electronic mail (email). Mail address: Disclosure Officer, Bureau of the Fiscal Service, 401 14th Street SW., Washington, DC 20227. Email Address: *David.Ambrose@fms.treas.gov.* Comments received will be available for inspection by appointment at the address listed above between the hours of 9 a.m. and 4 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

For general questions please contact: Kevin R. Jones, Executive Director, Do Not Pay Business Center, 401 14th Street SW., Washington, DC 20227, Phone: (202) 504–3516, Bureau of the Fiscal Service, Email: *Kevin.Jones@bpd.treas.gov*.

For privacy issues please contact: David Ambrose, Acting Chief Privacy Officer, Bureau of the Fiscal Service, 3700 East-West Highway, Room 803–A, Hyattsville, MD 20782, Phone: (202) 874–6488, Email: *David.Ambrose@fms.treas.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Federal agencies make more than $2 trillion in payments for contracts, grants, loans, benefits, and other congressionally-authorized purposes to individuals and a variety of other entities each year. Most of these payments are proper. However, improper payments occur when (a) funds go to the wrong recipient; (b) the recipient receives the incorrect amount of funds; (c) documentation is not available to support a payment; or (d) the recipient receives the funds in an improper or fraudulent manner.

In accordance with the Improper Payment Elimination and Recovery Improvement Act of 2012 (IPERIA), the Office of Management and Budget (OMB) designated the Department of the Treasury to host the Do Not Pay Working System, also known as the Treasury Working System, which will help Federal agencies verify that their payments are proper before a payment is made. The Do Not Pay Working System will provide authorized Federal agencies with centralized access to various data sources, as well as access to analytical services designed to detect fraud and systemic improper payments. Treasury's Do Not Pay Working System also can help agencies identify why improper payments are made, so that agencies can take action to avoid future improper payments. By strengthening and enhancing financial management controls, Federal agencies can better detect and prevent improper payments and bolster taxpayer confidence in the Federal Government's management of taxpayer dollars.

Under current practices, Federal agencies use information from multiple data sources to verify eligibility of a benefit recipient, loan applicant, contractor, grantee, or other recipient of Federal payments at various times during the payment cycle, most significantly pre-award and pre-payment. Examples of data sources include the Department of Health and Human Services' List of Excluded Individuals/Entities, which contains information about individuals excluded from participation in Federal healthcare programs, such as Medicare, and the General Services Administration's System for Award Management (formerly the Excluded Parties List System), which contains information about contractors who are barred from doing business with the Federal Government. Typically, agencies do not solely rely on information contained in a single data source to make eligibility determinations, but use the data to confirm or supplement information received from the payment recipient and through other means. By centralizing access to multiple relevant data sources, Treasury is able to provide agencies with information to help them make better and timelier eligibility decisions.

The Do Not Pay Working System provides authorized agencies with information about intended and actual payees of Federal funds in two ways. First, the Do Not Pay Working System enables authorized Federal agencies to access information from multiple databases through a central web portal maintained by Treasury. Second, Treasury compares information about payees from payment files submitted by Federal paying agencies to information contained in multiple data sources. For both methods, the paying agency reviews any data provided by the Do Not Pay Working System to determine whether the data are correct and how the data impacts payment eligibility in