



Federal Register

**Monday,
December 22, 2003**

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

Dated: September 11, 2003.
By Authority of the Board.

Beatrice Ezerski,
Secretary to the Board.

Railroad Retirement Board—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3814	Employers' Contributions and Contribution Reports	3220—AB53
3815	Electronic Filing of Applications and Claims for Benefits Under the Railroad Unemployment Insurance Act (Reg Plan Seq No. 134)	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
3816	Reduction and Nonpayment of Annuities by Reason of Work	3220—AA61
3817	Freedom of Information Act Requests	3220—AB47
3818	Determining Disability	3220—AB50
3819	Appendix 1 to Part 220—Listing of Impairments	3220—AB51
3820	Application for Annuity or Lump Sum (Reg Plan Seq No. 135)	3220—AB55

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
3821	Creditable Railroad Compensation	3220—AB23

Railroad Retirement Board—Completed Actions

Sequence Number	Title	Regulation Identification Number
3822	Determining Disability	3220—AA99
3823	Retirement Age	3220—AB54
3824	Account Benefits Ratio	3220—AB56

Railroad Retirement Board (RRB)

Proposed Rule Stage

3814. 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	12/00/03	

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

Phone: 312 751—4945

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RIN: 3220—AB53**3815. ELECTRONIC FILING OF APPLICATIONS AND CLAIMS FOR BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT**

Regulatory Plan: This entry is Seq. No. 134 in part II of this issue of the Federal Register.

RIN: 3220—AB57

Railroad Retirement Board (RRB)

Final Rule Stage

3816. 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 Rule	12/00/03	

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
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RIN: 3220—AA61**3817. 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	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, Assistant General Counsel, Railroad Retirement Board, 844 North Rush Street, Chicago, IL 60611
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RIN: 3220—AB47**3818. 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
Proposed Rule	06/09/03	68 FR 34341
NPRM Comment Period End	08/08/03	
Final Action	12/00/03	

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
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RIN: 3220—AB50

RRB

Final Rule Stage

**3819. 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	02/00/04	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Agency Contact:** Marguerite P. Dadabo,
Assistant General Counsel, RailroadRetirement Board, 844 North Rush
Street, Chicago, IL 60611
Phone: 312 751—4945
TDD Phone: 312 751—4701
Fax: 312 751—7102**RIN:** 3220—AB51**3820. APPLICATION FOR ANNUITY OR
LUMP SUM****Regulatory Plan:** This entry is Seq. No. 135 in part II of this issue of the **Federal Register**.**RIN:** 3220—AB55

Railroad Retirement Board (RRB)

Long-Term Actions

**3821. 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,
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Retirement Board, 844 North Rush
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Phone: 312 751—4945
TDD Phone: 312 751—4701
Fax: 312 751—7102**RIN:** 3220—AB23

Railroad Retirement Board (RRB)

Completed Actions

3822. DETERMINING DISABILITY**Priority:** Other Significant**CFR Citation:** 20 CFR 220.114**Completed:**

Reason	Date	FR Cite
Final Rule	10/22/03	68 FR 60290
Final Rule Effective	10/22/03	

**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—AA99**3823. RETIREMENT AGE****Priority:** Substantive, Nonsignificant**CFR Citation:** 20 CFR 218; 20 CFR 220;
20 CFR 225**Completed:**

Reason	Date	FR Cite
Final Rule	07/01/03	68 FR 39009
Final Action	07/01/03	68 FR 39009
Final Action Effective	07/01/03	
Correction	08/01/03	68 FR 45315

**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—AB54**3824. ACCOUNT BENEFITS RATIO****Priority:** Other Significant**CFR Citation:** 20 CFR 206**Completed:**

Reason	Date	FR Cite
Final Rule	08/26/03	68 FR 51152
Final Rule Effective	08/26/03	

**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—AB56

[FR Doc. 03—24038 Filed 12—19—03; 8:45 am]

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