

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

RAILROAD RETIREMENT BOARD

20 CFR Part 217

RIN 3220-AB64

Application for Annuity or Lump Sum

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board (Board) proposes to amend its regulations to allow alternative signature methods in addition to the traditional pen-and-ink or "wet" signature in order to implement an electronic application process which will eventually eliminate the need to retain paper applications and make the application process more convenient for the individuals filing applications.

DATES: Submit comments on or before August 1, 2011.

ADDRESSES: Address any comments concerning this proposed rule to Secretary to the Board, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611-2092.

FOR FURTHER INFORMATION CONTACT: Marguerite P. Dadabo, Assistant General Counsel, (312) 751-4945, TTD (312) 751-4701.

SUPPLEMENTARY INFORMATION: Section 5(b) of the Railroad Retirement Act (RRA) [45 U.S.C. 231d(b)] provides that an application for any payment under the Act "shall be made and filed in such manner and form as the Board may prescribe * * *". Currently, Part 217 of the Board's regulations, which sets out the rules governing applications made under the RRA, anticipates that an application will include a signature on paper, even where the application itself may be completed electronically.

In order to provide better service to our customers, the Board proposes to amend section 217.17 of its regulations in order to allow signature alternatives to the traditional pen-and-ink ("wet") signature. The Board proposes to change the current title of section 217.17, "Who may sign an application" to "What is an acceptable signature" and to add a new

subsection (f) to describe what may be considered to be an acceptable signature. The amendment would add two different types of acceptable signatures.

The first alternate method of signature that the proposed amendment to section 217.17 would allow is the use of a personal identification number (PIN) assigned by the agency.

The second alternate method is referred to as an "alternative signature" or "signature proxy." The purpose of this proposal is to allow signature by attestation. Attestation refers to an action taken by an employee of the Railroad Retirement Board (RRB) to confirm and annotate the RRB records of (1) an applicant's intent to file or complete an application or related form, (2) the applicant's affirmation under penalty of perjury that the information is correct, and (3) the applicant's agreement to sign the application or related form. The Board expects that use of attestation to take RRA applications over the telephone will increase efficiency and be more convenient for RRB customers.

Before deciding to propose this amendment, the Board's Office of Programs obtained information about alternative signature methods used by the Social Security Administration (SSA), since it administers a retirement and disability program comparable to the Board's programs under the Railroad Retirement Act. The Office of Programs also compared the current RRB application taking process with a process using attestation to identify the differences and determine how those differences affect the process. Based on the information obtained from the comparison and from the SSA, it was determined that attestation would reduce our paper flow and handling and would work well in our current environment where the Board's Field Service already completes most applications by telephone.

Under both the current and proposed systems, the RRB claims representative would identify a caller-applicant using our existing protocol and complete an application by interviewing the caller and entering the answers online into the Application Express (APPLE) system. APPLE is an online system that automates the filing of applications for retirement and survivor benefits and forwards the applications to the systems

for payment. We now print out a copy of the completed application to send it to the applicant for signature and return. Under attestation, we would instead use defined scripts like SSA uses to confirm the applicant's intent to file; attest to the reply by entering the answer in APPLE; print the cover notice with penalty clause and summary, and review it with the applicant over the telephone; release the case in APPLE for processing after the telephone review of the cover notice is complete; and send the applicant a cover notice and summary to keep. We would advise the applicant to review the cover notice and summary upon receipt, and contact the RRB promptly if the applicant needs to make any corrections.

Attestation would end the return of application documents to our offices, reducing the volume of paper to be sorted, assigned, reviewed, input, scanned and indexed by the RRB.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action under Executive Order 12866, as amended. Therefore, no regulatory impact analysis is required. There are no changes to the information collections associated with Part 217.

List of Subjects in 20 CFR Part 217

Railroad employees, Railroad retirement.

For the reasons set out in the preamble, the Railroad Retirement Board proposes to amend title 20, chapter II, subchapter B, part 217 of the Code of Federal Regulations as follows:

PART 217—APPLICATION FOR ANNUITY OR LUMP SUM

1. The authority citation for part 217 continues to read as follows:

Authority: 45 U.S.C. 231d and 45 U.S.C. 231f.

2. Section 217.17 is amended by revising the section heading and paragraph (a) and adding paragraph (f) to read as follows:

§ 217.17 What is an acceptable signature.

