

Federal Railroad Retirement Board

Friday
November 29, 1996

Part XXXVIII

**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 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, (312) 751-4513; (312) 751-4701, TDD; (312) 751-7102, FAX.

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 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: September 18, 1996.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4154	Evidence Required for Payment	3220-AB17
4155	Railroad Employers' Reports and Responsibilities	3220-AB21
4156	Creditable Railroad Compensation	3220-AB23
4157	Adjustment of Civil Monetary Penalties	3220-AB24
4158	Finality of Decisions Regarding Unemployment and Sickness Insurance Benefits	3220-AB25

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4159	Recovery of Overpayments (Reg Plan Seq. No. 144)	3220-AA44
4160	Reduction and Non-Payment of Annuities by Reason of Work	3220-AA61
4161	Determining Disability	3220-AA99
4162	Creditable Railroad Compensation	3220-AB10
4163	Finality of Decisions Regarding Railroad Retirement Annuities (Reg Plan Seq. No. 145)	3220-AB15
4164	Eligibility for an Annuity	3220-AB22

References in boldface appear in the Regulatory Plan in Part II of this issue of the **Federal Register**.

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4165	Employers Under the Railroad Retirement Act; Employers Under the Railroad Unemployment Insurance Act	3220-AA51
4166	Employees Under the Railroad Retirement Act	3220-AA52
4167	Voluntary Quit	3220-AA75
4168	Requests for Reconsideration and Appeals Within the Board	3220-AB03
4169	Determining Disability	3220-AB18

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4170	Employers' Contributions and Contribution Reports	3220-AA79
4171	Representative Payment	3220-AB14
4172	Railroad Employers' Reports and Responsibilities	3220-AB16

RRB

Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
4173	Availability of Information to Public	3220-AB19
4174	Prohibition of Cigarette Sales to Minors	3220-AB20

RAILROAD RETIREMENT BOARD (RRB)

Proposed Rule Stage

4154. EVIDENCE REQUIRED FOR PAYMENT

Priority: Info./Admin./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	12/00/96	

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

4155. 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	12/00/96	

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

4156. 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.

Timetable:

Action	Date	FR Cite
NPRM	01/00/97	

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
Michael C. Litt, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611
Phone: 312 751-4929
TDD: 312 751-4701

Fax: 312 751-7102

RIN: 3220-AB23

4157. ADJUSTMENT OF CIVIL MONETARY PENALTIES

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 3809; PL 104-134

CFR Citation: 20 CFR 355; 20 CFR 356

Legal Deadline: Final, Statutory, October 26, 1996.

The deadline is 180 days after enactment of subchapter (s) of the Debt Collection Improvement Act, April 26, 1996. (The legal deadline applies only to Part 355.)

Abstract: The RRB amends its regulations to provide for adjustments in the amount of civil monetary penalties as required by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by Public 104-134.

Timetable:

Action	Date	FR Cite
NPRM	10/22/96	61 FR 54745
NPRM Comment Period End	11/21/96	
Final Action	02/00/97	

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
Michael C. Litt, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611
Phone: 312 751-4929
TDD: 312 751-4701
Fax: 312 751-7102

RIN: 3220-AB24

RRB

Proposed Rule Stage

4158. • FINALITY OF DECISIONS REGARDING UNEMPLOYMENT AND SICKNESS INSURANCE BENEFITS

Priority: Substantive, Nonsignificant

Legal Authority: 45 USC 355; 45 USC 361(l)

CFR Citation: 20 CFR 349

Legal Deadline: None

Abstract: This new part would explain when the RRB will reopen a final determination on a claim for benefits under the Railroad Unemployment Insurance Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/96	

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-AB25

RAILROAD RETIREMENT BOARD (RRB)

Final Rule Stage

4159. RECOVERY OF OVERPAYMENTS

Regulatory Plan: This entry is Seq. No. 144 in Part II of this issue of the Federal Register.

