

draft final rule for consideration by the Commission (SECY-97-046A). As part of its deliberations on SECY-97-046A, the NRC has decided to hold a public meeting with the EPA to discuss their comments on the draft final rule. The format of the meeting will consist of discussion between the EPA and NRC on issues related to the draft final rule. Seating for the public will be on a first come, first-served basis.

Dated at Rockville, Maryland, this 14th day of April 1997.

For the Nuclear Regulatory Commission.

**Frank A. Costanzi,**

*Deputy Director, Division of Regulatory Applications, Office of Nuclear Regulatory Research.*

[FR Doc. 97-10073 Filed 4-17-97; 8:45 am]

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## RAILROAD RETIREMENT BOARD

### 20 CFR Part 335

RIN 3220-AB30

#### Sickness Benefits

**AGENCY:** Railroad Retirement Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Railroad Retirement Board (Board) proposes to amend its regulations under the Railroad Unemployment Insurance Act (RUIA) to permit a substance-abuse professional to execute a statement of sickness in support of payment of sickness benefits under the RUIA.

**DATES:** Comments shall be submitted on or before June 17, 1997.

**ADDRESSES:** Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

**FOR FURTHER INFORMATION CONTACT:** Thomas W. Sadler, Senior Attorney, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611, (312) 751-4513, TDD (312) 751-4701.

**SUPPLEMENTARY INFORMATION:** Section 335.2(a)(2) of the Board's regulations provides that in order to be entitled to sickness benefits under the RUIA, a claimant must provide a "statement of sickness". Section 335.3(a) of the Board's regulations lists the individuals from whom the Board will accept a statement of sickness. That list does not currently include a "substance-abuse professional" (SAP), although employees may claim sickness benefits under circumstances resulting from alcohol or controlled-substances-related disorders. In proposing that an SAP under this part must meet the qualifications outlined in the

Department of Transportation (DOT) regulations at 49 CFR part 40.3, the Board recognizes the importance of nationally-accepted standards for SAPs. The DOT regulations define an SAP as a licensed physician (Medical Doctor or Doctor of Osteopathy), a licensed or certified psychologist, a licensed or certified social worker, or a licensed or certified employee assistance professional. The DOT regulations also include alcohol and drug abuse counselors certified by the National Association of Alcoholism and Drug Abuse Counselors (NAADAC) Certification Commission, a national organization imposing qualification standards for treatment of alcohol and drug-related disorders.

Under the DOT regulations, an SAP must have knowledge of, and clinical experience in, the diagnosis and treatment of alcohol and controlled substances-related disorders. Accordingly, those individuals who have the requisite degrees or certificates, but who lack knowledge and clinical experience in alcohol and substance abuse-related disorders, would not meet the criteria of a qualified SAP under this part.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulation action for purposes of Executive Order 12866. Therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

#### List of Subjects in 20 CFR Part 335

Railroad employees, Railroad sickness benefits.

For the reasons set out in the preamble, title 20, chapter II, part 335 of the Code of Federal Regulations is proposed to be amended as follows:

#### PART 335—SICKNESS BENEFITS

1. The authority citation for part 335 continues to read as follows:

**Authority:** 45 U.S.C. 362(i) and 362(l).

2. Section 335.3 is amended by removing "or" at the end of paragraph (a)(8) of this section, by removing the period at the end of paragraph (a)(9) of this section and adding "; or", and by adding a new paragraph (a)(10) to read as follows:

#### § 335.3 Execution of statement of sickness and supplemental doctor's statement.

(a) \* \* \*  
\* \* \* \* \*

(10) A substance-abuse professional as defined in 49 CFR 40.3, if the infirmity

involves alcohol or controlled substances-related disorders.

\* \* \* \* \*  
Dated: April 9, 1997.

By Authority of the Board.

**Beatrice Ezerski,**

*Secretary to the Board.*

[FR Doc. 97-10009 Filed 4-17-97; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Parts 1 and 25

[REG-209823-96]

RIN 1545-AU25

#### Guidance Regarding Charitable Remainder Trusts

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking and notice of public hearing.

**SUMMARY:** This document contains proposed amendments to the regulations under section 664 of the Internal Revenue Code of 1986 relating to charitable remainder trusts and under section 2702 relating to special valuation rules for transfers of interests in trusts. The proposed amendments contain rules on the conditions under which the governing instrument may provide for a change in the method of calculating the unitrust amount, the date by which the annuity amount or the unitrust amount under the fixed percentage method must be paid to the recipient, who is required to value unmarketable assets, and when section 2702 applies to certain charitable remainder unitrusts. The proposed regulations clarify existing law that prohibits allocating pre-contribution capital gain to trust income. The proposed amendments also contain an example illustrating how the ordering rule of section 664(b) applies to distributions from a charitable remainder unitrust using an income exception method to calculate the unitrust amount. This document also provides notice of a public hearing on these proposed regulations.

**DATES:** Comments and outlines of topics to be discussed at the public hearing scheduled for September 9, 1997, at 10 a.m. must be received by August 19, 1997.

**ADDRESSES:** Send submissions to: CC:DOM:CORP:R (REG-209823-96), room 5228, Internal Revenue Service, POB 7604, Ben Franklin Station,