estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Drug Enforcement Administration, Records Management Section, Washington, DC 20537; and to the Office of Management and Budget, Paperwork Reduction Project No. 1117–00??, Washington, DC 20503.

(k) For any person who manufactures ephedrine, pseudoephedrine or phenylpropanolamine at a registered location and also manufactures research/reference standards containing ephedrine, pseudoephedrine or phenylpropanolamine at a separate location, the requirement of registration under this part is waived for the location at which research/reference standards containing ephedrine, pseudoephedrine or phenylpropanolamine are manufactured and distributed, so long as the research/reference standards are distributed only to other locations operated by the same registered manufacturer. Distributions may not exceed five grams per transaction and fifty grams cumulatively per calendar month.

(l) If any person exempted under paragraph (b), (c), (d), (e), (f), (g) or (k) of this section also engages in the distribution, importation or exportation of a List I chemical, other than as described in such paragraph, the person shall obtain a registration for such activities, as required by § 1309.21 of this part.

(m) The Administrator may, upon finding that continuation of the waiver would not be in the public interest, suspend or revoke a waiver granted under paragraph (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k) of this section pursuant to the procedures set forth in §§ 1309.43 through 1309.46 and 1309.51 through 1309.55 of this part. In considering the revocation or suspension of a person's waiver granted pursuant to paragraph (b) or (c) of this section, the Administrator shall also consider whether action to revoke or suspend the person's controlled substance registration pursuant to 21 U.S.C. 824 is warranted.

(n) Any person exempted from the registration requirement under this section shall comply with the security requirements set forth in §§ 1309.71 through 1309.73 of this part and the recordkeeping and reporting requirements set forth under parts 1310 and 1313 of this chapter.

§ 1309.62 [Amended]

5. In Section 1309.62(a) remove the word ''cases'' and add the word ''ceases'' in its place.

PART 1310—RECORDS AND REPORTS OF LISTED CHEMICALS AND CERTAIN MACHINES

6. The authority citation for 21 CFR Part 1310 continues to read as follows:

Authority: 21 U.S.C. 802, 830, 871(b).

§ 1310.05 [Amended]

7. In § 1310.05(d), remove the reference to § 1310.01(f)(1)(iv) or § 1310.01(f)(1)(v) and add the reference § 1300.02(b)(28)(i)(D) or § 1300.02(b)(28)(i)(E)'' in its place.

§ 1310.06 [Amended]

8. In § 1310.06(h)(5), remove the reference to § 1310.01(f)(1)(iv) or § 1310.01(f)(1)(v) and add the reference ''§ 1300.02(b)(28)(i)(D) or § 1300.02(b)(28)(i)(E) in its place.

§ 1310.10 [Amended]

9. In § 1310.10(a), remove the reference to ''§ 1310.01(b)(28)(i)(D)'' and add the reference ''§ 1300.02(b)(28)(i)(D)'' in its place.

§ 1310.14 [Removed]

10. Remove § 1310.14.

§ 1310.15 [Removed]

11. Remove § 1310.15.

Dated: November 14, 2003.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 03–29236 Filed 11–24–03; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–138499–02]

RIN 1545–BB05

Changes in Use Under Section 168(i)(5)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to the depreciation of property subject to section 168 of the Internal Code (MACRS property).

DATES: The public hearing originally scheduled for Wednesday, December 3, 2003, at 10 a.m., is cancelled.

FOR FURTHER INFORMATION CONTACT: Treena Garrett of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration), (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Monday, July 21, 2003, (68 FR 43047), announced that a public hearing was scheduled for Wednesday, December 3, 2003, at 10 a.m., in room 4718, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under section 168 of the Internal Revenue Code. The public comment period for these proposed regulations expired on Monday, October 20, 2003. Outlines of oral comments were due on Wednesday, November 12, 2003.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit an outline of the topics to be addressed. As of Wednesday, November 19, 2003, no one has requested to speak. Therefore, the public hearing scheduled for Wednesday, December 3, 2003, is cancelled.

LaNita Van Dyke,

Acting Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 03–29441 Filed 11–24–03; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD11–03–006]

RIN 1625–AA09

Drawbridge Operation Regulations; Mare Island Strait, Napa River, Vallejo, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the regulation governing the operation of the Mare Island Drawbridge, spanning the Napa River between the City of Vallejo and Mare Island, CA., by eliminating the rush-hour closure periods when the drawspan need not open for vessels and by increasing the hours when vessels provide advance notice for drawspan operation. The proposed action would

reduce bridge operating costs without reducing the ability of vessels to transit the drawbridge, thereby continuing to meet the reasonable needs of waterway traffic.

DATES: Comments and related material must reach the Coast Guard on or before January 26, 2004.

