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February 1, 2012.

**Rochelle C. Baval,**

*Policy Coordinator, Office of the Secretary.*

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**RAILROAD RETIREMENT BOARD**

**Agency Forms Submitted for OMB Review, Request for Comments**

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding three Information Collection Requests (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of

automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

*1. Title and Purpose of information collection:* Appeal Under the Railroad Retirement and Railroad Unemployment Insurance Act; OMB 3220-0007.

Under Section 7(b)(3) of the Railroad Retirement Act (RRA), and Section 5(c) of the Railroad Unemployment Insurance Act (RUIA) any person aggrieved by a decision on his or her application for an annuity or benefit under that Act has the right to appeal to the RRB. This right is prescribed in 20 CFR 260 and 20 CFR 320. The notification letter, which is sent at the time of the original action on the application, informs the applicant of such right. When an applicant protests a decision, the concerned RRB office reviews the entire file and any additional evidence submitted and sends the applicant a letter explaining the basis of the determination. The applicant is then notified that if he or she wishes to protest further, they can appeal to the RRB's Bureau of Hearings and Appeals. The appeal process is prescribed in 20 CFR 260.5 and 260.9 and 20 CFR 320.12 and 320.38.

The form prescribed by the RRB for filing an appeal under the RRA or RUIA is Form HA-1, *Appeal Under the Railroad Retirement Act or Railroad*

*Unemployment Insurance Act.* The form asks the applicant to explain the basis for their request for an appeal and, if necessary, to describe any additional evidence they wish to submit in support of the appeal. Completion is voluntary, however, if the information is not provided the RRB cannot process the appeal.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (76 FR 63959 on October 14, 2011) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

**Information Collection Request (ICR)**

*Title:* Appeal Under the Railroad Retirement and Railroad Unemployment Insurance Act.

*OMB Control Number:* 3220-0007.

*Form(s) submitted:* HA-1.

*Type of request:* Revision of a currently approved collection.

*Affected public:* Individuals or Households.

*Abstract:* Under Section 7(b)(3) of the Railroad Retirement Act and Section 5(c) of the Railroad Unemployment Insurance Act, a person aggrieved by a decision on his or her application for an annuity or other benefit has the right to appeal to the RRB. The collection provides the means for the appeal action.

*Changes proposed:* The RRB proposes minor editorial and cosmetic changes to Form HA-1.

*The burden estimate for the ICR is as follows:*

| Form No.   | Annual responses | Time (minutes) | Burden (hours) |
|------------|------------------|----------------|----------------|
| HA-1 ..... | 600              | 20             | 200            |

*2. Title and Purpose of information collection:* Evidence of Marital Relationship, Living With Requirements; OMB 3220-0021.

To support an application for a spouse or widow(er)'s annuity under Sections 2(c) or 2(d) of the Railroad Retirement Act, an applicant must submit proof of a valid marriage to a railroad employee. In some cases, the existence of a marital relationship is not formalized by a civil or religious ceremony. In other cases, questions may arise about the legal termination of a prior marriage of the employee, spouse, or widow(er). In these instances, the RRB must secure additional information to resolve questionable marital relationships. The circumstances requiring an applicant to submit

documentary evidence of marriage are prescribed in 20 CFR 219.30.

In the absence of documentary evidence, the RRB needs to determine if a valid marriage existed between a spouse or widow(er) annuity applicant and a railroad employee. The RRB utilizes Forms G-124, Individual Statement of Marital Relationship; G-124a, Certification of Marriage Information; G-237, Statement Regarding Marital Status; G-238, Statement of Residence; and G-238a, Statement Regarding Divorce or Annulment, to secure the needed information. One response is requested of each respondent. Completion is required to obtain benefits.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (76 FR 72010 on

November 21, 2011) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

**Information Collection Request (ICR)**

*Title:* Evidence of Marital Relationship, Living With Requirements.

*OMB Control Number:* 3220-0021.

*Forms submitted:* G-124, G-124a, G-237, G-238, G-238a.

*Type of request:* Extension without change of a currently approved collection.

*Affected public:* Individuals or Households.

*Abstract:* Under the RRA, to obtain a benefit as a spouse of an employee annuitant or as the widow(er) of the deceased employee, an applicant must submit information to be used to determine if the marriage requirements

for such benefits have been met. The collection contains information supporting claimed common-law

marriage, termination of previous marriages, and residency requirements. *Changes proposed:* The RRB proposes no changes to the forms in the collection.