* * * * *

(a) A claimant who is 18 years old or older, competent (able to handle his or her own affairs), and physically able to sign the application, must sign in his or her own handwriting, except as provided in paragraph (e) or paragraph

(f) of this section. A parent or a person standing in place of a parent must sign the application for a child who is not yet 18 years old, except as shown in paragraph (d) of this section.

* * * * *

(f) An acceptable signature may include:

(1) A handwritten signature that complies with the rules set out in paragraphs (a), (b), (c), (d), or (e) of this section; or

(2) In the case of an application being taken and processed in the Railroad Retirement Board's automated claims system, an electronic signature, which shall consist of a personal identification number (PIN) assigned by the Railroad Retirement Board as described in the application instructions; or

(3) An alternative signature or signature proxy acceptable to the Railroad Retirement Board. An example of an alternative signature is attestation, which refers to the action taken by a Railroad Retirement Board (RRB) employee of confirming and annotating RRB records of the applicant's intent to file or complete an application or related form, the applicant's affirmation under penalty of perjury that the information provided is correct, and the applicant's agreement to sign the application or related form.

* * * * *

Dated: May 20, 2011.

By Authority of the Board.

Steven A. Bartholow,
General Counsel.

[FR Doc. 2011-13056 Filed 5-27-11; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2011-0211; FRL-9312-8]

Approval and Promulgation of Implementation Plans; State of California; Interstate Transport of Pollution; Interference With Prevention of Significant Deterioration Requirement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a limited approval and limited disapproval of a State Implementation Plan ("SIP") revision submitted by the State of California on November 17, 2007, for the purpose of addressing the "transport SIP" provisions of Clean Air Act ("CAA") section 110(a)(2)(D)(i) for the

1997 8-hour ozone National Ambient Air Quality Standards (NAAQS or standards) and the 1997 fine particulate matter ("PM_{2.5}") NAAQS. Section 110(a)(2)(D)(i) of the CAA requires that each SIP contain adequate provisions to prohibit emissions that adversely affect air quality in other States through interstate transport. EPA is proposing a limited approval and limited disapproval of California's SIP revision for the 1997 8-hour ozone and 1997 PM_{2.5} NAAQS with respect to the requirement in CAA section

110(a)(2)(D)(i)(II) that each SIP contain adequate measures prohibiting emissions of air pollutants in amounts which will interfere with other States' measures required under title I, part C of the CAA to prevent significant deterioration of air quality. Specifically, EPA is proposing to approve California's SIP revision with respect to those Districts in California that implement SIP-approved permit programs meeting the approval criteria under CAA section 110(a)(2)(D)(i), as discussed in this proposal. EPA is simultaneously proposing to disapprove California's SIP revision with respect to those Districts in California that do not implement SIP-approved permit programs meeting these approval criteria. For any District for which we finalize a disapproval, EPA intends to simultaneously promulgate a limited Federal Implementation Plan ("FIP"), as discussed in this proposal, unless the relevant area is already subject to a FIP.

DATES: Written comments must be received on or before June 30, 2011.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA-R09-OAR-2011-0211, by one of the following methods:

1. <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

2. *E-mail:* mays.rory@epa.gov.

3. *Fax:* 415-947-3579.

4. *Mail or deliver:* Rory Mays (AIR-2), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901. Deliveries are only accepted during the Regional Office's normal hours of operation.

Instructions: All comments will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through the

<http://www.regulations.gov> or e-mail. <http://www.regulations.gov> is an anonymous access system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Docket: The index to the docket for this action is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed directly below.

FOR FURTHER INFORMATION CONTACT: Rory Mays, Air Planning Office (AIR-2), U.S. Environmental Protection Agency, Region IX, (415) 972-3227, mays.rory@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document, the terms "we," "us," and "our" refer to EPA.

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I. Background

On July 18, 1997, EPA promulgated new standards for 8-hour ozone¹ and

¹ See 62 FR 38856. The level of the 1997 8-hour ozone NAAQS is 0.08 parts per million (ppm). 40 CFR part 50.10. The 8-hour ozone standard is met when the 3-year average of the annual 4th highest daily maximum 8-hour ozone concentrations is 0.08 ppm or less (i.e., less than 0.085 ppm based on the rounding convention in 40 CFR part 50 Appendix I). This 3-year average is referred to as the "design value."