



Federal Register

Monday,
May 13, 2002

Part XLI

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 60611-2092.

FOR FURTHER INFORMATION CONTACT: Marguerite P. Dadabo, Assistant General Counsel, Office of General Counsel, Railroad Retirement Board, (312) 751-4945, FAX (312) 751-7102, TDD (312) 751-4701.

SUPPLEMENTARY INFORMATION:

Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda.

Dated: March 13, 2002.
By Authority of the Board.

Beatrice Ezerski,
Secretary to the Board.

Railroad Retirement Board—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3440	Requests for Reconsideration and Appeals Within the Board	3220-AB03
3441	Employers' Contributions and Contribution Reports	3220-AB53
3442	Retirement Age	3220-AB54

Railroad Retirement Board—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3443	Application for Annuity or Lump Sum	3220-AB46
3444	Freedom of Information Act Requests	3220-AB47
3445	Appendix 1 to Part 220—Listing of Impairments	3220-AB51

Railroad Retirement Board—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3446	Reduction and Non-Payment of Annuities by Reason of Work	3220-AA61
3447	Determining Disability	3220-AA99
3448	Creditable Railroad Compensation	3220-AB23
3449	Determining Disability	3220-AB50

Railroad Retirement Board—Completed Actions

Sequence Number	Title	Regulation Identification Number
3450	Designation of Central and Field Organization	3220-AB35
3451	Assessment or Waiver of Interest, Penalties, and Administrative Costs With Respect To Collection of Certain Debts	3220-AB48
3452	Employers' Contributions and Contribution Reports	3220-AB52

Railroad Retirement Board—Discontinued Entries

Regulation Identification Number	Title	Date Withdrawn	Comments
3220-AA75	Voluntary Quit	03/13/2002	Withdrawn

Railroad Retirement Board (RRB)

Proposed Rule Stage

3440. REQUESTS FOR RECONSIDERATION AND APPEALS WITHIN THE BOARD**Priority:** Substantive, Nonsignificant**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 Railroad Retirement Board is amending 20 CFR sections 260 and 320 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	03/29/02	67 FR 15127
NPRM Comment Period End	05/28/02	
Final Action	07/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611-2092
Phone: 312 751-4945
TDD Phone: 312 751-4701
Fax: 312 751-7102**RIN:** 3220-AB03**3441. • EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 345 362(l)**CFR Citation:** 20 CFR 345.202 to 204**Legal Deadline:** None**Abstract:** The Railroad Retirement Board amends sections 345.202 to 204 of 20 CFR part 345 to explain the effective date of consolidated employer records that result in the issuance of a joint contribution rate under the "experience rating" provisions of section 8 of the Railroad Unemployment Insurance Act. The amendment also incorporates a nomenclature change due to a recent agency reorganization.**Timetable:**

Action	Date	FR Cite
NPRM	05/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611-2092
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RIN: 3220-AB53**3442. • RETIREMENT AGE****Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 231f(b)(5)**CFR Citation:** 20 CFR 218; 20 CFR 220; 20 CFR 225**Legal Deadline:** None**Abstract:** The Railroad Retirement Board amends title 20 CFR sections 218, 220, and 225, to update references in those sections to the "age" required for annuity eligibility to reflect changes to full retirement age under the Railroad Retirement Act.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611-2092
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Railroad Retirement Board (RRB)

Final Rule Stage

3443. APPLICATION FOR ANNUITY OR LUMP SUM**Priority:** Substantive, Nonsignificant**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	11/29/01	66 FR 59548
NPRM Comment Period End	01/28/02	
Final Action	07/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611-2092
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RIN: 3220-AB46**3444. FREEDOM OF INFORMATION ACT REQUESTS****Priority:** Substantive, Nonsignificant**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

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Final Rule Stage

working days as provided by the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
Direct Final Rule	08/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 3220-AB47

3445. APPENDIX 1 TO PART 220—LISTING OF IMPAIRMENTS

Priority: Substantive, Nonsignificant

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

CFR Citation: 20 CFR 220.110; 20 CFR 220, app 1

Legal Deadline: None

Abstract: The Railroad Retirement Board amends 20 CFR 220.110 and appendix 1—Listing of Impairments, to conform the medical criteria that apply to disability determinations to the medical criteria in the Social Security Administration's regulations (20 CFR 404, subpart P, appendix 1).

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 3220-AB51

Railroad Retirement Board (RRB)

Long-Term Actions

3446. REDUCTION AND NON-PAYMENT OF ANNUITIES BY REASON OF WORK

Priority: Substantive, Nonsignificant

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	60 FR 43999
Final Action	To Be	Determined

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611-2092
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RIN: 3220-AA61

3447. DETERMINING DISABILITY

Priority: Substantive, Nonsignificant

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

CFR Citation: 20 CFR 220.114

Legal Deadline: None

Abstract: The Railroad Retirement Board amends title 20 CFR 220.114 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: Federal

Agency Contact: Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611-2092
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RIN: 3220-AA99

3448. CREDITABLE RAILROAD COMPENSATION

Priority: Substantive, Nonsignificant

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, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611-2092
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RRB

Long-Term Actions

Fax: 312 751-7102

RIN: 3220-AB23

3449. DETERMINING DISABILITY

Priority: Substantive, Nonsignificant

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

CFR Citation: 20 CFR 220.143; 20 CFR 220.170

Legal Deadline: None

Abstract: The Railroad Retirement Board amends 20 CFR sections 220.143

and 220.170 to index the amount of earnings used to determine if an individual is engaged in substantial gainful activity (SGA) to any increase in the Social Security national average wage index, and to increase (from \$200 to \$530) the minimum amount of monthly earnings to count during a trial work period, and then to index that amount to the Social Security national average wage index.

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, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611-2092
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RIN: 3220-AB50

Railroad Retirement Board (RRB)

Completed Actions

3450. DESIGNATION OF CENTRAL AND FIELD ORGANIZATION

Priority: Info./Admin./Other

CFR Citation: 20 CFR 200.1

Completed:

Reason	Date	FR Cite
Final Rule	02/07/02	67 FR 5723
Final Rule Effective	02/07/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 3220-AB35

3451. ASSESSMENT OR WAIVER OF INTEREST, PENALTIES, AND ADMINISTRATIVE COSTS WITH RESPECT TO COLLECTION OF CERTAIN DEBTS

Priority: Substantive, Nonsignificant

CFR Citation: 20 CFR 200.7

Completed:

Reason	Date	FR Cite
Final Rule	02/07/02	67 FR 5723
Final Rule Effective	02/07/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Marguerite P. Dadabo
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RIN: 3220-AB48

3452. • EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

Priority: Substantive, Nonsignificant

Legal Authority: 45 USC 362(l)

CFR Citation: 20 CFR 345.111; 20 CFR 345.113 to 115; 20 CFR 345.124; 20 CFR 345.307

Legal Deadline: None

Abstract: The Railroad Retirement Board amends sections 345.111, 345.113 to 115, 345.124, and 345.307 of 20 CFR part 345, to provide for

electronic filing of railroad employers' quarterly reports of contributions under the Railroad Unemployment Insurance Act, as required by the Government Paperwork Elimination Act.

Timetable:

Action	Date	FR Cite
NPRM	01/16/02	67 FR 2157
NPRM Comment Period End	03/18/02	
Final Action	03/25/02	67 FR 13567
Final Action Effective	03/25/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 3220-AB52

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