

Federal Railroad Retirement Board

Tuesday
November 28, 1995

Part XLI

**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: Agenda of regulations under development or review.

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: 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 15, 1995.

By Authority of the Board.
Beatrice Ezerski,
Secretary to the Board.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
4144	Employers' Contributions and Contribution Reports	3220-AA79
4145	Determining Disability	3220-AA99
4146	Creditable Railroad Compensation	3220-AB10
4147	Representative Payment	3220-AB14
4148	Finality of Decisions Regarding Railroad Retirement Annuities (Reg Plan Seq. No. 144)	3220-AB15
4149	Railroad Employers' Reports and Responsibilities	3220-AB16
4150	Evidence Required for Payment	3220-AB17

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

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
4151	Recovery of Overpayments (Reg Plan Seq. No. 145)	3220-AA44
4152	Reduction and Non-Payment of Annuities by Reason of Work	3220-AA61
4153	Collection of Debts	3220-AB09

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
4154	Employers Under the Railroad Retirement Act; Employers Under the Railroad Unemployment Insurance Act	3220-AA51
4155	Employees Under the Railroad Retirement Act	3220-AA52
4156	Voluntary Quit	3220-AA75
4157	Requests for Reconsideration and Appeals Within the Board	3220-AB03
4158	Determining Disability	3220-AB18

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4159	Computing Employee, Spouse, and Divorced Spouse Annuities	3220-AA58
4160	Initial Determinations Under the Railroad Unemployment Insurance Act and Reviews of and Appeals From Such Determinations	3220-AB06
4161	General Administration	3220-AB07

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Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
4162	Application for Annuity or Lump Sum	3220-AB08
4163	Sickness Benefits	3220-AB11
4164	General Administration	3220-AB12
4165	Contributions Under Special Transition Rule for Public Commuter Railroads	3220-AB13

RAILROAD RETIREMENT BOARD (RRB)

Proposed Rule Stage

4144. 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	60 FR 43300
Final Action	03/00/96	

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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RIN: 3220-AA79

4145. 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
NPRM Comment Period End	11/13/95	
Final Action	03/00/96	

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

4146. 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	12/00/95	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: In the April 1995 Agenda, RIN 3220-AB10 indicated that parts 211 and 261 would be amended jointly. Parts 211 and 261 have been identified as separate amendments for the October 1995 Regulatory Plan and Unified Agenda. The RIN for part 261 is 3220-AB15.

Agency Contact: Michael C. Litt, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611
Phone: 312 751-4929
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RIN: 3220-AB10

4147. • 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	12/00/95	

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

RIN: 3220-AB14

RRB

Proposed Rule Stage

4148. • FINALITY OF DECISIONS REGARDING RAILROAD RETIREMENT ANNUITIES

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

RIN: 3220-AB15

4149. • 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.

Legal Authority: 45 USC 231f

CFR Citation: 20 CFR 209

Legal Deadline: None

Abstract: This regulation permits employers to destroy payroll records kept for purposes of crediting 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	03/00/96	

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
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RIN: 3220-AB16

4150. • 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	12/00/95	

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-AB17

RAILROAD RETIREMENT BOARD (RRB)

Final Rule Stage

4151. RECOVERY OF OVERPAYMENTS

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

RIN: 3220-AA44

4152. 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	11/00/95	

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-AA61

4153. COLLECTION OF DEBTS

Priority: Substantive, Nonsignificant

Legal Authority: 45 USC 231f(b)(5); 31 USC 3716; 31 USC 3720A

CFR Citation: 20 CFR 366; 20 CFR 367

Legal Deadline: None

Abstract: The Board amends parts 366 and 367 of its regulations which provide for the collection of debts by tax refund offset, and by administrative offset, respectively. The amendments will enable the Board to use these methods to collect debts from business organizations as well as individuals.

Timetable:

Action	Date	FR Cite
NPRM	08/17/95	60 FR 42818
NPRM Comment Period End	09/18/95	60 FR 42818
Final Action	11/00/95	

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
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RIN: 3220-AB09

RAILROAD RETIREMENT BOARD (RRB)

Long-Term Actions

RRB

Long-Term Actions

4154. 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
Fax: 312 751-7102

RIN: 3220-AA51**4155. 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	02/06/89	54 FR 318
Period End		
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
Fax: 312 751-7102

RIN: 3220-AA52**4156. 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
Fax: 312 751-7102

RIN: 3220-AA75**4157. 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**4158. • 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
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RIN: 3220-AB18

RAILROAD RETIREMENT BOARD (RRB)

Completed Actions

4159. COMPUTING EMPLOYEE, SPOUSE, AND DIVORCED SPOUSE ANNUITIES

Priority: Substantive, Nonsignificant
CFR Citation: 20 CFR 226; 20 CFR 232
Completed:

Reason	Date	FR Cite
Final Action	05/05/95	60 FR 22261
Final Action Effective	05/05/95	

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Thomas W. Sadler
 Phone: 312 751-4513
 Fax: 312 751-7102
RIN: 3220-AA58

4160. INITIAL DETERMINATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND REVIEWS OF AND APPEALS FROM SUCH DETERMINATIONS

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 320
Completed:

Reason	Date	FR Cite
Final Action	06/01/95	60 FR 28534
Final Action Effective	06/01/95	

Small Entities Affected: None
Government Levels Affected: Federal
Agency Contact: Thomas W. Sadler
 Phone: 312 751-4513
 Fax: 312 751-7102
RIN: 3220-AB06

4161. GENERAL ADMINISTRATION

Completed:

Reason	Date	FR Cite
Duplicate of RIN 3220-AB12	08/30/95	

RIN: 3220-AB07

4162. APPLICATION FOR ANNUITY OR LUMP SUM

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 217
Completed:

Reason	Date	FR Cite
Final Action	05/04/95	60 FR 21982
Final Action Effective	05/04/95	

Small Entities Affected: None
Government Levels Affected: Federal
Agency Contact: Thomas W. Sadler
 Phone: 312 751-4513
 Fax: 312 751-7102
RIN: 3220-AB08

4163. SICKNESS BENEFITS

Priority: Substantive, Nonsignificant
CFR Citation: 20 CFR 335
Completed:

Reason	Date	FR Cite
Final Action	08/07/95	60 FR 40073
Final Action Effective	08/07/95	

Small Entities Affected: None
Government Levels Affected: None
Agency Contact: Thomas W. Sadler
 Phone: 312 751-4513
 Fax: 312 751-7102
RIN: 3220-AB11

4164. GENERAL ADMINISTRATION

Priority: Substantive, Nonsignificant
CFR Citation: 20 CFR 200.4
Completed:

Reason	Date	FR Cite
Final Action	06/07/95	60 FR 29983
Final Action Effective	06/07/95	

Small Entities Affected: None
Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler
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 Fax: 312 751-7102
RIN: 3220-AB12

4165. • CONTRIBUTIONS UNDER SPECIAL TRANSITION RULE FOR PUBLIC COMMUTER RAILROADS

Priority: Other

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will eliminate existing text in the CFR.

Legal Authority: 45 USC 362(i); 45 USC 362(l)

CFR Citation: 20 CFR 344

Legal Deadline: None

Abstract: The Railroad Retirement Board amends its regulations to remove 20 CFR Part 344 regarding the computation and payment of contributions under the Railroad Unemployment Insurance Act for commuter railroads as that part is obsolete.

Timetable:

Action	Date	FR Cite
Final Action	05/04/95	60 FR 21981
Final Action Effective	05/04/95	

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-AB13
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