Authority: 49 U.S.C. 103, 322(a), 20103, 20107, 20901–02, 21301, 21302, 21311; 28 U.S.C. 2461, note; 49 CFR 1.49.

2. Appendix B to part 225 is amended by revising paragraphs 1, 2, 3, 4, 7, and 8 to read as follows:

Appendix B to Part 225—Procedure for Determining Reporting Threshold

1. Wage data used in the calculation are collected from railroads by the Surface Transportation Board (STB) on Form A—STB Wage Statistics. Rail equipment data from the U.S. Department of Labor, Bureau of Labor Statistics (BLS), LABSTAT Series reports are used in the calculation. The equation used to adjust the reporting threshold has two components: (a) The average hourly earnings of certain railroad maintenance employees as reported to the STB by the Class I railroads and Amtrak; and (b) an overall rail equipment cost index determined by the BLS. The wage component is weighted by 40% and the equipment component by 60%.

2. For the wage component, the average of the data from Form A—STB Wage Statistics for Group No. 300 (Maintenance of Way and Structures) and Group No. 400 (Maintenance of Equipment and Stores) employees are used.

3. For the equipment component, LABSTAT Series Report, Producer Price Index (PPI) Series WPU 144 for Railroad Equipment is used.

4. In the month of October, second-quarter wage data are obtained from the STB. For equipment costs, the corresponding BLS railroad equipment indices for the second quarter are obtained. As the equipment index is reported monthly rather than quarterly, the average for the months of April, May and June is used for the threshold calculation.

* * * * *

7. The weightings result from using STB wage data and BLS equipment cost data to produce a reasonable estimation of the previous reporting threshold, which had assumed that damage repair costs, at levels at or near the threshold, were split approximately evenly between labor and materials.

8. Formula:

New Threshold=Prior Threshold × [1 + 0.4(Wnew − Wprior)/ Wprior + 0.6(Enew-Eprior)/100]

Where:
Wnew = New average hourly wage rate ($).
Wprior = Prior average hourly wage rate ($).
Enew = New equipment average PPI value.
Eprior = Prior equipment average PPI value.

Issued in Washington, DC, on April 12, 2005.

Robert D. Jamison,

Acting Administrator, Federal Railroad Administration.

[FR Doc. 05–7740 Filed 4–18–05; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 230

[Docket No. FRA 2005–20044, Notice No. 1]

RIN 2130–AB64

Inspection and Maintenance Standards for Steam Locomotives

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FRA proposes to correct an inadvertent, small omission from FRA Form 4 (''Boiler Specification Card'') in the Steam Locomotive Inspection and Maintenance Standards. The form is used to record information about inspections of steam locomotive boilers.

DATES: (1) *Written comments:* Written comments on this NPRM must be submitted by May 19, 2005. Comments received after the date will be considered to the extent possible without incurring additional expense or delay.

(2) *Public Hearing:* If any person desires an opportunity for oral comment, he or she must notify FRA in writing and specify the basis for the request. FRA will schedule a public hearing in connection with this proceeding if the agency receives a request for a public hearing by May 19, 2005.

ADDRESSES: You may submit comments, identified by DOT DMS Docket No. FRA 2005–20044, by any of the following methods:

Website: http://dms.dot.gov. Follow the submitting comments on the DOT electronic site.

Fax: (202) 493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590.

Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Federal eRulemaking Portal: Go to *http://www.regulations.gov*. Follow online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all comments received will be posted without change to *http://dms.dot.gov*, including personal information provided. Please see the ''Privacy Act'' section under ''Regulatory Impact.''

Docket: For access to the docket to read background or comments received, go to *http://dms.dot.gov* at any time or to Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: George Scerbo, Motive Power and Equipment Safety Specialist, 1120 Vermont Avenue, NW., Mail Stop 25, Washington, DC 20590, (202) 493–6249, *George.Scerbo@fra.dot.gov*; or Melissa L. Porter, Trial Attorney, 1120 Vermont Avenue, NW., Mail Stop 10, Washington, DC 20590, (202) 493–6034, *Melissa.Porter@fra.dot.gov*.

