



Federal Register

**Monday,
December 9, 2002**

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 60611-2092.

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: For this edition of the Railroad Retirement Board's regulatory agenda, the most important significant regulatory actions are included in The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Regulatory

Plan entries are listed in the Table of Contents below and are denoted by a bracketed bold reference, which directs the reader to the appropriate sequence number in part II.

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

Dated: September 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
3759	Employers' Contributions and Contribution Reports	3220-AB53
3760	Application for Annuity or Lump Sum (Reg Plan Seq No. 152)	3220-AB55
3761	Account Benefits Ratio (Reg Plan Seq No. 153)	3220-AB56
3762	Electronic Filing of Applications and Claims for Benefits Under the Railroad Unemployment Insurance Act	3220-AB57

References in boldface appear in the **Regulatory Plan** in part II of this issue of the **Federal Register**.

Railroad Retirement Board—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3763	Reduction and Non-Payment of Annuities by Reason of Work	3220-AA61
3764	Determining Disability	3220-AA99
3765	Requests for Reconsideration and Appeals Within the Board (Reg Plan Seq No. 154)	3220-AB03
3766	Freedom of Information Act Requests	3220-AB47
3767	Appendix 1 to Part 220—Listing of Impairments	3220-AB51
3768	Retirement Age	3220-AB54

References in boldface appear in the **Regulatory Plan** in part II of this issue of the **Federal Register**.

Railroad Retirement Board—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3769	Creditable Railroad Compensation	3220-AB23
3770	Determining Disability	3220-AB50

Railroad Retirement Board—Completed Actions

Sequence Number	Title	Regulation Identification Number
3771	Application for Annuity or Lump Sum	3220-AB46

Railroad Retirement Board (RRB)

Proposed Rule Stage

3759. 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	11/00/02	

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-AB53**3760. • APPLICATION FOR ANNUITY OR LUMP SUM****Regulatory Plan:** This entry is Seq. No. 152 in part II of this issue of the **Federal Register**.**RIN:** 3220-AB55**3761. • ACCOUNT BENEFITS RATIO****Regulatory Plan:** This entry is Seq. No. 153 in part II of this issue of the **Federal Register**.**RIN:** 3220-AB56**3762. • ELECTRONIC FILING OF APPLICATIONS AND CLAIMS FOR BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT****Priority:** Substantive, Nonsignificant
Legal Authority: 45 USC 355; 45 USC 362(l)**CFR Citation:** 20 CFR 321**Legal Deadline:** None**Abstract:** The Railroad Retirement Board amends its regulations to add a new part 321 to permit the electronic filing of applications and claims under the Railroad Unemployment Insurance Act via the Internet in accordance with the provisions of the Government Paperwork Elimination Act.**Timetable:**

Action	Date	FR Cite
NPRM	12/00/02	

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-AB57

Railroad Retirement Board (RRB)

Final Rule Stage

3763. 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 reflect the changes in law made by the enactment of Public Law 106-182, the Senior Citizens' Freedom to Work Act of 2000.

Timetable:

Action	Date	FR Cite
NPRM	08/16/95	60 FR 42482
NPRM Comment Period End	09/25/95	60 FR 43999
Final Action	12/00/02	

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-AA61**3764. 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	12/00/02	

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-AA99

RRB

Final Rule Stage

3765. REQUESTS FOR RECONSIDERATION AND APPEALS WITHIN THE BOARD

Regulatory Plan: This entry is Seq. No. 154 in part II of this issue of the *Federal Register*.

RIN: 3220-AB03

3766. 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 working days as provided by the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
Direct Final Rule	11/00/02	

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-AB47

3767. 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	11/00/02	

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-AB51

3768. 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	06/17/02	67 FR 41205
NPRM Comment Period End	08/16/02	
Final Action	11/00/02	

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-AB54

Railroad Retirement Board (RRB)**Long-Term Actions****3769. 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
Phone: 312 751-4945
TDD Phone: 312 751-4701
Fax: 312 751-7102

RIN: 3220-AB23

3770. 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

RRB**Long-Term Actions**

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
Phone: 312 751-4945
TDD Phone: 312 751-4701
Fax: 312 751-7102

RIN: 3220-AB50

Railroad Retirement Board (RRB)**Completed Actions****3771. APPLICATION FOR ANNUITY OR LUMP SUM**

Priority: Substantive, Nonsignificant

CFR Citation: 20 CFR 217.9; 20 CFR 217.30

Completed:

Reason	Date	FR Cite
Final Rule	06/25/02	67 FR 42713
Final Action Effective	06/25/02	

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-AB46

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