ADDRESSES: You may mail comments and related material to Commander (oan), Eleventh Coast Guard District, Bridge Section, Building 50–3, Coast Guard Island, Alameda, CA 94501–5100. This office maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Commander (oan), Eleventh Coast Guard District, Bridge Section, Building 50–3, Coast Guard Island, Alameda, CA 94501–5100 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District, telephone (510) 437–3516.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD11–03–006], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public Meeting. You may submit a request for a meeting by writing to the Bridge Section, Eleventh Coast Guard District, at the address under **ADDRESSES** explaining why one would be beneficial. If we determine one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Mare Island Drawbridge crosses the Napa River between the City of Vallejo (''Vallejo'') and Mare Island, CA. The existing regulation governing the operation of the drawbridge, found at 33 CFR § 117.169, requires the drawbridge to open on signal from 7:30 a.m. to 3:45 p.m. and 4:45 p.m. to 10 p.m. Monday through Friday except Federal holidays, and from 6:30 a.m. to 10 p.m. on Saturdays, Sundays and holidays. The drawbridge need not open for the passage of vessels other than public vessels of the United States from 6:30 a.m. to 7:30 a.m. and 3:45 p.m to 4:45 p.m. except Saturdays, Sundays, and Federal holidays; and must be opened on signal from 10 p.m. to 6:30 a.m. daily, if at least two hours notice is given, and as soon as possible during this period for public vessels of the United States.

For the purpose of reducing the drawbridge operating costs, Vallejo has requested to increase the rush-hour closure periods and to increase the hours when vessels provide advance notice for drawspan operation. Drawbridge operation logs support increasing the hours of advance notice to include periods when vessels historically have not called for an opening.

However, the present morning and afternoon land traffic flows no longer justify rush-hour closure periods when the bridge need not open for passage of vessels. The current regulation was promulgated when the U.S. Navy was still based at Mare Island. Following the departure of the Navy from Mare Island, traffic across the Mare Island Drawbridge diminished significantly and the morning and evening rush-hour closure periods no longer are needed.

The proposed changes would increase the number of hours vessels provide advance notice for drawspan operation and eliminate the rush-hour closure periods. The proposed changes are expected to reduce bridge operating costs while continuing to meet the reasonable needs of waterway traffic.

Discussion of Proposed Rule

The proposed changes are expected to simplify the regulation and reduce drawbridge operating costs, while continuing to meet the reasonable needs of waterway traffic.

Vessel counts derived from drawbridge operating logs and land traffic counts show little demand for bridge openings during the evening hours and a significant decrease in rush-hour land traffic since the Navy departed from Mare Island.

The proposed operating schedule would require the Mare Island Drawbridge to open on signal between the hours of 9 a.m. and 7 p.m. daily, and upon two hours advance notice all other times. During advance notice periods, the bridge would be required to open as soon as possible for emergency vessel operation. Mariners presently contact the City of Vallejo Police Department Dispatch Office to provide two-hour advance notice or for emergency operation of the drawspan. This practice would be codified in the proposed regulation. Also, the rush-hour closure periods would be deleted and references to ''public vessels'' would be deleted.

Navigational charts show the affected waterway to be a combination of the Mare Island Strait and the Napa River with no drawbridges on any of the tributaries. The Mare Island crossing is a drawbridge and does not meet the definition of a ''causeway''. The existing drawbridge is no longer owned or operated by the Navy. Therefore references to ''tributaries'', ''causeway'' and ''U.S. Navy'' will be deleted and it will be referred to in the regulation as the Mare Island Drawbridge, Mare Island Strait and Napa River, mile 2.8, at Vallejo.

The Coast Guard is requesting comments from the mariners through individual correspondence, Local Notice to Mariners, and transmittal of this Notice of Proposed Rulemaking to established waterway representatives and known operators on the waterway.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. The proposed rule is not expected to result in significant negative impacts to the waterway users while providing relief to the bridge owner in the form of bridge operating costs. Impacts to the public waterway users are expected to be minimal based upon data provided by the bridge owner in the form of drawbridge operating logs and vessel traffic counts. This data indicates there is little or no requirement for keeping an operator on the drawbridge during the proposed periods of advance notice.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities, as none were identified that will be affected by the proposed changes.

Vessel traffic counts indicate the waterway users would continue to receive the same level of service at the bridge. The proposal is to decrease unnecessary manning of the bridge during times when the bridge historically has not been called for an opening. Eliminating the rush-hour closure periods would improve vessel access during periods when the bridge normally receives calls for openings.

If you think your business, organization, or governmental jurisdiction qualifies as a small entity and this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the Eleventh Coast Guard District Bridge Office in writing at the address under **ADDRESSES.**

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have analyzed this rule under Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e) of the Instruction, from further environmental documentation, since promulgation of drawbridge regulations has been determined not to have any affect on the environment. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.169(a) is revised to read as follows:

§ 117.169 Mare Island Strait and The Napa River.

