

investigation are the result of the work of the WCO and its Harmonized System Committee (HSC) to update and clarify the Harmonized System nomenclature, as part of the WCO's long-term program to periodically review the nomenclature structure. In accordance with Article 16 of the Harmonized System Convention, the WCO has recommended the adoption of certain modifications to the (HS). The changes are due to become effective in January 2007.

The Commission plans to prepare and make available a draft preliminary report, a preliminary report and a final report. The draft preliminary report will be made available to the public on or about September 15, 2004, in the Office of the Secretary, Room 112, United States International Trade Commission, 500 E Street, SW., Washington DC 20436 (telephone 202-205-2000), and will also be posted on the Commission's Web site, <http://www.usitc.gov>. The draft preliminary report will describe the changes proposed to conform the HTS with the WCO's recommendations, and reflect in the HTS certain other decisions taken by the HSC.

To assist the public in understanding the proposed changes and in developing comments, the Commission will include, in the draft preliminary report, the preliminary report and the final report, a non-authoritative cross-reference table linking the proposed tariff classes to corresponding current tariff classes. Persons using the successive versions of this table should be aware that the cross-references shown in the Commission's table are subject to change during the course of preparing for implementation of the January 2007 changes. The Bureau of Customs and Border Protection has domestic legal authority for tariff classification and may provide information, both during the course of the investigation and after the Commission's final report is submitted, that indicates different or additional tariff classifications of some goods. Moreover, the WCO Secretariat will eventually issue its own advisory cross-reference table between the 2002 HS and the 2007 HS. The WCO table may be released by the Commission later in the Commission's investigation, along an explanation of differences between the WCO and Commission's tables. Such differences typically result from differences between the WCO and U.S. classifications of goods.

The Commission will forward its preliminary report to the United States Trade Representative (USTR) on or about February 28, 2005. The preliminary report will include proposed modifications to (1) conform

the HTS to recommended Harmonized System amendments, (2) promote uniform application of the Harmonized System by conforming the HTS with decisions of the WCO and (3) alleviate administrative burdens, as well as other matters that may be recommended. It will take into account public comments received by November 1, 2004 (*see below*). The preliminary report will be posted on the Commission's Web site. The public is invited to submit any further comments during the subsequent 30 days; any comments received during that period will be forwarded to the USTR.

In order that it may consider any issues that arise in World Trade Organization negotiations regarding the restatement of U.S. tariff treatment, the Commission is scheduled to submit its final report to the President on March 15, 2006.

**Written Submissions:** No public hearing is planned. However, interested parties are invited to submit written statements or suggestions concerning the matters being addressed by the Commission on this investigation. Submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436. To be assured of consideration by the Commission, written statements related to the Commission's report should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on November 1, 2004. All written submissions must conform with the provisions of section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8). Section 201.8 of the rules requires that a signed original (or a copy designated as an original) and fourteen (14) copies of each document be filed. In the event that confidential treatment of the document is requested, at least four (4) additional copies must be filed, in which the confidential business information must be deleted (*see the following paragraph for further information regarding confidential business information*). The Commission's rules do not authorize filing submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the rules (*see Handbook for Electronic Filing Procedures, [ftp://ftp.usitc.gov/pub/reports/electronic\\_filing\\_handbook.pdf](ftp://ftp.usitc.gov/pub/reports/electronic_filing_handbook.pdf)*). Persons with questions regarding electronic filing should contact the Secretary (202-205-2000 or [edis@usitc.gov](mailto:edis@usitc.gov)).

Any submissions that contain confidential business information (CBI)

must also conform with the requirements of section 201.6 of the Commission's rules (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages clearly be marked as to whether they are the "confidential" or "non-confidential" version, and that the CBI be clearly identified by means of brackets. All written submissions, except for CBI, will be made available for inspection by interested parties.

The Commission may include some or all of the CBI it receives in the preliminary and final reports it sends to the President. However, the Commission will not publish CBI in the public version of the final report in a manner that could reveal the operation of the firm supplying the information. The public version of the final report will be made available to the public on the Commission's Web site.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing the above mentioned Internet site.

#### List of Subjects

Tariffs/HTS, Harmonized System, WCO, and Imports.

By order of the Commission.

Issued: September 9, 2004.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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## DEPARTMENT OF JUSTICE

### Bureau of Alcohol, Tobacco, Firearms and Explosives

[Docket No. ATF 12N; ATF O 1120.4]

#### Delegation Order—Authority To Make Determinations on Applications for Relief From Federal Firearms and/or Explosives Disabilities

1. *Purpose.* This order delegates certain authorities of the Director to subordinate Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) officials to make determinations on applications for relief from Federal firearms and/or explosives disabilities.

2. *Cancellation.* This order cancels ATF 1100.75C, Delegation Order—Authority to Make Determinations on Applications for Restoration of Federal Firearms and/or Explosives Privileges, dated 9/17/2003.

3. *Delegations.* Under the authority vested in the Director, ATF, by Department of Justice Final Rule [AG Order No. 2650-2003] as published in the **Federal Register** on January 31, 2003, and by Title 28 CFR 0.130 and 0.131, the following authorities are delegated:

a. *Firearms.* The Assistant Director (Enforcement Programs and Services) is to make determinations on applications for relief from Federal firearms disabilities.

b. *Explosives.* The Chief, Arson and Explosives Programs Division, is to make determinations on applications for relief from Federal explosives disabilities.

