

employment or self-employment. Certain types of work may indicate an annuitant's recovery from disability. The provisions relating to the reduction or non-payment of annuities by reasons of work and an annuitant's recovery from disability for work are prescribed in 20 CFR 220.17–220.20. The RRB conducts continuing disability reviews (CDR) to determine whether annuitants continue to meet the disability requirements of the law. Provisions relating to when and how often the RRB conducts CDRs are prescribed in 20 CFR 220.186.

Form G–254, Continuing Disability Report, is used by the RRB to develop information for CDR determinations, including determinations prompted by a report of work, return to railroad service, allegations of medical improvement, or routine disability call-up. Completion is required to obtain or retain benefits. Completion time is estimated at 5 to 35 minutes.

Form G–254a, Continuing Disability Update Report, is used to help identify disability annuitants whose work activity and/or recent medical history warrants a more extensive review and thus completion of Form G–254. Completion is required to obtain or retain benefits. Completion time is estimated at 5 minutes per response.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (73 FR 53909 & 53910 on September 17, 2008) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

#### Information Collection Request (ICR)

*Title:* Continuing Disability Report.  
*Form(s) submitted:* G–254, G–254a.  
*OMB Control Number:* 3220–0187.  
*Expiration date of current OMB clearance:* 12/31/2008.

*Type of request:* Revision of a currently approved collection.  
*Affected Public:* Individuals or Households, Business or other for-profit.  
*Estimated annual number of respondents:* 1,500.

*Total annual responses:* 3,000.  
*Total annual reporting hours:* 748.

*Abstract:* Under the Railroad Retirement Act, a disability annuity can be reduced or not paid, depending on the amount of earnings and type of work performed. The collection obtains information about a disabled annuitant's employment and earnings.

*Changes Proposed:* The RRB proposes revision to Form G–254 to modify an existing item in order to clarify information regarding the circumstances surrounding a disabled annuitant's self-employment. The RRB proposes no changes to Form G–254a.

*Additional Information or Comments:* Copies of the form and supporting documents can be obtained from Charles Mierzwa, the agency clearance officer at (312–751–3363) or [Charles.Mierzwa@rrb.gov](mailto:Charles.Mierzwa@rrb.gov).

Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or [Ronald.Hodapp@rrb.gov](mailto:Ronald.Hodapp@rrb.gov) and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

**Charles Mierzwa,**  
*Clearance Officer.*

[FR Doc. E8–30313 Filed 12–19–08; 8:45 am]

**BILLING CODE 7905–01–P**

## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review, Request for Comments

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding three (3) Information Collection Requests (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if RRB and OIRA receive them within 30 days of publication date.

#### 1. Appeal Under the Railroad Retirement and Railroad Unemployment Insurance Act; OMB 3220–0007

Under Section 7 (b)(3) of the Railroad Retirement Act (RRA), and section 5(c) of the Railroad Unemployment Insurance Act (RUIA) any person aggrieved by a decision on his or her application for an annuity or benefit under that Act has the right to appeal to

the RRB. This right is prescribed in 20 CFR part 260 and 20 CFR part 320. The notification letter sent to the individual at the time of the original action on the application informs the applicant of such right.

When an individual protests a decision, the concerned bureau reviews the entire file and any additional evidence submitted and sends the applicant a letter explaining the basis of the determination. The applicant is then notified that if he or she wishes to protest further, they can appeal to the RRB's Bureau of Hearings and Appeals. The procedure pertaining to the filing of such an appeal is prescribed in 20 CFR 260.5 and 260.9 and 20 CFR 320.12 and 320.38.

The form prescribed by the RRB for filing an appeal under the RRA or RUIA is form HA–1, *Appeal Under the Railroad Retirement Act or Railroad Unemployment Insurance Act*. The form asks the applicant to furnish the basis for the appeal and what additional evidence, if any, is to be submitted. Completion is voluntary, however if the information is not provided the RRB cannot process the appeal.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (73 FR 52432 & 52433 on September 9, 2008) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

#### Information Collection Request (ICR)

*Title:* Appeal Under the Railroad Retirement and Railroad Unemployment Insurance Act.

*Form(s) submitted:* HA–1.  
*OMB Control Number:* 3220–0007.  
*Expiration date of current OMB clearance:* 12/31/2008.

*Type of request:* Revision of a currently approved collection.  
*Affected Public:* Individuals or households.

*Estimated annual number of respondents:* 650.

*Total annual responses:* 650.

*Total annual reporting hours:* 217.

*Abstract:* Under Section 7(b)(3) of the Railroad Retirement Act and Section 5 (c) of the Railroad Unemployment Insurance Act, a person aggrieved by a decision on his or her application for an annuity or other benefit has the right to appeal to the RRB. The collection provides the means for the appeal action. One response is requested of each respondent.

*Changes Proposed:* The RRB proposes to remove items from Form HA–1 that requests the appellant to provide their social security number. No other changes are proposed. Completion is required to obtain or retain benefits.