SUPPLEMENTARY INFORMATION: On November 17, 1999, FRA published a final rule revising the agency's inspection and maintenance standards for steam locomotives (49 CFR part 230). (64 FR 62828). As part of the final rule, FRA included forms in Appendix C to part 230 that railroads operating steam locomotives are required to use in order to comply with the rule. On FRA Form 4 entitled ''Boiler Specification Card,'' FRA inadvertently omitted three lines in the ''Calculations'' section that should have been included to record the shearing stress on rivets. The omitted language is as follows:

''Shearing stress on rivets:

Greatest shear stress on rivets in longitudinal seam _____ psi
Location (course #); _____; Seam Efficiency _____ ''

FRA proposes to correct this oversight by adding the above language to Form 4. Because the purpose of Form 4 is to document for FRA the current condition of the boiler and to keep up-to-date documentation of all repairs that have been made to the boiler, this omitted language is necessary on the form so that the current condition of the boiler can be documented accurately.

Although the language was also omitted from the NPRM issued on September 25, 1998 in the proceeding that led to the 1999 final rule amendments to the steam locomotive rule, the omitted language was still intended by FRA to be on Form 4. A review of meeting minutes from the Tourist and Historic Railroads Working Group of FRA's Railroad Safety Advisory Committee, which was tasked with developing recommendations for revising the rule, indicates that there was no substantive discussion about the specific requirements to record the

shearing stress on rivets, unlike other issues that were controversial. There was discussion about how to calculate the stress, but not about the recording requirements. In addition, the prior version of the rule required persons and entities to record similar information (*i.e.*, shearing stress on rivets in pounds per square inch). (*See*, for example, 49 CFR 230.54 (1978)). In all of the meetings and comments, there was no discussion between any parties of eliminating this language from Form 4. Moreover, in a March 18, 2003, letter to FRA, the Secretary of the Engineering Standards Committee for Steam Locomotives states the ''[t]he original final drafts [of Form 4] supplied to the FRA and agreed to by the task group contained this section [for 'Shearing Stress on Rivets'].'' The letter requests that the section of the form ''be reinstated * * *.''

In light of the foregoing explanation, FRA proposes to amend Form 4 as stated above.

Regulatory Impact

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This proposed rule has been evaluated in accordance with existing policies and procedures. It is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget. This proposed rule is not significant under the Regulatory Policies and Procedures of the Department of Transportation. The economic impact of the proposed rule would be minimal to the extent that preparation of a regulatory evaluation is not warranted.

B. Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires a review of rules to assess their impact on small entities. This rule proposes to correct a minor omission from the final rule. Therefore, FRA certifies that proposed rule would not have a significant economic impact on a substantial number of small entities.

C. Federalism

This proposed rule would not have a substantial effect on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Thus, in accordance with Executive Order 13132, preparation of a Federalism assessment is not warranted.

D. Paperwork Reduction Act

There are no new information collection requirements in this proposed rule.

E. Compliance With the Unfunded Mandates Reform Act of 1995

The proposed rule issued today would not result in the expenditure, in the aggregate, of $120,700,000 or more in any one year by State, local, or Indian Tribal governments, or the private sector, and thus preparation of a statement is not required.

F. Environmental Assessment

There would be no significant environmental impacts associated with this proposed rule.

G. Energy Impact

According to definitions set forth in Executive Order 13211, there would be no significant energy action as a result of the issuance of this proposed rule.

H. Privacy Act

Anyone is able to search the electronic form of all comments received in any of our dockets by the name of the individual submitting the comment or (signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov*.

Request for Public Comments

FRA proposes to amend Form 4 in Appendix C to 49 CFR Part 230, as set forth below. FRA solicits comments on the NPRM through written submissions. FRA may make changes to the final rule based on comments submitted in response to this proposed rule.

List of Subjects in 49 CFR Part 230

Steam locomotives, Railroad safety, Penalties, Reporting and recordkeeping requirements.

The Proposed Rule

In consideration of the foregoing, FRA proposes to amend chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 230—[AMENDED]

1. The authority citation for part 230 continues to read as follows:

Authority: 49 U.S.C. 20103, 20701, 20702; 28 U.S.C. 2461, note; and 49 CFR 1.49.

