

February 2002, it appears that Ms. Wrigley is no longer at the location that the DEA investigators inspected. Accordingly, DEA has no knowledge of Respondent's current security measures.

With regard to the second factor, there is no evidence that Ms. Wrigley has failed to comply with Federal, State or local law. As for the third factor, there is no evidence that Ms. Wrigley has any prior convictions related to controlled substances or chemicals. Accordingly, the second and third factors weigh in Respondent's favor. Addressing the fourth factor, Ms. Wrigley has no experience in the manufacture or distribution of chemicals, which weighs against Respondent.

With regard to the fifth factor, many considerations weigh heavily against registering Respondent as a distributor of List I chemicals. The great majority of Respondent's potential customers will be convenience stores. Convenience stores are considered part of the gray market, in which large amounts of listed chemicals are diverted to the illicit manufacture of amphetamine and methamphetamine. Ms. Wrigley admitted that a portion of her sales will consist of 60 count bottle of ephedrine, the favored packaging of illicit methamphetamine manufactures.

The Acting Deputy Administrator also finds that Respondent's frequent changes of address weigh against Respondent in its attempt to obtain a DEA registration. The changes of address create the impression that Respondent is an unstable, "fly by night" concern. Ms. Wrigley's failure to notify DEA of changes of address indicates a serious failure to comprehend the responsibilities of the holder of a DEA Certificate of Registration. The Acting Deputy Administrator finds that Ms. Wrigley's lack of a criminal record and compliance with the law are far outweighed by her lack of experience with selling List I chemicals, DEA's lack of knowledge concerning Respondent's current security system and her frequent changes of address without notice to DEA. Moreover, Respondent's product mix and potential sales of combination ephedrine products are inconsistent with the known legitimate market and known end-user demand for products of this type. Therefore Respondent would be serving an illegitimate market for these products, and registration of Respondent as a distributor of List I chemicals would likely lead to increased diversion of List I chemicals.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in her by 21 U.S.C. 823

and 824 and 28 CFR 0.100 and 0.104, hereby finds that registration of Respondent as a distributor of List I chemicals is not in the public interest. The Acting Deputy Administrator hereby orders that the application for a DEA Certificate of Registration and any requests for renewal or modification submitted by Respondent Spa Dynamics Wholesalers be, and hereby are, denied.

Dated: October 9, 2003.

**Michele M. Leonhart,**

*Acting Deputy Administrator.*

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## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### Notice of Proposed Amendment to PTE 81-6 and Proposed Restatement and Redesignation of PTE 82-63; Correction

**AGENCY:** Employee Benefits Security Administration, DOL.

**ACTION:** Correction.

**SUMMARY:** In notice document 03-26694 beginning on page 60715 in the issue of Thursday, October 23, 2003, make the following correction:

On page 60721, in the third column, in the next to the last paragraph, the last sentence should read this provision is expected to require 1,393 hours and \$42,000 annually.

On page 60722, in the first column, the number for Total Responses was listed at 83,478. This number should be changed to 69,565.

On the same page, in the first column, the number for Estimated Total Burden Hours was listed at 16,735. This number should be changed to 16,273.

On the same page, in the first column, the number for Estimated Burden Cost was listed at \$56,000. This number should be changed to \$52,313.

Dated: October 23, 2003.

**Ivan L. Strasfeld,**

*Director, Office of Exemption Determinations.*

[FR Doc. 03-27110 Filed 10-27-03; 8:45 am]

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## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### Proposed Extension of Information Collection Request Submitted for Public Comment; Prohibited Transaction Exemption 80-83—Securities Purchases for Debt Reduction or Retirement

**AGENCY:** Employee Benefits Security Administration, Department of Labor.

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employee Benefits Security Administration is soliciting comments on the proposed extension of the information collection provisions of Prohibited Transaction Class Exemption 80-83.

A copy of the information collection request (ICR) can be obtained by contacting the individual shown in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the office shown in the **ADDRESSES** section on or before December 29, 2003.

**ADDRESSES:** Gerald B. Lindrew, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 693-8410, FAX (202) 693-4745 (these are not toll-free numbers).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Prohibited Transaction Class Exemption 80-83 provides an exemption from prohibited transaction provisions of the Employment Retirement Income Security Act of 1974 (ERISA) and from certain taxes imposed by the Internal Revenue Code of 1986. The exemption permits, under certain conditions, an employee benefit plan to purchase securities when proceeds from the sale of the securities may be used to