4. *Redelegation.* The authorities outlined in paragraphs 3.a. and 3.b. above, may not be redelegated.

5. *Questions.* Questions regarding this order should be addressed to the Chief, Firearms Programs Division at 202-927-7770, or the Chief, Arson and Explosives Programs Division at 202-927-7930.

Date Signed: September 1, 2004.

**Carl J. Truscott,**

*Director.*

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## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

[Application Number D-11069]

#### Proposed Amendment to Prohibited Transaction Exemption 84-24 (PTE 84-24) for Certain Transactions Involving Insurance Agents and Brokers, Pension Consultants, Insurance Companies, Investment Companies and Investment Company Principal Underwriters

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

**ACTION:** Notice of proposed amendment to PTE 84-24.

**SUMMARY:** This document contains a notice of pendency before the Department of Labor (the Department) of a proposed amendment to PTE 84-24 (49 FR 13208 (April 3, 1984) as corrected at 49 FR 24819 (June 15, 1984)). PTE 84-24 is a class exemption that provides relief for certain transactions relating to the purchase, with plan assets, of investment company securities or insurance or annuity contracts, and the payment of associated sales commissions to

insurance agents or brokers, pension consultants, or investment company principal underwriters that are parties in interest with respect to such plan. Currently, relief is not available under PTE 84-24 if an affiliate of the insurance agent or broker, pension consultant, insurance company, or investment company principal underwriter is a plan trustee that has investment discretion over any of the assets of the plan. If this proposed amendment is adopted, PTE 84-24 would extend relief to transactions relating to the purchase by plans of investment company securities or insurance or annuity contracts, and the receipt of associated sales commissions by an insurance agent or broker, pension consultant, or investment company principal underwriter in situations where an affiliate of the insurance agent or broker, pension consultant, or investment company principal underwriter is a trustee with investment discretion over plan assets that are not involved in the transaction.

**DATES:** If adopted, the proposed amendment will be effective as of the date the granted amendment is published in the **Federal Register**. Written comments and requests for a public hearing should be received by the Department on or before November 15, 2004.

**ADDRESSES:** All written comments and requests for a public hearing (preferably three copies) should be addressed to the U.S. Department of Labor, Office of Exemption Determinations, Employee Benefits Security Administration, Room N-5649, 200 Constitution Avenue, NW., Washington, DC 20210, (attention: D-11069). Interested persons are also invited to submit comments and/or requests for a hearing by the end of the comment period to the Employee Benefits Security Administration via fax to (202) 219-0204 or by electronic mail to: [moffitt.betty@dol.gov](mailto:moffitt.betty@dol.gov).

**FOR FURTHER INFORMATION CONTACT:** Christopher Motta, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor, (202) 693-8544 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given of the pendency before the Department of a proposed amendment to PTE 84-24. PTE 84-24 provides an exemption from the restrictions of section 406(a)(1)(A) through (D) and section 406(b) of the Employee Retirement Income Security Act of 1974 (ERISA or the Act)<sup>1</sup> and from the taxes

imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (F) of the Code.

The Department is proposing to amend the above-described exemption on its own motion, pursuant to section 408(a) of ERISA and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990).<sup>2</sup>

#### A. General Background

The prohibited transaction provisions of the Act generally prohibit transactions between a plan and a party in interest (including a fiduciary) with respect to such plan. Specifically, section 406(a)(1)(A) through (D) of the Act states that a fiduciary with respect to a plan shall not cause the plan to engage in a transaction, if he knows or should know that such transaction constitutes a direct or indirect—

(A) Sale or exchange, or leasing, of any property between the plan and a party in interest;

(B) Lending of money or other extension of credit between the plan and a party in interest;

(C) Furnishing of goods, services, or facilities between the plan and a party in interest; or

(D) Transfer to, or use by or for the benefit of, a party in interest, of any assets of the plan.

In addition, section 406(b) of ERISA provides that a fiduciary with respect to a plan shall not—

(1) Deal with the assets of a plan in his own interest or for his own account,

(2) In his individual or in any other capacity act in any transaction involving the plan on behalf of a party (or represent a party) whose interests are adverse to the interests of the plan or the interests of its participants or beneficiaries, or

(3) Receive any consideration for his own personal account from any party dealing with such plan in connection with a transaction involving the assets of the plan.

Accordingly, unless a statutory or administrative exemption is applicable, the purchase with plan assets of investment company securities or insurance or annuity contracts from a party in interest would violate section 406(a) of ERISA. In addition, the receipt

should be read to refer as well to the corresponding provisions of section 4975 of the Internal Revenue Code of 1986 (the Code).

<sup>2</sup> Section 102 of the Reorganization Plan No. 4 of 1978 (5 U.S.C. App. 1 [1996]) generally transferred the authority of the Secretary of the Treasury to issue administrative exemptions under section 4975 of the Internal Revenue Code of 1986 (the Code) to the Secretary of Labor.

<sup>1</sup> References to section 406 of ERISA as they appear throughout this proposed amendment