



# Federal Register

---

**Thursday,  
November 30, 2000**

---

**Part XLII**

## **Railroad Retirement Board**

---

**Semiannual Regulatory Agenda**

**RAILROAD RETIREMENT BOARD (RRB)**

**RAILROAD RETIREMENT BOARD**

**20 CFR Ch. II**

**Semiannual Agenda of Regulations Under Development or Review**

**AGENCY:** Railroad Retirement Board.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** This agenda contains lists of regulations that the Board is developing or proposes to develop in the next 12

months and regulations that are scheduled to be reviewed in that period.

**ADDRESSES:** 844 North Rush Street, Chicago, Illinois 60611.

**FOR FURTHER INFORMATION CONTACT:** Marguerite P. Dadabo, Senior Attorney, Bureau of Law, Railroad Retirement Board, (312) 751-4945, FAX (312) 751-7102, TDD (312) 751-4701.

**SUPPLEMENTARY INFORMATION:** No **Regulatory Plan** entries were included

for this edition of the Railroad Retirement Board's semiannual regulatory agenda. Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda.

By Authority of the Board.

**Dated:** August 31, 2000.

**Beatrice Ezerski,**  
*Secretary to the Board.*

**Railroad Retirement Board—Proposed Rule Stage**

Sequence Number	Title	Regulation Identification Number
4196	Requests for Reconsideration and Appeals Within the Board .....	3220-AB03
4197	General Administration .....	3220-AB35
4198	Application for Annuity or Lump Sum .....	3220-AB46

**Railroad Retirement Board—Final Rule Stage**

Sequence Number	Title	Regulation Identification Number
4199	Finality of Decisions Regarding Unemployment and Sickness Insurance Benefits .....	3220-AB25
4200	Sickness Benefits .....	3220-AB44
4201	Application for Annuity or Lump Sum .....	3220-AB45

**Railroad Retirement Board—Long-Term Actions**

Sequence Number	Title	Regulation Identification Number
4202	Reduction and Non-Payment of Annuities by Reason of Work .....	3220-AA61
4203	Voluntary Quit .....	3220-AA75
4204	Determining Disability .....	3220-AA99
4205	Creditable Railroad Compensation .....	3220-AB23
4206	Freedom of Information Act Requests .....	3220-AB47
4207	Assessment or Waiver of Interest, Penalties, and Administrative Costs With Respect to Collection of Certain Debts .....	3220-AB48
4208	Use of the Seal of the Railroad Retirement Board .....	3220-AB49

**Railroad Retirement Board—Completed Actions**

Sequence Number	Title	Regulation Identification Number
4209	Employers Under the Railroad Retirement Act; Employers Under the Railroad Unemployment Insurance Act .....	3220-AA51
4210	Employees Under the Railroad Retirement Act .....	3220-AA52
4211	Registration for Railroad Unemployment Benefits; Determination of Daily Benefit Rate; Sickness Benefits; Duration of Normal and Extended Benefits .....	3220-AB39
4212	Family Relationships .....	3220-AB40
4213	Determining Disability .....	3220-AB42
4214	Evidence Required for Payment .....	3220-AB43

## Railroad Retirement Board (RRB)

## Proposed Rule Stage

**4196. REQUESTS FOR RECONSIDERATION AND APPEALS WITHIN THE BOARD****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 45 USC 231f(b)(5); 45 USC 231g; 45 USC 355**CFR Citation:** 20 CFR 260; 20 CFR 320**Legal Deadline:** None**Abstract:** The RRB is amending its regulations to provide for its field offices to make timeliness determinations on requests for reconsideration of decisions of the RRB's various adjudicating units.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611  
Phone: 312 751-4945  
TDD Phone: 312 751-4701  
Fax: 312 751-7102**RIN:** 3220-AB03**4197. GENERAL ADMINISTRATION****Priority:** Info./Admin./Other**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.**Legal Authority:** 45 USC 231f(b)(5); 45 USC 362(l)**CFR Citation:** 20 CFR 200**Legal Deadline:** None**Abstract:** The Board proposes to amend its regulations, which describe its organization and general course of operations to reflect recent reorganizations.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Marguerite P. Dadabo, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611  
Phone: 312 751-4945  
TDD Phone: 312 751-4701  
Fax: 312 751-7102**RIN:** 3220-AB35**4198. • APPLICATION FOR ANNUITY OR LUMP SUM****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing

Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 45 USC 231d; 45 USC 231f**CFR Citation:** 20 CFR 217.9; 20 CFR 217.30**Legal Deadline:** None**Abstract:** The Railroad Retirement Board amends sections 217.9 and 217.30 of its regulations to accept a spouse annuity application, when filed simultaneously with the railroad employee's application for a disability annuity, to be filed more than three months in advance of the earliest annuity beginning date.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611  
Phone: 312 751-4945  
TDD Phone: 312 751-4701  
Fax: 312 751-7102**RIN:** 3220-AB46

## Railroad Retirement Board (RRB)

## Final Rule Stage

**4199. FINALITY OF DECISIONS REGARDING UNEMPLOYMENT AND SICKNESS INSURANCE BENEFITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 355; 45 USC 361(l)**CFR Citation:** 20 CFR 349**Legal Deadline:** None**Abstract:** This part explains when the RRB will reopen a final determination on a claim for benefits under the Railroad Unemployment Insurance Act.**Timetable:**

Action	Date	FR Cite
NPRM	04/20/00	65 FR 21164
NPRM Comment Period End	06/19/00	65 FR 21164
Final Rule	11/00/00	

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo, Senior Attorney, Bureau of Law,Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611  
Phone: 312 751-4945  
TDD Phone: 312 751-4701  
Fax: 312 751-7102**RIN:** 3220-AB25**4200. SICKNESS BENEFITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 362(i); 45 USC 362(l)**CFR Citation:** 20 CFR 335.3**Legal Deadline:** None

## RRB

## Final Rule Stage

**Abstract:** The Railroad Retirement Board amends its regulations under the Railroad Unemployment Insurance Act to accept a "statement of sickness" signed by a "nurse practitioner."

**Timetable:**

Action	Date	FR Cite
NPRM	05/05/00	65 FR 26161
NPRM Comment Period End	07/05/00	65 FR 26161
Final Action	12/00/00	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Marguerite P. Dadabo, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611  
Phone: 312 751-4945  
TDD Phone: 312 751-4701

Fax: 312 751-7102

**RIN:** 3220-AB44

**4201. APPLICATION FOR ANNUITY OR LUMP SUM**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 45 USC 231d; 45 USC 231f

**CFR Citation:** 20 CFR 217.8

**Legal Deadline:** None

**Abstract:** The Railroad Retirement Board amends its regulations to accept an application filed for a divorced spouse benefit as an application for a spouse benefit if the parties remarry

within six months of the date of divorce.

**Timetable:**

Action	Date	FR Cite
NPRM	05/11/00	65 FR 30366
NPRM Comment Period End	07/10/00	65 FR 30366
Final Action	12/00/00	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** Federal

**Agency Contact:** Marguerite P. Dadabo, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611  
Phone: 312 751-4945  
TDD Phone: 312 751-4701  
Fax: 312 751-7102

**RIN:** 3220-AB45

## Railroad Retirement Board (RRB)

## Long-Term Actions

**4202. REDUCTION AND NON-PAYMENT OF ANNUITIES BY REASON OF WORK**

**Priority:** Other Significant

**Legal Authority:** 45 USC 231f(b)(5)

**CFR Citation:** 20 CFR 230

**Legal Deadline:** None

**Abstract:** The Railroad Retirement Board amends 20 CFR part 230 to explain how annuity deductions on account of work are assessed in accordance with current law.