*The burden estimate for the ICR is as follows:*

| Form No.                | Annual responses | Time (minutes) | Burden (hours) |
|-------------------------|------------------|----------------|----------------|
| G-124 (In person) ..... | 125              | 15             | 31             |
| G-124 (By mail) .....   | 75               | 20             | 25             |
| G-124a .....            | 300              | 10             | 50             |
| G-237 (In person) ..... | 75               | 15             | 19             |
| G-237 (By mail) .....   | 75               | 20             | 25             |
| G-238 (In person) ..... | 150              | 3              | 8              |
| G-238 (By mail) .....   | 150              | 5              | 13             |
| G-238a .....            | 150              | 10             | 25             |
| <b>Total</b> .....      | <b>1,100</b>     |                | <b>196</b>     |

**3. Title and Purpose of information collection:** Evidence for Application of Overall Minimum; OMB 3220-0083.

Under Section 3(f)(3) of the Railroad Retirement Act (RRA), the total monthly benefits payable to a railroad employee and his/her family are guaranteed to be no less than the amount which would be payable if the employee's railroad service had been covered by the Social Security Act. This is referred to as the Social Security Overall Minimum Guarantee, which is prescribed in 20 CFR 229. To administer this provision, the Railroad Retirement Board (RRB) requires information about a retired employee's spouse and child(ren) who would not be eligible for benefits under the RRA but would be eligible for benefits under the Social Security Act if

the employee's railroad service had been covered by that Act. The RRB obtains the required information by the use of Forms G-319, Statement Regarding Family and Earnings for Special Guaranty Computation, and G-320, Student Questionnaire for Special Guaranty Computation. One response is required of each respondent. Completion is required to obtain or retain benefits.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (76 FR 65219 on October 20, 2011) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

**Information Collection Request (ICR)**

*Title:* Evidence for Application of Overall Minimum.

*OMB Control Number:* 3220-0083.  
*Forms submitted:* G-319 and G-320.

*Type of request:* Extension without change of a currently approved collection.

*Affected public:* Individuals or Households.

*Abstract:* Under Section 3(f)(3) of the Railroad Retirement Act, the total monthly benefits payable to a railroad employee and his/her family are guaranteed to be no less than the amount which would be payable if the employee's railroad service had been covered by the Social Security Act.

*Changes proposed:* The RRB proposes no changes to the forms in the collection.

*The burden estimate for the ICR is as follows:*

| Form No.   | Annual responses | Time (minutes) | Burden (hours) |
|--|------------------|----------------|----------------|
| G-319 (completed by the employee):   |                  |                |                |
| With assistance .....  | 5                | 26             | 2              |
| Without assistance .....   | 330              | 55             | 302            |
| G-319 (completed by spouse):   |                  |                |                |
| With assistance .....  | 5                | 30             | 3              |
| Without assistance .....   | 15               | 60             | 15             |
| G-320:   |                  |                |                |
| (Age 18 at Special Guaranty Begin Date or Special Guaranty Age 18 Attainments) ..... | 150              | 15             | 37             |
| (Student Monitoring done in Sept, March and at end of school year) .....             | 50               | 15             | 12             |

**4. Title and Purpose of information collection:** Pension Plan Reports; OMB 3220-0089

Under Section 2(b) of the Railroad Retirement Act (RRA), the Railroad Retirement Board (RRB) pays supplemental annuities to qualified RRB employee annuitants. A supplemental annuity, which is computed according to Section 3(e) of the RRA, can be paid at age 60 if the employee has at least 30 years of creditable railroad service or at age 65 if the employee has 25-29 years of railroad service. In addition to 25

years of service, a "current connection" with the railroad industry is required. Eligibility is further limited to employees who had at least one month of rail service before October 1981 and were awarded regular annuities after June 1966. Further, if an employee's 65th birthday was prior to September 2, 1981, he or she must not have worked in rail service after certain closing dates (generally the last day of the month following the month in which age 65 is attained). Under Section 2(h)(2) of the RRA, the amount of the supplemental

annuity is reduced if the employee receives monthly pension payments, or a lump-sum pension payment, including a distribution from a 401(k) savings plan, from a private pension from a railroad employer, to the extent the payments are based on contributions from that employer. The employee's own contribution to their pension account does not cause a reduction. A private railroad employer pension is defined in 20 CFR 216.40-216.42.

The RRB requires the following information from railroad employers to

calculate supplemental annuities: (a) The current status of railroad employer pension plans and whether such plans cause reductions to the supplemental annuity; (b) whether the employee receives monthly payments from a private railroad employer pension, elected to receive a lump-sum in lieu of month pension payments from such a plan, or received a lump-sum distribution from a 401(k) savings plan; (c) the date monthly pension payments began or a lump-sum payment was received; and (d) the amount of the payments attributable to the railroad employer's contributions. The requirement that railroad employers furnish pension information to the RRB is contained in 20 CFR 209.2.

