

these establishments serve as sources for the diversion of large amounts of listed chemical products. See, e.g., *ANM Wholesale supra*, 69 FR 11652; *Xtreme Enterprises, Inc., supra*, 67 FR 76195; *Sinbad Distributing*, 67 FR 10232 (2002); *K.V.M. Enterprises*, 67 Fr 70968 (2002).

The Deputy Administrator has previously found that many considerations weighed heavily against registering a distributor of list I chemicals because, "[v]irtually all of the Respondent's customers, consisting of gas station and convenience stores, are considered part of the grey market, in which large amounts of listed chemicals are diverted to the illicit manufacture of amphetamine and methamphetamine." *Xtreme Enterprises, Inc., supra*, 67 FR at 76197. As in *Xtreme Enterprises, Inc.*, Mr. Khrino's lack of a criminal record and intent to comply with the law and regulations are far outweighed by his lack of experience and the company's intent to sell ephedrine and pseudoephedrine exclusively to the gray market.

The Deputy Administrator is further troubled by Mr. Khrino's failure to provide accurate information to DEA, indicating his company cannot be trusted to handle the responsibilities of a registrant.

Based on the foregoing, the Deputy Administrator concludes that granting the pending application would be inconsistent with the public interest.

Accordingly, the 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(b) and 0.104, hereby orders the pending application for DEA Certificate of Registration, previously submitted by Volusia Wholesale, be, and it hereby is, denied. This order is effective December 29, 2004.

Dated: November 10, 2004.

**Michele M. Leonhart,**

*Deputy Administrator.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### State Quality Service Plan (SQSP); Comment Request

**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/or continuing collections of information in accordance with a provision of the Paperwork Reduction Act of 1995 at 44 U.S.C. 3506(c)(2)(A). 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 Employment and Training Administration (ETA) is soliciting comments concerning the proposed extension of the State Quality Service Plan (SQSP).

Guidelines for completion and submittal of the SQSP are contained in ETA Handbook 336, 17th Edition. Fiscal year-specific information such as Federal program emphasis, or additional budget allocations, will be provided annually in an implementation directive that will initiate the planning process each year. The requirements of the reporting and data collection process itself will remain unchanged from year to year. Copies of the SQSP Handbook may be obtained by contacting the addressee below. The Handbook is also available on the Internet at <http://www.workforcesecurity.doleta.gov>.

**DATES:** Submit comments on or before January 28, 2005.

**ADDRESSES:** Send comments to Delores A. Mackall, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-4231, Washington, DC 20210, (202) 693-3183 (this is not a toll-free number); fax, (202) 693-3975; Internet: [mackall.delores@dol.gov](mailto:mackall.delores@dol.gov).

**FOR FURTHER INFORMATION CONTACT:** Delores A. Mackall, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-4231, Washington, DC 20210, (202) 693-3183 (this is not a toll-free number); fax, (202) 693-3975; Internet: [mackall.delores@dol.gov](mailto:mackall.delores@dol.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The SQSP is the planning instrument for the Unemployment Insurance (UI) system nationwide. The statutory basis for the SQSP is Title III of the Social Security Act, which establishes conditions for each State to receive grant funds to administer its UI program. Plans are prepared annually, since funds for UI operations are appropriated each year. ETA's annual budget request for State UI operations contains workload assumptions for

which a State must plan in order for the Secretary of Labor to carry out her responsibilities under Title III. ETA issues financial planning targets based on the budget request. States make plans based on these assumptions and targets.

##### II. Desired Focus of Comments

Currently, the Department of Labor is soliciting comments concerning the proposed extension collection of the UI SQSP. The Department is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology, e.g., permitting electronic submission of responses.

A copy of the proposed ICR can be obtained by contacting the office listed above in the addressee section of this notice.

##### III. Current Actions

ETA proposes to extend this clearance which contains a reduction in burden hours. The reduction in hours is a result of changes to the SQSP which stemmed from a 5-year review of UI Performs. The number of measures for which a state is held accountable has been reduced; however, the average number of corrective action plans that states must submit for not meeting the criteria has increased. States are no longer required to submit continuous improvement plans. The SQSP narrative has been streamlined to exclude previously required Focus narratives. Additionally, states will no longer be required to address environmental factors, such as economic conditions, political climate, labor/business relationships, or state legislative issues. States will describe in a single narrative: performance in comparison to the Government Performance Results Act (GPRA) goals; results of customer satisfaction surveys, which is optional; and actions planned to correct deficiencies regarding program reviews,

reporting requirements, and the Benefits Accuracy Measurement (BAM), Tax Performance System (TPS), and Data Validation (DV) programs. States are requested to submit the SQSP and the required signature page electronically.

*Type of Review:* Extension.

*Agency:* Employment and Training Administration.

*Title:* Unemployment Insurance State Quality Service Plan (SQSP)

*OMB Number:* 1205-0132.

*Affected Public:* State Workforce Agencies (SWAs).

*Total Respondents:* 53.

