



Federal Register

**Tuesday,
May 27, 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:

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

Dated: March 20, 2003.
By Authority of the Board.

Beatrice Ezerski,
Secretary to the Board.

Railroad Retirement Board—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
3639	Determining Disability	3220-AB50
3640	Employers' Contributions and Contribution Reports	3220-AB53
3641	Electronic Filing of Applications and Claims for Benefits Under the Railroad Unemployment Insurance Act	3220-AB57

Railroad Retirement Board—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
3642	Reduction and Nonpayment of Annuities by Reason of Work	3220-AA61
3643	Determining Disability	3220-AA99
3644	Freedom of Information Act Requests	3220-AB47
3645	Appendix 1 to Part 220—Listing of Impairments	3220-AB51
3646	Retirement Age	3220-AB54
3647	Application for Annuity or Lump Sum	3220-AB55
3648	Account Benefits Ratio	3220-AB56

Railroad Retirement Board—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
3649	Creditable Railroad Compensation	3220-AB23

Railroad Retirement Board—Completed Actions

Sequence Number	Title	Regulation Identification Number
3650	Requests for Reconsideration and Appeals Within the Board	3220-AB03

Railroad Retirement Board (RRB)

Proposed Rule Stage

3639. 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

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Proposed Rule Stage

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
Proposed Rule	05/00/03

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 60611-2092
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RIN: 3220-AB50**3640. 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
NPRM	05/00/03

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 60611-2092
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RIN: 3220-AB53**3641. ELECTRONIC FILING OF APPLICATIONS AND CLAIMS FOR BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT****Priority:** Other Significant**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
NPRM	06/00/03

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 60611-2092
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RIN: 3220-AB57

Railroad Retirement Board (RRB)

Final Rule Stage

3642. 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
NPRM	08/16/95 60 FR 42482

Action	Date
NPRM Comment Period End	09/25/95 60 FR 43999
Final Rule	08/00/03

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 60611-2092
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RIN: 3220-AA61**3643. 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
NPRM	09/11/95 60 FR 47122
NPRM Comment Period End	11/13/95
Final Rule	08/00/03

Regulatory Flexibility Analysis**Required:** No

RRB

Final Rule Stage

Small Entities Affected: No**Government Levels Affected:** Federal

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RIN: 3220-AA99**3644. 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
Direct Final Rule	08/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** Federal

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RIN: 3220-AB47**3645. 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
Interim Final Rule	08/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** Federal

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RIN: 3220-AB51**3646. 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
NPRM	06/17/02 67 FR 41205
NPRM Comment Period End	08/16/02
Final Action	05/00/03

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** Federal

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RIN: 3220-AB54**3647. 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 filing of applications for annuity or lump sum payment electronically via the Internet in accordance with the provisions of the Government Paperwork Elimination Act.

Timetable:

Action	Date
NPRM	12/18/02 67 FR 77448
NPRM Comment Period End	02/18/03
Final Rule	08/00/03

Regulatory Flexibility Analysis Required: 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-AB55**3648. ACCOUNT BENEFITS RATIO****Priority:** Other Significant**Legal Authority:** 45 USC 231f(b)(5); 45 USC 231u(a)**CFR Citation:** 20 CFR 206**Legal Deadline:** None

Abstract: The Railroad Retirement Board adds a new part 206 to its regulations as information, and to advise that the Board will annually compute the account benefits ratio for the railroad retirement system, and will make a projection of the account benefits ratio and the average account benefits ratio for future years.

Timetable:

Action	Date
NPRM	12/18/02 67 FR 77447
NPRM Comment Period End	02/18/03
Final Rule	08/00/03

Regulatory Flexibility Analysis Required: No

RRB

Final Rule Stage

Government Levels Affected: Federal
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RIN: 3220-AB56

Railroad Retirement Board (RRB)

Long-Term Actions

3649. 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
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

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RIN: 3220-AB23

Railroad Retirement Board (RRB)

Completed Actions

3650. REQUESTS FOR RECONSIDERATION AND APPEALS WITHIN THE BOARD

Priority: Other Significant

CFR Citation: 20 CFR 260; 20 CFR 320

Completed:

Reason	Date
Final Rule	12/17/02 67 FR 77152
Final Rule Effective	12/17/02
Correction	02/11/03 68 FR 6820
Final Action	02/11/03 68 FR 6820

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

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RIN: 3220-AB03

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