

# Federal Railroad Retirement Board

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Monday  
May 13, 1996

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Part XL

## Railroad Retirement Board

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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 Rush Street, Chicago, Illinois 60611.

**FOR FURTHER INFORMATION CONTACT:** Thomas W. Sadler, Assistant General Counsel, Railroad Retirement Board, (312) 751-4513.

**SUPPLEMENTARY INFORMATION:** Regulations that are routine in nature or

pertain solely to internal agency management have not been included in the agenda. Current regulations that are proposed to be modified based on a completed review of the regulations are listed in the agenda.

Dated: February 23, 1996.

By Authority of the Board.

Beatrice Ezerski,

*Secretary to the Board.*

**Proposed Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3866	Representative Payment .....	3220-AB14
3867	Railroad Employers' Reports and Responsibilities .....	3220-AB16
3868	Evidence Required for Payment .....	3220-AB17
3869	Railroad Employers' Reports and Responsibilities .....	3220-AB21

**Final Rule Stage**

Sequence Number	Title	Regulation Identifier Number
3870	Recovery of Overpayments .....	3220-AA44
3871	Reduction and Non-Payment of Annuities by Reason of Work .....	3220-AA61
3872	Employers' Contributions and Contribution Reports .....	3220-AA79
3873	Determining Disability .....	3220-AA99
3874	Creditable Railroad Compensation .....	3220-AB10
3875	Finality of Decisions Regarding Railroad Retirement Annuities .....	3220-AB15
3876	Availability of Information to Public .....	3220-AB19
3877	Prohibition of Cigarette Sales to Minors .....	3220-AB20

**Long-Term Actions**

Sequence Number	Title	Regulation Identifier Number
3878	Employers Under the Railroad Retirement Act; Employers Under the Railroad Unemployment Insurance Act .....	3220-AA51
3879	Employees Under the Railroad Retirement Act .....	3220-AA52
3880	Voluntary Quit .....	3220-AA75
3881	Requests for Reconsideration and Appeals Within the Board .....	3220-AB03
3882	Determining Disability .....	3220-AB18

**Completed Actions**

Sequence Number	Title	Regulation Identifier Number
3883	Collection of Debts .....	3220-AB09

## RAILROAD RETIREMENT BOARD (RRB)

## Proposed Rule Stage

**3866. REPRESENTATIVE PAYMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 355; 45 USC 231k**CFR Citation:** 20 CFR 348**Legal Deadline:** None**Abstract:** This regulation provides guidelines regarding the selection, payment, responsibilities, and monitoring of representative payees under the Railroad Unemployment Insurance Act.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611  
Phone: 312 751-4513  
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Fax: 312 751-7102**RIN:** 3220-AB14

compensation under the Railroad Retirement Act after 5 years and explains when payroll records may be used to establish compensation under the Railroad Retirement Act in lieu of the prescribed report.

**Timetable:**

Action	Date	FR Cite
NPRM	02/15/96	61 FR 5970
NPRM Comment Period End	04/15/96	
Final Action	06/00/96	

**Small Entities Affected:** Businesses**Government Levels Affected:** Federal**Agency Contact:** Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611  
Phone: 312 751-4513  
TDD: 312 751-4701  
Fax: 312 751-7102**RIN:** 3220-AB16**3868. EVIDENCE REQUIRED FOR PAYMENT****Priority:** Other**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 45 USC 231f**CFR Citation:** 20 CFR 219**Legal Deadline:** None**Abstract:** The Railroad Retirement Board amends its regulations to permit the use of noncertified and facsimile copies of records or documents needed to establish eligibility for benefits.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611  
Phone: 312 751-4513  
TDD: 312 751-4701  
Fax: 312 751-7102**RIN:** 3220-AB17**3869. RAILROAD EMPLOYERS' REPORTS AND RESPONSIBILITIES****Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 231f**CFR Citation:** 20 CFR 209**Legal Deadline:** None**Abstract:** The Board's regulations are amended to modernize reporting requirements and to require certain Canadian citizens to obtain a social security number so that their creditable railroad service can be properly reported to the Board.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/96	

**Small Entities Affected:** None**Government Levels Affected:** Federal**Agency Contact:** Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611  
Phone: 312 751-4513  
TDD: 312 751-4701  
Fax: 312 751-7102**RIN:** 3220-AB21

## RAILROAD RETIREMENT BOARD (RRB)

## Final Rule Stage

**3870. RECOVERY OF OVERPAYMENTS****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 45 USC 231f(b)(5)**CFR Citation:** 20 CFR 255**Legal Deadline:** None**Abstract:** The Board plans to issue a final regulation dealing with collection and waiver of overpayments under the Railroad Retirement Act. This regulation clarifies the agency's policy

and practice with respect to debt collection.