The RRB currently utilizes Forms G-88p, *Employer's Supplemental Pension Report, G-88r, Request for Information About New or Revised Employer Pension Plan*, and G-88r.1, *Request for*

*Additional Information about Employer Pension Plan in Case of Change of Employer Status or Termination of Pension Plan*, to obtain the necessary information from railroad employers. One response is requested of each respondent. Completion is mandatory.

*Previous Requests for Comments:* The RRB has already published the initial 60-day notice (76 FR 58848 on September 22, 2011) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

**Information Collection Request (ICR)**

*Title:* Pension Plan Reports.

*OMB Control Number:* 3220-0089.

*Forms submitted:* G-88p, G-88r, and G-88r.1.

*Type of request:* Revision of a currently approved collection of information.

*Affected public:* Businesses or other for-profits.

*Abstract:* The Railroad Retirement Act provides for payment of a supplemental annuity to a qualified railroad retirement annuitant. The collection obtains information from the annuitant's employer to determine (a) the existence of railroad employer pension plans and whether such plans, if they exist, require a reduction to supplemental annuities paid to the employer's former employees and (b) the amount of supplemental annuities due railroad employees.

*Changes proposed:* The RRB proposes Forms G-88p and G-88r be revised to include information related to the reporting of 401(k) savings plans and to remove items that are no longer relevant. Form G-88r.1 will no longer be utilized.

*The burden estimate for the ICR is as follows:*

| Form No.    | Annual responses | Time (minutes) | Burden (hours) |
|-------------|------------------|----------------|----------------|
| G-88p ..... | 750              | 8              | 100            |
| G-88r ..... | 10               | 8              | 1              |
| Total ..... | 760              | .....          | 101            |

*Additional Information or Comments:* Copies of the forms and supporting documents can be obtained from Charles Mierzwa, the agency clearance officer at (312) 751-3363 or [Charles.Mierzwa@RRB.GOV](mailto:Charles.Mierzwa@RRB.GOV).

Comments regarding the information collection should be addressed to Charles Mierzwa, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611-2092 or [Charles.Mierzwa@RRB.GOV](mailto:Charles.Mierzwa@RRB.GOV) and to the OMB Desk Officer for the RRB, Fax: 202-395-6974, Email address: [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov).

**Charles Mierzwa,**  
Clearance Officer.

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**RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD**

[Doc. No. 12-001]

**Privacy Act of 1974; System of Records**

**AGENCY:** Recovery Accountability and Transparency Board

**ACTION:** Notice of amendment to existing Privacy Act system of records.

**SUMMARY:** The Recovery Accountability and Transparency Board (Board) is

issuing public notice of its intent to amend a system of records that it maintains subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended (Privacy Act or the Act); specifically, RATB-13, entitled "Fast Alert System." RATB-13 is being amended to reflect legislation expanding the purview of the Board's responsibilities, *see, e.g.*, Consolidated Appropriations Act of 2012, Public Law 112-74, (Dec. 23, 2011); Education Jobs Fund, Public Law 111-226, 124 Stat. 2389, § 101 (2010). Accordingly, the Board is making substantive amendments to its system notice to include: amended categories of individuals covered by the system, amended categories of records in the system, additional authorities for maintenance of the system, amended routine uses, and amended record source categories. In addition, the Board is renaming the system as RATB-13-FederalAccountability.gov System. The amended system of records reads as follows:

**RATB-13**

**SYSTEM NAME:**

FederalAccountability.gov System.

**SECURITY CLASSIFICATION:**

Controlled Unclassified Information.

**SYSTEM LOCATION:**

The principal location for the system is the Recovery Accountability and Transparency Board, located at 1717 Pennsylvania Avenue NW., Suite 700, Washington, DC 20006.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

This system contains records on individuals acting in a personal capacity who relate to official Board efforts undertaken in support of its mission to coordinate and conduct oversight of Recovery Act funds to prevent fraud, waste, and abuse, and to develop and test technology resources and oversight mechanisms to detect and remediate fraud, waste, and abuse in Federal spending. These individuals include but are not limited to those that have applied for, sought, or received Federal funds. The system also contains records concerning individuals in their entrepreneurial capacity, corporations, and other business entities. These records are not subject to the Privacy Act.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Every possible type of information that contributes to effective oversight of fraud, waste, and abuse of Federal spending may be maintained in this system of records, including but not limited to records on Federal funding