## 2. Annual Earnings Questionnaire; OMB 3220-0179

Under section 2(e)(3) of the Railroad Retirement Act (RRA), an annuity is not payable for any month in which a beneficiary works for a railroad. In addition, an annuity is reduced for any month in which the beneficiary works for an employer other than a railroad employer and earns more than a prescribed amount. Under the 1988 amendments to the RRA, the Tier II portion of the regular annuity and any supplemental annuity must be reduced by one dollar for each two dollars of Last Pre-Retirement Non-Railroad Employment (LPE) earnings for each month of such service. However, the reduction cannot exceed fifty percent of the Tier II and supplemental annuity amount for the month to which such deductions apply. LPE generally refers to an annuitant's last employment with a non-railroad person, company, or institution prior to retirement which was performed whether at the same time of, or after an annuitant stopped railroad employment. The collection obtains earnings information needed by the RRB to determine if possible reductions in annuities because of Last Pre-Retirement Non-Railroad Employment Earnings (LPE) are in order.

The RRB utilizes Form G-19L to obtain LPE earnings information from annuitants. Companion Form G-19L.1, which serves as an instruction sheet and contains the Paperwork Reduction/Privacy Act Notice for the collection accompanies each Form G-19L sent to an annuitant. One response is requested of each respondent. Completion is required to retain a benefit.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (73 FR 54643 & 54644 on September 22, 2008) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

### Information Collection Request (ICR)

*Title:* Annual Earnings Questionnaire for Annuitants in Last Pre-Retirement Non-railroad Employment.

*Form(s) submitted:* G-19L.

*OMB Control Number:* 3220-0179.

*Expiration date of current OMB clearance:* 12/31/2008.

*Type of request:* Revision of a currently approved collection.

*Affected Public:* Individuals or households.

*Estimated annual number of respondents:* 300.

*Total annual responses:* 300.

*Total annual reporting hours:* 75.

*Abstract:* Under Section 2(e)(3) of the Railroad Retirement Act, an annuity is

not payable or is reduced for any month in which the beneficiary works for a railroad or earns more than the prescribed amounts. The collection obtains earnings information needed by the Railroad Retirement Board to determine possible reductions in annuities because of earnings.

*Changes Proposed:* The RRB proposes the addition of a subitem requesting that an annuitant provide an Employer's Identification Number (EIN). Non-burden impacting editorial and reformatting changes are also proposed.

## 3. Railroad Unemployment Insurance Act Applications; OMB 3220-0039

Under Section 2 of the Railroad Unemployment Insurance Act (RUIA), sickness benefits are payable to qualified railroad employees who are unable to work because of illness or injury. In addition, sickness benefits are payable to qualified female employees if they are unable to work, or if working would be injurious, because of pregnancy, miscarriage or childbirth. Under Section 1(k) of the RUIA, a statement of sickness with respect to days of sickness of an employee is to be filed with the RRB within a 10-day period from the first day claimed as a day of sickness. The RRB's authority for requesting supplemental medical information is Section 12(i) and 12(n) of the RUIA. The procedures for claiming sickness benefits and for the RRB to obtain supplemental medical information needed to determine a claimant's eligibility for such benefits are prescribed in 20 CFR Part 335.

The forms currently used by the RRB to obtain information needed to determine eligibility for and the amount of sickness benefits due a claimant follows: Form SI-1a, Application for Sickness Benefits; Form SI-1b, Statement of Sickness; Form SI-3, Claim for Sickness Benefits; Form SI-7, Supplemental Doctor's Statement; Form SI-8, Verification of Medical Information; Form ID-7h, Non-Entitlement to Sickness Benefits and Information on Unemployment Benefits; Form ID-11a, Requesting Reason for Late Filing of Sickness Benefit and ID-11b, Notice of Insufficient Medical and Late Filing. Completion is required to obtain or retain benefits.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (73 FR 54643 on September 22, 2008) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

### Information Collection Request (ICR)

*Title:* Railroad Unemployment Insurance Act Applications.

*Form(s) submitted:* SI-1a, SI-1b, SI-3, SI-7, SI-8, ID-7H, ID-11A, ID-11b.

*OMB Control Number:* 3220-0039.

*Expiration date of current OMB clearance:* 12/31/2008.

*Type of request:* Revision of a currently approved collection.

*Affected Public:* Individuals or households, Private Sector.

*Estimated annual number of respondents:* 44,600.

*Total annual responses:* 213,900.

*Total annual reporting hours:* 21,884.

*Abstract:* Under Section 2 of the Railroad Unemployment Insurance Act, sickness benefits are payable to qualified railroad employees who are unable to work because of illness or injury. The collection obtains information from railroad employees and physicians needed to determine eligibility to and the amount of such benefits.

*Changes Proposed:* Consistent with requirements of the Health Insurance Portability and Accountability Act (HIPAA), the RRB proposes revisions to Form SI-1b, SI-7, and SI-8 to replace the term "Tax Identification Number" with "National Provider Identifier". No other changes are proposed.

*Additional Information or Comments:* Copies of the form and supporting documents can be obtained from Charles Mierzwa, the agency clearance officer at (312-751-3363) or [Charles.Mierzwa@rrb.gov](mailto:Charles.Mierzwa@rrb.gov).

Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092 or [Ronald.Hodapp@rrb.gov](mailto:Ronald.Hodapp@rrb.gov) and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

**Charles Mierzwa,**

*Clearance Officer.*

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