



Federal Register

**Monday,
June 28, 2004**

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 which pertain solely to internal agency management have not been included in the agenda.

Dated: May 7, 2004.
By Authority of the Board.
Beatrice Ezerski,
Secretary to the Board.

Railroad Retirement Board—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3704	Employers' Contributions and Contribution Reports	3220-AB53

Railroad Retirement Board—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3705	Reduction and Nonpayment of Annuities by Reason of Work	3220-AA61
3706	Determining Disability	3220-AB50
3707	Appendix 1 to Part 220—Listing of Impairments	3220-AB51
3708	Application for Annuity or Lump Sum	3220-AB55

Railroad Retirement Board—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3709	Creditable Railroad Compensation	3220-AB23

Railroad Retirement Board—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3710	Freedom of Information Act Requests	3220-AB47
3711	Electronic Filing of Applications and Claims for Benefits Under the Railroad Unemployment Insurance Act	3220-AB57

Railroad Retirement Board (RRB)

Proposed Rule Stage

3704. EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

Priority: Substantive, Nonsignificant

Legal Authority: 45 USC 345; 45 USC 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	06/14/04	69 FR 32927
NPRM Comment Period End	08/13/04	
Final Action	10/00/04	

RRB

Proposed Rule Stage

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 60611-2092Phone: 312 751-4945
TDD Phone: 312 751-4701
Fax: 312 751-7102**RIN:** 3220-AB53**Railroad Retirement Board (RRB)**

Final Rule Stage

3705. REDUCTION AND NONPAYMENT 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 revises 20 CFR part 230 to explain how employment or self-employment after an annuity beginning date may cause a reduction in, or nonpayment of, the annuity. It also reflects 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	07/00/04	

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**3706. 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	06/09/03	68 FR 34341
NPRM Comment Period End	08/08/03	
Final Action	12/00/04	

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**3707. 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	12/00/04	

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 60611-2092Phone: 312 751-4945
TDD Phone: 312 751-4701
Fax: 312 751-7102**RIN:** 3220-AB51**3708. APPLICATION FOR ANNUITY OR LUMP SUM****Priority:** Other Significant**Legal Authority:** 45 USC 231d; 45 USC 231f**CFR Citation:** 20 CFR 217.5; 20 CFR 217.6; 20 CFR 217.15 to 217.18**Legal Deadline:** None**Abstract:** The Railroad Retirement Board amends its regulations to permit the electronic filing of applications for annuity or lump sum payment under the Railroad Retirement Act via the Internet in accordance with the provisions of the Government Paperwork Elimination Act.**Timetable:**

Action	Date	FR Cite
NPRM	12/18/02	67 FR 77448
NPRM Comment Period End	02/18/03	
Final Action	12/00/04	

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 60611-2092Phone: 312 751-4945
TDD Phone: 312 751-4701
Fax: 312 751-7102**RIN:** 3220-AB55

Railroad Retirement Board (RRB)

Long-Term Actions

3709. 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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RIN: 3220-AB23

Railroad Retirement Board (RRB)

Completed Actions

3710. FREEDOM OF INFORMATION ACT REQUESTS

Priority: Substantive, Nonsignificant

CFR Citation: 20 CFR 200.4

Completed:

Reason	Date	FR Cite
Direct Final Rule	10/29/03	68 FR 61620
Direct Final Rule Effective	01/27/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: Marguerite P. Dadabo

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RIN: 3220-AB47

3711. ELECTRONIC FILING OF APPLICATIONS AND CLAIMS FOR BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Priority: Other Significant

CFR Citation: 20 CFR 321

Completed:

Reason	Date	FR Cite
NPRM	11/07/03	68 FR 63041

Reason	Date	FR Cite
Final Rule	06/09/04	69 FR 32259
Final Rule Effective	06/09/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 3220-AB57

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