**Timetable:**

Action	Date	FR Cite
NPRM	08/16/95	60 FR 42482
NPRM Comment Period End	09/25/95	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Marguerite P. Dadabo, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611  
Phone: 312 751-4945  
TDD Phone: 312 751-4701  
Fax: 312 751-7102

**RIN:** 3220-AA61

**4203. VOLUNTARY QUIT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 45 USC 362(l)

**CFR Citation:** 20 CFR 328

**Legal Deadline:** None

**Abstract:** A new part 328 is added to explain when unemployment insurance benefits are not payable because the employee voluntarily left employment.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Marguerite P. Dadabo, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611  
Phone: 312 751-4945  
TDD Phone: 312 751-4701  
Fax: 312 751-7102

**RIN:** 3220-AA75

**4204. DETERMINING DISABILITY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 45 USC 231a; 45 USC 231f

**CFR Citation:** 20 CFR 220.114

**Legal Deadline:** None

**Abstract:** Section 114 of part 220 is being amended to expand the Board's description of the manner in which symptoms, including pain, are evaluated for purposes of determining disability.

**Timetable:**

Action	Date	FR Cite
NPRM	09/11/95	60 FR 47122
NPRM Comment Period End	11/13/95	
Final Action	To Be Determined	

**Regulatory Flexibility Analysis**

**Required:** No

**Small Entities Affected:** No

**Government Levels Affected:** None

**Agency Contact:** Marguerite P. Dadabo, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611  
Phone: 312 751-4945  
TDD Phone: 312 751-4701  
Fax: 312 751-7102

**RIN:** 3220-AA99

## RRB

## Long-Term Actions

**4205. CREDITABLE RAILROAD COMPENSATION****Priority:** Other Significant**Legal Authority:** 45 USC 231f**CFR Citation:** 20 CFR 211.3**Legal Deadline:** None

**Abstract:** The RRB amends its regulations regarding the creditability of pay for time lost to prohibit the crediting of pay for time lost beyond the date of a judgment or settlement, or in the absence of a judgment or settlement, beyond the date of payment. The Labor Member of the RRB dissents from this proposal and recommends allowing the crediting of pay for time lost in these circumstances when the accompanying railroad retirement taxes are paid on the compensation.

**Timetable:**

Action	Date	FR Cite
NPRM	12/04/97	62 FR 61488
NPRM Comment Period End	02/02/98	
Final Action	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** Marguerite P. Dadabo, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611  
Phone: 312 751-4945  
TDD Phone: 312 751-4701  
Fax: 312 751-7102

**RIN:** 3220-AB23**4206. • FREEDOM OF INFORMATION ACT REQUESTS****Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 45 USC 231f(b)(5); 45 USC 362; 5 USC 552**CFR Citation:** 20 CFR 200.4**Legal Deadline:** None

**Abstract:** The Railroad Retirement Board amends 20 CFR 200.4 to direct all Freedom of Information Act requests to the Board's General Counsel, and to extend the time within which responses may be made from 10 to 20 working days as provided by the Freedom of Information Act.

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** Marguerite P. Dadabo, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611  
Phone: 312 751-4945  
TDD Phone: 312 751-4701  
Fax: 312 751-7102

**RIN:** 3220-AB47**4207. • ASSESSMENT OR WAIVER OF INTEREST, PENALTIES, AND ADMINISTRATIVE COSTS WITH RESPECT TO COLLECTION OF CERTAIN DEBTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 231f(b)(5); 45 USC 362; 31 USC 3717**CFR Citation:** 20 CFR 200.7**Legal Deadline:** None

**Abstract:** The Railroad Retirement Board amends its regulations to permit waiver of interest, penalties, and administrative costs in cases where a debt is being recovered by setoff from current annuities if the debt was not caused by fraud. This amendment will conform the regulation to current agency practice.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** Marguerite P. Dadabo, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611  
Phone: 312 751-4945  
TDD Phone: 312 751-4701  
Fax: 312 751-7102

**RIN:** 3220-AB48**4208. • USE OF THE SEAL OF THE RAILROAD RETIREMENT BOARD****Priority:** Info./Admin./Other**Legal Authority:** 45 USC 231f; 18 USC 701**CFR Citation:** 20 CFR 369**Legal Deadline:** None

**Abstract:** The Railroad Retirement Board adds 20 CFR 369 to its regulations. This section explains the procedures that must be followed to obtain written authorization for limited use of the Railroad Retirement Board's seal.