**Statement of Need:** The agency's policy and practice with respect to recovery and waiver of recovery of overpayments, as established through normal adjudication, has evolved beyond the current regulation and the regulation is being updated to reflect this current policy and practice.

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Final Rule Stage

**Summary of the Legal Basis:** The general authority for issuance of regulations under the Railroad Retirement Act is provided for in section 7(b)(5) of the Act (45 USC 231f(b)(5)).

**Alternatives:** None.

**Anticipated Costs and Benefits:** This regulation should result in savings in administrative costs associated with protests and appeals in debt recovery cases.

**Risks:** None.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/19/91	56 FR 47426
ANPRM Comment Period End	10/21/91	
NPRM	12/28/95	60 FR 67108
NPRM Comment Period End	01/29/96	
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611  
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**RIN:** 3220-AA44

**3871. 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 (Board) proposes to amend 20 CFR Part 230 to explain how annuity deductions on account of work are assessed in accordance with current law.

**Timetable:**

Action	Date	FR Cite
NPRM	08/16/95	60 FR 42482
NPRM Comment Period End	09/25/95	60 FR 43999
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Thomas W. Sadler, Assistant General Counsel, Bureau of

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**RIN:** 3220-AA61

**3872. EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS**

**Priority:** Other Significant

**Legal Authority:** 45 USC 362(l); 45 USC 358(a)(19)

**CFR Citation:** 20 CFR 345

**Legal Deadline:** None

**Abstract:** These regulations define how a contribution rate is determined in the case of merger, sale, or partition of two or more rail employers and describe generally how experience-rated contribution rates are determined under the Railroad Unemployment Insurance Act.

**Timetable:**

Action	Date	FR Cite
NPRM	08/18/95	60 FR 43300
NPRM Comment Period End	10/17/95	
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611  
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**RIN:** 3220-AA79

**3873. DETERMINING DISABILITY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 45 USC 231a; 45 USC 231f

**CFR Citation:** 20 CFR 220.114

**Legal Deadline:** None

**Abstract:** Section 114 of part 220 is being amended 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

Action	Date	FR Cite
NPRM Comment Period End	11/13/95	
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611  
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**RIN:** 3220-AA99

**3874. CREDITABLE RAILROAD COMPENSATION**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 45 USC 231f(b)(5)

**CFR Citation:** 20 CFR 211

**Legal Deadline:** None

**Abstract:** This regulation explains when the Board will correct a record of compensation after the four-year limit provided for in section 9 of the Railroad Retirement Act.

**Timetable:**

Action	Date	FR Cite
NPRM	12/26/95	60 FR 66770
NPRM Comment Period End	02/26/96	
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611  
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**RIN:** 3220-AB10

**3875. FINALITY OF DECISIONS REGARDING RAILROAD RETIREMENT ANNUITIES**

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in

## RRB

## Final Rule Stage

the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 45 USC 231f(b)(5)

**CFR Citation:** 20 CFR 261

**Legal Deadline:** None

**Abstract:** This new part explains when the Board may reopen a claim for benefits under the Railroad Retirement Act.

**Statement of Need:** The rules governing finality are presently contained in Board Orders which are not readily available to the public. The Board Order regarding finality of decisions provides that finality of certain decisions is based on a number of factors; adjudication based on these factors is difficult to administer. Also the Board Order does not contain any time limits on reopening.

**Summary of the Legal Basis:** The general authority for issuance of regulations under the Railroad Retirement Act is provided for in section 7(b)(5) of the Act (45 USC 231f(b)(5)).

**Alternatives:** None.

**Anticipated Costs and Benefits:** There will be no additional costs or burdens imposed by this regulation over and above those imposed by the statute or existing regulation.

**Risks:** None.

**Timetable:**

Action	Date	FR Cite
NPRM	12/21/95	60 FR 66203
NPRM Comment Period End	02/20/96	
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611  
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**RIN:** 3220-AB15

### 3876. • AVAILABILITY OF INFORMATION TO PUBLIC

**Priority:** Routine and Frequent

**Legal Authority:** 45 USC 231f(b)(3); 45 USC 231f(b)(5); 45 USC 362

**CFR Citation:** 20 CFR 200.4

**Legal Deadline:** None

**Abstract:** The Board's regulations establishing fees to be assessed in connection with the search for records and the provision of documents are amended to eliminate the exemption from charges for reproduction of records and search time for certain groups of requesters.

**Timetable:**

Action	Date	FR Cite
NPRM	01/18/96	61 FR 1252
NPRM Comment Period End	03/18/96	
Final Action	04/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611

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**RIN:** 3220-AB19

### 3877. • PROHIBITION OF CIGARETTE SALES TO MINORS

**Priority:** Other

**Legal Authority:** PL 104-52, sec 636

**CFR Citation:** 20 CFR 368

**Legal Deadline:** Final, Statutory, February 17, 1996.

**Abstract:** The Board amends its regulations to prohibit tobacco product vending machine sales and the distribution of free tobacco product samples on Federal Government property.

