



**Monday
November 9, 1998**

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.

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

SUPPLEMENTARY INFORMATION: No Regulatory Plan entries have been included for this edition of the Railroad Retirement Board's semiannual regulatory agenda. Current regulations that are proposed to be modified based on a completed review of the regulations are listed in the agenda.

Dated: August 27, 1998.
By Authority of the Board.
Beatrice Ezerski,
Secretary to the Board.

Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 4121 | General Administration | 3220-AB35 |
| 4122 | Plan of Operation During a National Emergency | 3220-AB36 |
| 4123 | Remuneration | 3220-AB38 |
| 4124 | Registration for Railroad Unemployment Benefits; Determination of Daily Benefit Rate; Sickness Benefits; Duration of Normal and Extended Benefits | 3220-AB39 |

Long-Term Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4125 | Employers Under the Railroad Retirement Act; Employers Under the Railroad Unemployment Insurance Act | 3220-AA51 |
| 4126 | Employees Under the Railroad Retirement Act | 3220-AA52 |
| 4127 | Reduction and Non-Payment of Annuities by Reason of Work | 3220-AA61 |
| 4128 | Voluntary Quit | 3220-AA75 |
| 4129 | Determining Disability | 3220-AA99 |
| 4130 | Requests for Reconsideration and Appeals Within the Board | 3220-AB03 |
| 4131 | Creditable Railroad Compensation | 3220-AB23 |
| 4132 | Finality of Decisions Regarding Unemployment and Sickness Insurance Benefits | 3220-AB25 |
| 4133 | Determining Disability | 3220-AB37 |

Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4134 | Railroad Employers' Reports and Responsibilities | 3220-AB21 |
| 4135 | Eligibility for an Annuity | 3220-AB27 |
| 4136 | Availability of Information to the Public | 3220-AB33 |
| 4137 | Recovery of Overpayments | 3220-AB34 |

RAILROAD RETIREMENT BOARD (RRB)

Proposed Rule Stage

4121. GENERAL ADMINISTRATION

Priority: Info./Admin./Other

Reinventing Government: This rulemaking is part of the Reinventing

Government effort. It will eliminate existing text in the CFR.

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

CFR Citation: 20 CFR 200

Legal Deadline: None

Abstract: The Board proposes to amend its regulations which describe its organization and general course of operations to reflect recent reorganizations.

RRB

Proposed Rule Stage

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/99 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

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RIN: 3220-AB35

4122. PLAN OF OPERATION DURING A NATIONAL EMERGENCY**Priority:** Info./Admin./Other

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

Legal Authority: 45 USC 231f(b)(5)**CFR Citation:** 20 CFR 375**Legal Deadline:** None

Abstract: The Board proposes to update its plan of operation during a national emergency to reflect recent reorganizations within the Board.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/98 | |

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No**Government Levels Affected:** None

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RIN: 3220-AB36

4123. • REMUNERATION**Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 362(l)**CFR Citation:** 20 CFR 322**Legal Deadline:** None

Abstract: The Railroad Retirement Board is amending part 322 of its regulations to reflect statutory changes that may affect the payment of unemployment or sickness benefits to railroad employees under the Railroad Unemployment Insurance Act.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/99 | |

Regulatory Flexibility Analysis

Required: No

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

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RIN: 3220-AB38

4124. • REGISTRATION FOR RAILROAD UNEMPLOYMENT BENEFITS; DETERMINATION OF DAILY BENEFIT RATE; SICKNESS BENEFITS; DURATION OF NORMAL AND EXTENDED BENEFITS**Priority:** Substantive, Nonsignificant**Legal Authority:** 45 USC 322(i); 45 USC 362(l)**CFR Citation:** 20 CFR 325; 20 CFR 330; 20 CFR 335; 20 CFR 336**Legal Deadline:** None

Abstract: The Board amends its regulations to incorporate amendments made to the Railroad Unemployment Insurance Act by Public Law 104-251.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 04/00/99 | |

Regulatory Flexibility Analysis

Required: No

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

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RIN: 3220-AB39

RAILROAD RETIREMENT BOARD (RRB)**Long-Term Actions****4125. 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 | |

Regulatory Flexibility Analysis

Required: No

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

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RIN: 3220-AA51

RRB

Long-Term Actions

4126. 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 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Federal

Sectors Affected:

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RIN: 3220-AA52

4127. 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 | 00/00/00 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3220-AA61

4128. 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 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3220-AA75

4129. 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 | 00/00/00 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

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RIN: 3220-AA99

4130. 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 | |

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

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RIN: 3220-AB03

RRB

Long-Term Actions

4131. CREDITABLE RAILROAD COMPENSATION**Priority:** Other Significant**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 | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/04/97 | 62 FR 61488 |
| NPRM Comment Period End | 02/02/98 | |
| Final Action | 00/00/00 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

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RIN: 3220-AB23

4132. 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 explains 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 | 00/00/00 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal

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RIN: 3220-AB25

4133. DETERMINING DISABILITY**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 231a; 45 USC 231f(b)(5)**CFR Citation:** 20 CFR 220**Legal Deadline:** None

Abstract: The Board proposes to amend its disability regulations to eliminate continuing disability review of disability annuitants in cases where medical improvement is not expected.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 00/00/00 | |

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

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RIN: 3220-AB37

RAILROAD RETIREMENT BOARD (RRB)

Completed Actions

4134. RAILROAD EMPLOYERS' REPORTS AND RESPONSIBILITIES**Priority:** Substantive, Nonsignificant**CFR Citation:** 20 CFR 209**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 06/15/98 | 63 FR 32612 |
| Final Action Effective | 07/15/98 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

Agency Contact: Thomas W. Sadler
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RIN: 3220-AB21

4135. ELIGIBILITY FOR AN ANNUITY**Priority:** Substantive, Nonsignificant**CFR Citation:** 20 CFR 216**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/09/98 | 63 FR 17326 |
| Final Action Effective | 05/11/98 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

Agency Contact: Thomas W. Sadler
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RIN: 3220-AB27

4136. AVAILABILITY OF INFORMATION TO THE PUBLIC**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 200.3**Completed:**

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 04/09/98 | 63 FR 17325 |
| Final Action Effective | 05/11/98 | |

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal

RRB

Completed Actions

Agency Contact: Thomas W. Sadler
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RIN: 3220-AB33

4137. RECOVERY OF OVERPAYMENTS

Priority: Substantive, Nonsignificant
CFR Citation: 20 CFR 255.8

Completed:

| Reason | Date | FR Cite |
|------------------------|-------------|----------------|
| Final Action | 06/01/98 | 63 FR 29547 |
| Final Action Effective | 07/01/98 | |

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Thomas W. Sadler
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RIN: 3220-AB34
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