RIN: 3220-AA44

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
NPRM Comment Period End	11/13/95	
Final Action	12/00/96	

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
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102

RIN: 3220-AA99

Timetable:

Action	Date	FR Cite
NPRM	12/26/95	60 FR 66770
NPRM Comment Period End	02/26/96	
Final Action	01/00/97	

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-AB10

4160. REDUCTION AND NON-PAYMENT OF ANNUITIES BY REASON OF WORK

Priority: Other Significant

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

CFR Citation: 20 CFR 230

Legal Deadline: None

Abstract: The Railroad Retirement Board (Board) amends 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	11/00/96	

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
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102

RIN: 3220-AA61

4162. 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.

4163. FINALITY OF DECISIONS REGARDING RAILROAD RETIREMENT ANNUITIES

Regulatory Plan: This entry is Seq. No. 145 in Part II of this issue of the Federal Register.

RIN: 3220-AB15

4161. DETERMINING DISABILITY

Priority: Substantive, Nonsignificant

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

CFR Citation: 20 CFR 220.114

4164. • ELIGIBILITY FOR AN ANNUITY

Priority: Info./Admin./Other

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 216

Legal Deadline: None

Abstract: This rule amends 20 CFR 216.16(b)(5) to add the Surface Transportation Board to the list of entities employment for which will not break a current connection which is necessary for the payment of an occupational disability annuity and survivor annuities under the Railroad Retirement Act. The ICC Termination Act of 1995 abolished the ICC and transferred many of its functions to the Surface Transportation Board.

RRB

Final Rule Stage

Timetable:

Action	Date	FR Cite
Final Action	10/00/96	

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

Phone: 312 751-4513
 TDD: 312 751-4701
 Fax: 312 751-7102
RIN: 3220-AB22

RAILROAD RETIREMENT BOARD (RRB)

Long-Term Actions

4165. 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 RRB'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
 TDD: 312 751-4701
 Fax: 312 751-7102

RIN: 3220-AA51

4166. 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 RRB'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
 Phone: 312 751-4513
 TDD: 312 751-4701
 Fax: 312 751-7102

RIN: 3220-AA52

4167. 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
 Phone: 312 751-4513
 TDD: 312 751-4701
 Fax: 312 751-7102

RIN: 3220-AA75

4168. 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
 Phone: 312 751-4513
 TDD: 312 751-4701

RRB

Long-Term Actions

Fax: 312 751-7102

RIN: 3220-AB03

4169. DETERMINING DISABILITY

Priority: Other Significant

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
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102

RIN: 3220-AB18

RAILROAD RETIREMENT BOARD (RRB)

Completed Actions

4170. EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

Priority: Other Significant

CFR Citation: 20 CFR 345

Completed:

Reason	Date	FR Cite
Final Action	05/03/96	61 FR 20070
Final Action Effective	05/03/96	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102

RIN: 3220-AA79

Fax: 312 751-7102

RIN: 3220-AB14

4172. RAILROAD EMPLOYERS' REPORTS AND RESPONSIBILITIES

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.

CFR Citation: 20 CFR 209

Completed:

Reason	Date	FR Cite
Final Action	06/20/96	61 FR 31395
Final Action Effective	06/20/96	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102

RIN: 3220-AB16

Completed:

Reason	Date	FR Cite
Final Action	05/21/96	61 FR 25390
Final Action Effective	05/21/96	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102

RIN: 3220-AB19

4174. PROHIBITION OF CIGARETTE SALES TO MINORS

Priority: Info./Admin./Other

CFR Citation: 20 CFR 368

Completed:

Reason	Date	FR Cite
Final Action	10/22/96	61 FR 54732
Final Action Effective	10/22/96	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler
Phone: 312 751-4513
TDD: 312 751-4701
Fax: 312 751-7102

RIN: 3220-AB20

[FR Doc. 96-24928 Filed 11-27-96; 8:45 am]

BILLING CODE 7905-01-F

4171. REPRESENTATIVE PAYMENT

Priority: Substantive, Nonsignificant

CFR Citation: 20 CFR 348

Completed:

Reason	Date	FR Cite
Final Action	08/15/96	61 FR 42377
Final Action Effective	08/15/96	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler
Phone: 312 751-4513
TDD: 312 751-4701

4173. AVAILABILITY OF INFORMATION TO PUBLIC

Priority: Routine and Frequent

CFR Citation: 20 CFR 200.4