(a) The draw of the Mare Island Drawbridge, mile 2.8, at Vallejo shall open on signal between the hours of 9 a.m. and 7 p.m. daily, and upon two hours advance notice all other times. Mariners should contact the City of Vallejo Police Department Dispatcher, to provide the two hour advance notice or for emergency operation of the drawspan.

* * * * *

Dated: November 13, 2003.

K.J. Eldridge,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 03–29389 Filed 11–24–03; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD05–03–121]

RIN 1625–AA09

Drawbridge Operation Regulations; Mantua Creek, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the regulations that govern the operation of the Consolidated Rail Corporation (CONRAIL) Railroad Bridge across Mantua Creek at mile 1.4, in Paulsboro, New Jersey. The proposed rule would increase vessel openings and eliminate the need for a bridge tender by allowing the bridge to be operated by a train crewmember. This change will provide for the reasonable needs of navigation.

DATES: Comments and related material must reach the Coast Guard on or before January 26, 2004.

ADDRESSES: You may mail comments and related material to Commander (oan-b), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704–5004, or they may be hand delivered to the same address between 8 a.m. and 4 p.m., Monday through Friday, except Federal Holidays. The telephone number is (757) 398–6222. The Commander (oan-b), Fifth Coast Guard District maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address.

FOR FURTHER INFORMATION CONTACT: Waverly W. Gregory, Jr., Bridge Administrator, Fifth Coast Guard District, at (757) 398–6222.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05–03–121), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the Commander, Fifth Coast Guard District at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

CONRAIL, who owns and operates this movable (swing-type) bridge, requested changes to the operating procedure for the drawbridge located at mile 1.4 across Mantua Creek, in Paulsboro, New Jersey. Currently, 33 CFR 117.729(a) requires the bridge to open on signal except, that from December 1 through March 1 the draw must open on signal at all times upon four hours notice.

In late spring of 2003, CONRAIL installed a Programmable Logic Controller and associated mechanical, electrical and signal apparatus on the CONRAIL Railroad Bridge over Mantua Creek in Paulsboro, New Jersey. The new equipment allows a radio-controlled system controlled from the cab of the locomotive to operate the opening and closing of the swing span to vessels. This rule proposes to change the operating schedule by allowing the bridge to remain in the open position to vessels for nine months (March through November) and requiring four hours notice for vessel openings during December through February.

This change is being requested to make the closure process of the CONRAIL Railroad Bridge more efficient during train crossings and periodic maintenance. Additionally, it will save operational costs by eliminating bridge tenders while providing greater bridge operating capabilities.

Discussion of Rule

The Coast Guard proposes to revise 33 CFR 117.729(a), which governs the CONRAIL Railroad bridge at mile 1.4 across Mantua Creek in Paulsboro, New Jersey. Currently, the draw opens on signal except that from December 1 through March 1 the draw shall open on signal at all times upon four hours notice.

Paragraph (a) would contain the proposed rule for the CONRAIL Railroad Bridge, mile 1.4, at Paulsboro. The rule would allow the draw of the CONRAIL Railroad Bridge, mile 1.4, at Paulsboro, to be operated by a train crewmember. From March through November, the bridge would be left in the open position to vessels and would only close for the passage of trains and to perform periodic maintenance authorized in accordance with subpart A of this part.

At all other times, the draw of the CONRAIL Railroad Bridge need only open on signal to vessels if at least four hours notice is given by calling (856) 231–2393.

From March through November and before the CONRAIL Railroad Bridge closes for any reason, an on-site train crewmember will assist in observing the waterway for approaching craft, which will be allowed to pass. The on-site train crewmember will then operate the bridge by control radiophone.

The CONRAIL Railroad Bridge would only be closed if the on-site train crewmember's visual inspection shows that the channel is clear and there are no vessels transiting in the area.

While the CONRAIL Railroad Bridge is moving from the full open position to the full closed position, the train crewmember will maintain constant surveillance of the navigation channel to ensure that no conflict with maritime traffic exists. In the event of failure or obstruction, the train crewmember will stop and return the bridge to the full open position to vessels.

During span movement, the channel traffic lights would change from flashing green to flashing red, the horn will sound twice, and an audio voice warning device will announce bridge movement, then two repeat blasts of the horn until the bridge is seated and locked down. When the bridge is seated and locked down to vessels, the channel traffic lights will extinguish.

When the rail traffic has cleared, the horn will automatically sound five times to indicate that the draw of the CONRAIL Railroad Bridge is about to return to its full open position to vessels. During the open span movement, the channel traffic lights