2. Appendix C to part 230 is amended by revising ''FRA Form 4'' to read as follows:

Appendix C to Part 230—FRA Inspection Forms

* * * * *

BILLING CODE 4910–06–U

FRA Form 4

BOILER SPECIFICATION CARD

Locomotive No._____; **Boiler No.**_____; **Date built**_____
Boiler built by:_____
Owned by:_____
Operated by:_____
Type of boiler:_____; **Dome, where located:**_____

BOILER SURVEY DATA

Where **condition** is called for, use: **New** - New material at the time of the boiler survey; **Good** - Little or no wear and/or corrosion; **Fair** - Obvious wear and/or corrosion.

Boiler Shell Sheets

Material:	Type of Material (wrought iron, carbon steel, or alloy steel)	Carbon Content	Condition
1st course (front)	_____	_____	_____
2nd course	_____	_____	_____
3rd course	_____	_____	_____
Rivets	_____	n/a	n/a

Documentation of how material was determined shall be attached to this form.

Measurements:		At Seam	Thinnest	
Front flue sheet,	thickness	n/a	_____	
1st course,	thickness	_____,	_____,	ID_____,ID_____
2nd course,	thickness	_____,	_____,	ID_____,ID_____
3rd course,	thickness	_____,	_____,	ID_____,ID_____

When courses are not cylindrical give ID at each end

Is boiler shell circular at all points?_____
If shell is flattened, state location and amount_____
Are all flattened areas of shell stayed adequately for the pressure allowed by this form?_____

Water Space at Mud Ring: Sides_____, Front_____, Back_____
Width of water space at sides of fire box measured at center line of boiler: Front_____, Back_____

Firebox and Wrapper Sheets

Firebox sheets:	Thickness	Material	Condition
Rear flue sheet	_____	_____	_____
Crown	_____	_____	_____
Sides	_____	_____	_____
Door	_____	_____	_____
Combustion chamber	_____	_____	_____
Inside throat	_____	_____	_____
Wrapper sheets:			
Throat	_____	_____	_____
Back head	_____	_____	_____
Roof	_____	_____	_____
Sides	_____	_____	_____

Steam Dome

Dome is made of _____pieces (not including seam welts, if any), Top opening diameter_____
Middle cylindrical portion - ID_____ , Opening in boiler shell, longitudinally - _____

Dome sheets:	Thickness	Material	Condition
Base	_____	_____	_____
Middle cylindrical portion	_____	_____	_____
Top	_____	_____	_____
Lid	_____	_____	_____
Boiler shell liner for steam dome opening:	_____	_____	_____

Is liner part of longitudinal seam?_____

Arch Tubes, Flues, Circulators, Thermic Siphons, Water Bar Tubes, Superheaters, and Dry Pipe

Arch tubes: OD_____, wall thickness_____; number _____; condition_____

Flues:
OD_____, wall thickness_____, length_____; number_____; condition_____
OD_____, wall thickness_____, length_____; number_____; condition_____
OD_____, wall thickness_____, length_____; number_____; condition_____

Circulators: OD_____, wall thickness_____; number _____; condition_____

Thermic siphons: number_____; plate thickness_____; condition_____
neck OD_____, neck thickness_____; condition_____

Water bar tubes: OD_____, wall thickness_____

Superheater units directly connected to boiler with no intervening valve:
Type_____, Tube OD_____, wall thickness_____; number_____; condition_____

Dry pipe subject to pressure:
OD_____, wall thickness_____, material_____; condition_____

Stay Bolts, Crown Bar Rivets, and Braces

Stay bolts:
Smallest crown stay diameter_____, avg. spacing_____X_____; condition_____
Smallest stay bolt diameter_____, avg. spacing_____X_____ ; condition_____
Smallest combustion chamber stay bolt dia._____,
avg. spacing_____X_____; condition_____

Measurement at smallest diameter

Crown bar bolts & rivets:
Roof sheet rivets, smallest dia._____, ave. spacing_____X_____; condition_____
Roof sheet bolts, smallest dia._____, ave. spacing_____X_____; condition_____
Crown sheet rivets, smallest dia._____, ave. spacing_____X_____; condition_____
Crown sheet bolts, smallest dia._____, ave. spacing_____X_____;condition_____

Braces:			Total Cross Sectional Area of Braces	
	Number	Total Area Stayed	Actual	Equivalent Direct Stay

Backhead	_____	_____	_____	_____
Throat sheet	_____	_____	_____	_____
Front tube sheet	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Safety Valves, Heating Surface, and Grate Area

Safety valves: Total number of safety valves on locomotive_____

Valve Size	Manufacturer	No. valves of this size and manufacture
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Heating Surface:

Heating surface, as part of a circulating system in contact on one side with water or wet steam being heated and on the other side with gas or refractory being cooled, shall be measured on the side receiving heat.