*Frequency:* Annually.

*Average Time per Response:* 3.14 hours.

*Estimated Total Burden Hours:* 1829 hours.

*Estimated Total Burden Cost:* \$0.

**Cheryl Atkinson,**

*Administrator, Office of Workforce Security.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Information Regarding the Relocation of Foreign Labor Certification Staff in the Dallas and Philadelphia Regional Offices to the Dallas and Philadelphia Backlog Processing Centers and Information Regarding H-1B and H-1B1 Case Processing

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** The Employment and Training Administration (ETA) of the Department of Labor (Department or DOL) is issuing this notice to announce that DOL has moved its Foreign Labor Certification field staff in the Dallas and Philadelphia Regional Offices to the new Dallas and Philadelphia Backlog Processing Centers. This notice provides the public in the Dallas and Philadelphia regions with contact information regarding these two new processing centers. All foreign labor certification processing activities previously conducted in the Dallas or Philadelphia Regional Offices will now be assumed by the corresponding Dallas or Philadelphia Backlog Processing Center.

The Backlog Processing Centers shall continue these functions on an interim basis and ETA shall publish a **Federal Register** notice in the near future providing guidance as to the handling of backlogged cases with the State Workforce Agencies (SWAs).

Employers should continue, until ETA publishes future guidance on this issue, to file applications for H-2B and H-2A, as well as applications for permanent labor certification with the appropriate SWA, which will, in turn, forward materials to the appropriate Backlog Processing Center.

Effective November 30, 2004, H-1B and H-1B1 filings must use a new form, as discussed below.

**FOR FURTHER INFORMATION CONTACT:**

William Carlson, Chief, Division of Foreign Labor Certification, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C-4312, Washington, DC 20210; Telephone: (202) 693-3010 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The Dallas and Philadelphia Backlog Processing Centers partially opened September 27, 2004 and have assumed the responsibility for processing Applications for Alien Employment Certification (ETA Form 750) for Permanent Employment, and H2-A, and H2-B applications previously processed by ETA's Dallas or Philadelphia Regional Offices. H-1B and H-1B1 program notice: A new version of the form ETA 9035, Labor Condition Application (LCA), will be required, to be used as of November 30, 2004 for both H-1B and H-1B1 filings. The new form incorporates the distinction between H-1B and H-1B1 Singapore and H-1B1 Chile programs, updates OMB approval information, and removes the "Government Use Only" section. Starting on approximately November 15, 2004, H-1B and H-1B1 filings using the revised ETA Form 9035 will be accepted at the existing Application Processing Center address and fax number set forth below. The new form will be available for use on the LCA Online Web site (<http://www.lca.doleta.gov>). As of November 30, 2004, the new ETA Form 9035 *must* be used by both H-1B and H-1B1 filers, and the H-1B1 applications for Singapore and Chile will no longer be accepted at the Washington, DC, address previously included in H-1B1 program instructions.

The H1-B and H-1B1 address and fax number are: ETA Application Processing Center, P.O. Box 13640, Philadelphia, PA 19101, Fax: 800-397-0478.

This notice does not affect the pending proposal to streamline procedures for permanent labor certification under 20 CFR part 656, which was published in the **Federal Register** on May 6, 2002.

**ADDRESSES:** The following new addresses, phone numbers, and fax numbers should be used by employers and by State Workforce Agencies for either inquiries or for the forwarding of application materials, as appropriate.

**Please note:** For all application materials, inquiries, and other correspondence sent to either the Dallas or Philadelphia Backlog Processing Center, envelopes should be clearly marked according to the appropriate program type, *i.e.*, Permanent, H2-A or H2-B.

Dallas Backlog Processing Center  
Address: ETA/DFLC Backlog Processing Center, U.S. Department of Labor, 700 North Pearl Street, Suite 400 N, Dallas, TX 75201, Phone: 214-237-9111, Fax: 214-237-9135.

Philadelphia Backlog Processing Center  
Address: ETA/DFLC Backlog Processing Center, U.S. Department of Labor, 1 Belmont Avenue, Suite 200, Bala Cynwyd, PA 19004, Phone: 484-270-1500, Fax: 484-270-1600.

Signed in Washington, DC, this 19th day of November, 2004.

**Emily Stover DeRocco,**

*Assistant Secretary, Employment and Training Administration.*

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## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Summary of Decisions Granting in Whole or in Part Petitions for Modification

**AGENCY:** Mine Safety and Health Administration (MSHA), Labor.

**ACTION:** Notice of affirmative decisions issued by the Administrators for Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health on petitions for modification of the application of mandatory safety standards.

**SUMMARY:** Under section 101 of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor (Secretary) may allow the modification of the application of a mandatory safety standard to a mine if the Secretary determines either that an alternate method exists at a specific mine that will guarantee no less protection for the miners affected than that provided by the standard, or that the application of the standard at a specific mine will result in a diminution of safety to the affected miners.

Final decisions on these petitions are based on the petitioner's statements,