**Timetable:**

Action	Date	FR Cite
NPRM	To Be	Determined

**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal

**Agency Contact:** Marguerite P. Dadabo, Senior Attorney, Bureau of Law, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611  
Phone: 312 751-4945  
TDD Phone: 312 751-4701  
Fax: 312 751-7102

**RIN:** 3220-AB49

## Railroad Retirement Board (RRB)

## Completed Actions

**4209. EMPLOYERS UNDER THE RAILROAD RETIREMENT ACT; EMPLOYERS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT****Priority:** Other Significant**CFR Citation:** 20 CFR 202; 20 CFR 301**Completed:**

Reason	Date	FR Cite
Withdrawn	09/01/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo

Phone: 312 751-4945

TDD Phone: 312 751-4701

Fax: 312 751-7102

**RIN:** 3220-AA51**4210. EMPLOYEES UNDER THE RAILROAD RETIREMENT ACT****Priority:** Other Significant**CFR Citation:** 20 CFR 203**Completed:**

Reason	Date	FR Cite
Withdrawn	09/01/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** State, Federal**Agency Contact:** Marguerite P. Dadabo

Phone: 312 751-4945

TDD Phone: 312 751-4701

Fax: 312 751-7102

**RIN:** 3220-AA52**4211. REGISTRATION FOR RAILROAD UNEMPLOYMENT BENEFITS; DETERMINATION OF DAILY BENEFIT RATE; SICKNESS BENEFITS; DURATION OF NORMAL AND EXTENDED BENEFITS****Priority:** Substantive, Nonsignificant**CFR Citation:** 20 CFR 325; 20 CFR 330; 20 CFR 335; 20 CFR 336**Completed:**

Reason	Date	FR Cite
Final Rule	04/12/00	65 FR 19647
Final Rule Effective	05/12/00	65 FR 19647

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo

Phone: 312 751-4945

TDD Phone: 312 751-4701

Fax: 312 751-7102

**RIN:** 3220-AB39**4212. FAMILY RELATIONSHIPS****Priority:** Substantive, Nonsignificant**CFR Citation:** 20 CFR 222**Completed:**

Reason	Date	FR Cite
Final Rule Effective	04/18/00	65 FR 20725
Final Action	04/18/00	65 FR 20725

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo

Phone: 312 751-4945

TDD Phone: 312 751-4701

Fax: 312 751-7102

**RIN:** 3220-AB40**4213. DETERMINING DISABILITY****Priority:** Substantive, Nonsignificant**CFR Citation:** 20 CFR 220.186**Completed:**

Reason	Date	FR Cite
Final Rule	04/17/00	65 FR 20371
Final Rule Effective	05/17/00	65 FR 20371

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo

Phone: 312 751-4945

TDD Phone: 312 751-4701

Fax: 312 751-7102

**RIN:** 3220-AB42**4214. EVIDENCE REQUIRED FOR PAYMENT****Priority:** Substantive, Nonsignificant**CFR Citation:** 20 CFR 219.6**Completed:**

Reason	Date	FR Cite
Final Rule	04/13/00	65 FR 19829
Final Rule Effective	05/15/00	

**Regulatory Flexibility Analysis****Required:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo

Phone: 312 751-4945

TDD Phone: 312 751-4701

Fax: 312 751-7102

**RIN:** 3220-AB43

[FR Doc. 00-23098 Filed 11-29-00]

**BILLING CODE 7905-01-S**