

as required by 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if Nissan wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the anti-theft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions "to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption."

The agency wishes to minimize the administrative burden that § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

We note that Nissan requested confidential treatment for the information and attachments it submitted in support of its petition. While the agency granted the petitioner's request for confidential treatment of most aspects of its petition, we have released the model year for which the exemption is granted. This information is necessary for the law enforcement efforts to combat motor vehicle theft. That is, law enforcement officials need to know whether a given motor vehicle line was subject or exempted from the parts-marking requirements for a given model year.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: January 4, 2006.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34803]

The Town of Corinth, NY—Acquisition and Operation Exemption—Canadian Pacific Railway

The Town of Corinth, NY (Town), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Delaware and Hudson Railway Company, Inc., doing business as Canadian Pacific Railway (CPR), certain assets of an approximately 16.45-mile rail line between Adirondack Branch milepost 39.44 at or near Saratoga Springs, NY, and Adirondack Branch milepost 55.89 at or near Corinth, NY. In addition, the Town will acquire from CPR approximately .69 miles of incidental trackage rights, extending from milepost 37.10 to milepost 38.20 in Saratoga Springs, NY.

At the time of filing of the verified notice, the Town and CPR were in the process of finalizing one or more agreements whereby the Town will acquire the right-of-way, track and other rail assets associated with the line, subject to CPR's reservation of an exclusive and permanent freight easement. The Town states that it will have neither the right nor the obligation to perform common carrier freight service over the line, but instead intends to provide intrastate scenic tour passenger operations.¹

The Town certifies that its projected revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier.

The transaction was expected to be consummated on or after December 31, 2005.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34803, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Rose-Michele Nardi, Weiner Brodsky Sidman Kider PC, 1300 19th Street, NW., Fifth Floor, Washington, DC 20036-1609.

¹For these reasons, the Town has simultaneously filed a motion to dismiss the notice of exemption in this proceeding. The Board will address the motion in a separate decision.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: January 4, 2006.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 06-190 Filed 1-10-06; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34798]

City of Alameda—Acquisition Exemption—Alameda Beltline Railroad

The City of Alameda (the City), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire the line of railroad owned by the Alameda Beltline Railroad (ABL).

The earliest the transaction could have been consummated was December 16, 2005 (7 days after filing the notice), but, as noted below, the effectiveness of the exemption has been stayed pending further order of the Board.

The City certifies that its projected revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

On December 15, 2005, ABL filed a petition to stay the effectiveness of the exemption sought by the City through the filing of its notice under section 1150.31. On December 15, 2005, the Board granted a housekeeping stay of the effective date of the exemption in this proceeding to allow time for the parties to provide additional information, and for the Board to consider the issues presented in the stay request. The exemption is stayed until further order of the Board, and each party has been given until January 17, 2006, to file additional pleadings.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34798, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on: (1) Charles A. Montange, 426 NW., 162nd Street, Seattle, WA 98177; and (2) Sidney L. Strickland, Jr., Sidney Strickland and Associates, PLLC, 3050 K Street, NW., Suite 101, Washington, DC 20007.