Firebox and Combustion Chamber	_____	square feet
Flue Sheets (less flue ID areas)	_____	square feet
Flues	_____	square feet
Circulators	_____	square feet
Arch Tubes	_____	square feet
Thermic Siphons	_____	square feet
Water Bar Tubes	_____	square feet
Superheaters (front end throttle only)	_____	square feet
Other	_____	square feet
Total Heating Surface	_____	square feet

Grate area:_____square feet

Water Level Indicators, Fusible Plugs, and Low Water Alarms

Height of lowest reading of gauge glasses above crown sheet:_____ _____

Height of lowest reading of gauge cocks above crown sheet:_____

Is boiler equipped with fusible plug(s)? _____, number_____

Is boiler equipped with low water alarm(s)? _____, number_____

Calculations

Staybolt stresses:

Stay bolt under greatest load, maximum stress _____psi
Location_____

Crown stay, crown bar rivet, or crown bar bolt under greatest load, max. stress _____psi
Location_____

Combustion chamber stay bolt under greatest load, maximum stress _____psi
Location_____

Braces:

Round or rectangular brace under greatest load, maximum stress _____psi
Location_____

Gusset brace under greatest load, maximum stress _____psi
Location_____

Shearing stress on rivets:

Greatest shear stress on rivets in longitudinal seam _____psi
Location (course #)_____ ; Seam Efficiency_____

Boiler shell plate tension:

Greatest tension on net section of plate in longitudinal seam _____psi
Location (course #)_____ ; Seam Efficiency_____

Boiler plate and components, minimum thickness required @ tensile strength:

Front tube sheet	_____@_____	Rear flue sheet	_____@_____
1st course at seam	_____@_____	1st course not at seam	_____@_____
2nd course at seam	_____@_____	2nd course not at seam	_____@_____
3rd course at seam	_____@_____	3rd course not at seam	_____@_____
Roof sheet	_____@_____	Crown sheet	_____@_____
Side wrapper sheets	_____@_____	Firebox side sheets	_____@_____
Back head	_____@_____	Door sheet	_____@_____
Throat sheet	_____@_____	Inside throat sheet	_____@_____
Combustion chamber	_____@_____	Dome, top	_____@_____
Dome, middle	_____@_____	Dome, base	_____@_____
Arch tubes	_____@_____	Dome, lid	_____@_____
Water bar tubes	_____@_____	Thermic siphons	_____@_____
Dry pipe	_____@_____	Circulators	_____@_____

Notes. **1. If tensile strength used is greater than 50,000 psi for steel or greater than 45,000 psi for wrought iron, supporting documentation must be furnished.**

2. Any shell dimension less than 1/4" in thickness may not be adequate for support of or by other structures, particularly where threads or staybolts are concerned. Applicable codes should be consulted.

Boiler Steam Generating Capacity: _____pounds per hour

The following may be used as a guide for estimating steaming capacity:

Pounds of Steam Per Hour Per Square Foot of Heating Surface:

Hand fired	8 lbs. per hr.
Stoker fired	10 lbs. per hr.
Oil, gas or pulverized fuel fired	14 lbs. per hr.

Record of Alterations

Description of Alteration	Date of Alteration

Record of Waivers

Waiver No.	Section No. Affected	Scope and Content of Waiver

Calculations done by:_____; Verified by:_____

Data used to verify the foregoing specifications is current and accurate. Based upon the information contained in this document and all necessary calculations, this boiler of Locomotive (Initial & number)_____ is safe for a working pressure of _____psi.

_____ Date_____; _____ Date_____

Locomotive Owner **Locomotive Operator**

Make working sketch here or attach drawing of longitudinal and circumferential seams used in shell of boiler, indicating on which courses used and give calculated efficiency of weakest longitudinal seam.

* * * * *

Issued in Washington, DC, on April 12, 2005.

Robert D. Jamison,

Acting Administrator, Federal Railroad Administration.

[FR Doc. 05–7739 Filed 4–18–05; 8:45 am]

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