**Timetable:**

Action	Date	FR Cite
Interim Final Rule	03/04/96	61 FR 8213
Interim Final Rule Effective	03/04/96	
Interim Final Rule Comment Period End	04/03/96	
Final Action	06/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611  
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**RIN:** 3220-AB20

## RAILROAD RETIREMENT BOARD (RRB)

## Long-Term Actions

### 3878. EMPLOYERS UNDER THE RAILROAD RETIREMENT ACT; EMPLOYERS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

**Priority:** Other Significant

**Legal Authority:** 45 USC 231f(b)(5); 45 USC 362(l)

**CFR Citation:** 20 CFR 202; 20 CFR 301

**Legal Deadline:** None

**Abstract:** The Board is considering revisions to existing parts 202 and 301 of the Board's regulations defining entities covered as employers under the

Railroad Retirement and Railroad Unemployment Insurance Acts to reflect case-by-case adjudications that have occurred since the regulations were originally adopted. The Board will seek input from rail employers and rail labor on the need to revise the regulations as well as on the revisions to be made. In addition, any revisions will be referred for review and comment to the Internal Revenue Service, which administers a companion statute, the Railroad Retirement Tax Act.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Sectors Affected:** 40 Railroad Transportation

**Agency Contact:** Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611  
Phone: 312 751-4513

**RRB**

**Long-Term Actions**

TDD: 312 751-4701  
 Fax: 312 751-7102  
**RIN: 3220-AA51**

**3879. EMPLOYEES UNDER THE RAILROAD RETIREMENT ACT**

**Priority:** Other Significant

**Legal Authority:** 45 USC 231f(b)(5); 45 USC 362(l)

**CFR Citation:** 20 CFR 203

**Legal Deadline:** None

**Abstract:** The Board is considering revising existing part 203 of the Board's regulations defining individuals covered as employees under the Railroad Retirement Act to reflect case-by-case adjudications that have occurred since the regulations were originally adopted. The Board will seek input from rail employers and rail labor on the need to revise the regulations as well as on the revisions to be made. In addition, any revisions will be referred for review and comment to the Internal Revenue Service, which administers a companion statute, the Railroad Retirement Tax Act.

**Timetable:**

Action	Date	FR Cite
NPRM	01/05/89	54 FR 318
NPRM Comment Period End	02/06/89	
Final Action	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** State, Federal

**Sectors Affected:** 40 Railroad Transportation

**Agency Contact:** Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611  
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**RIN: 3220-AA52**

**3880. VOLUNTARY QUIT**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 45 USC 362(l)

**CFR Citation:** 20 CFR 328

**Legal Deadline:** None

**Abstract:** A new part 328 is added to explain when unemployment insurance benefits are not payable because the employee voluntarily left employment.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Agency Contact:** Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611  
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**RIN: 3220-AA75**

**3881. REQUESTS FOR RECONSIDERATION AND APPEALS WITHIN THE BOARD**

**Priority:** Substantive, Nonsignificant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 45 USC 231f(b)(5); 45 USC 231g; 45 USC 355

**CFR Citation:** 20 CFR 260

**Legal Deadline:** None

**Abstract:** The RRB is amending its regulations to provide for its field

offices to make timeliness determinations on requests for reconsideration of decisions of the RRB's various adjudicating units.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611  
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**RIN: 3220-AB03**

**3882. DETERMINING DISABILITY**

**Priority:** Substantive, Nonsignificant

**Legal Authority:** 45 USC 231f

**CFR Citation:** 20 CFR 220

**Legal Deadline:** None

**Abstract:** The Board amends its regulations to update and revise its standards for determining occupational disability under the Railroad Retirement Act.

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/00	

**Small Entities Affected:** None

**Government Levels Affected:** Federal

**Agency Contact:** Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611  
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**RIN: 3220-AB18**

**RAILROAD RETIREMENT BOARD (RRB)**

**Completed Actions**

**3883. COLLECTION OF DEBTS**

**Priority:** Substantive, Nonsignificant

**CFR Citation:** 20 CFR 366; 20 CFR 367

**Completed:**

Reason	Date	FR Cite
Final Action	12/21/95	60 FR 66072
Final Action Effective	12/21/95	

**Small Entities Affected:** Businesses

**Government Levels Affected:** Federal

**Agency Contact:** Thomas W. Sadler  
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**RIN: 3220-AB09**

[FR Doc. 96-5654 Filed 05-10-96; 8:45 am]

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