

1301 Constitution Ave., N.W.,
Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: Norman Waits, Room 6216, 1301 Constitution Avenue N.W., Washington, D.C. 20229, Tel. (202) 927-1551.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3506(c)(2)(A)). The comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Extension of Time In Which To File Vessel Repair Documents.

OMB Number: 1515-0195.

Form Number: N/A.

Abstract: This collection of information is required to establish duties assessed upon the value of repairs accomplished outside of the United States on certain American-flag vessels. Customs regulations 19 CFR 4.14(a)(2)(iii)(B)(b)(2)(ii) states "whenever a repair entry is submitted as a full and complete account, the entry is submitted as an incomplete account, the evidence must be submitted within 90 days from the date of the vessel's arrival." However, an additional 30-day extension may be granted if a written request is submitted before the end of the 90-day period, along with a satisfactory explanation, by the party required to furnish the evidence of cost.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 2,000.

Estimated Time Per Respondent: 3 minutes.

Estimated Total Annual Burden Hours: 112.

Dated: December 27, 1995.

V. Carol Barr,

Leader, Printing and Records Services Group.

[FR Doc. 95-31562 Filed 12-29-95; 8:45 am]

BILLING CODE 4820-02-P

Public Information Collection Requirements; Request for Public Input; Documentation Requirements for Articles Entered Under Certain Special Tariff Treatment Provisions

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Documentation Requirements For Articles Entered Under Certain Special Tariff Treatment Provisions. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before March 4, 1996, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs Service, Printing and Records Services Group, Room 6216, 1301 Constitution Ave., N.W., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form(s) and instructions should be directed to U.S. Customs Service, Attn.: Norman Waits, Room 6216, 1301 Constitution Avenue N.W., Washington, D.C. 20229, Tel. (202) 927-1551.

SUPPLEMENTARY INFORMATION: Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3506(c)(2)(A)). The comments should address the accuracy of the burden estimates and ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting

comments concerning the following information collection:

Title: Documentation Requirements For Articles Entered Under Certain Special Tariff Treatment Provisions.

OMB Number: 1515-0194.

Form Number: N/A.

Abstract: This collection of information is required to determine whether imported articles are entitled to duty-free or reduced duty treatment when returned to the U.S. and entered under subheading 9801.00.10, 9802.00.20, 9802.00.50, or 9802.00.60, Harmonized Tariff Schedule of the United States (HTSUS). The declaration by the owner, importer, consignee, or agent required by 19 CFR 10.1(a), 10.8(a), and 10.9(a) state that the statutory conditions and requirements for entry under the above HTSUS subheadings have been satisfied.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change).

Affected Public: Business or other for-profit institutions.

Estimated Number of Respondents: 2,250.

Estimated Time Per Respondent: 12 minutes.

Estimated Total Annual Burden Hours: 450.

Dated: December 27, 1995.

V. Carol Barr,

Leader, Printing and Records Services Group.

[FR Doc. 95-31561 Filed 12-29-95; 8:45 am]

BILLING CODE 4820-02-P

[T.D. 96-5]

Tariff Classification of Sleepwear Separates

AGENCY: Customs Service, Treasury.

ACTION: Final determination regarding inconsistent tariff classification rulings of sleepwear separates.

SUMMARY: This notice advises the public that Customs is modifying inconsistent rulings on garments known as pajama or sleepwear separates which do not conform with Customs position on the proper classification of such garments. Customs Headquarters has issued rulings that women's woven cotton pajama or sleepwear separates, when imported without a matching component (thus precluding classification as pajamas), are classified as similar articles and remain within heading 6208 of the Harmonized Tariff Schedule of the United States (HTSUS). Heading 6208, HTSUS, provides for

women's or girls' singlets and other undershirts, slips, petticoats, briefs, panties, nightdresses, pajamas, negligees, bathrobes, dressing gowns and similar articles. It has come to Customs attention that prior to issuance of these rulings a limited number of rulings were issued on similar garments referred to as pajama bottoms, sleep bottoms or sleep shorts. In these earlier rulings, the garments ruled upon were classified in the provision for women's or girls' pajamas. This was an error. Due to the likelihood that Customs Headquarters may not be aware of all rulings issued on such garments, notice was given on August 18, 1995 in the Federal Register (60 FR 43183) of our intent to modify these inconsistent rulings to conform with our view with respect to classification of the garments, not as pajamas, but as similar articles. No comments were received in response to our notice of intent to modify the inconsistent rulings.

EFFECTIVE DATE: Merchandise entered or withdrawn from warehouse for consumption on or after March 4, 1996.

FOR FURTHER INFORMATION CONTACT: Cynthia Reese, Textile Classification Branch (202-482-7050).

SUPPLEMENTARY INFORMATION:

Background

This notice advises the public that Customs is modifying inconsistent rulings on garments known as pajama or sleepwear separates which do not conform with Customs current views on the proper classification of such garments. Customs Headquarters issued a ruling on the classification of certain women's sleepwear separates, HRL 956202 of September 29, 1994. In that ruling, Customs ruled that women's woven cotton pajama or sleepwear separates, when imported without a matching component (thus precluding classification as pajamas), are classified as similar articles and remain within heading 6208 of the Harmonized Tariff Schedule of the United States (HTSUS). Heading 6208, HTSUS, provides for women's or girls' singlets and other undershirts, slips, petticoats, briefs, panties, nightdresses, pajamas, negligees, bathrobes, dressing gowns and similar articles. As similar articles, the pajama/sleepwear separates were classified in subheading 6208.91.3010, Harmonized Tariff Schedule of the United States Annotated (HTSUSA).

Rulings issued since HRL 956202 have followed the classification arguments stated therein. Customs became aware that prior to issuance of this ruling a limited number of rulings were issued on similar garments

referred to as pajama bottoms, sleep bottoms or sleep shorts. In these earlier rulings, the garments ruled upon were classified in the provision for women's or girls' pajamas. This was an error. Due to the likelihood that Customs Headquarters may not be aware of all rulings issued on such garments, notice was given on August 18, 1995 in the Federal Register (60 FR 43183) of our intent to modify these rulings to reflect classification of the garments, not as pajamas, but as similar articles. No comments were received in response to the notice.

In Headquarters Ruling Letter 088192 issued on February 20, 1991, and New York Ruling Letter 862500 of April 29, 1991, a pair of ladies' boxer-style shorts, style 53035, were classified in subheading 6208.22.0000, HTSUSA, which provides for women's or girls' nightdresses and pajamas of man-made fibers. Style 53035 was constructed of a woven polyester satiny fabric. In NYRL 885168 of May 17, 1993, Customs classified a pair of boxer-type shorts of 100 percent woven polyester charmeuse as sleepwear in subheading 6208.22.0000, HTSUSA. In DD 889242 of August 27, 1993, Customs classified a women's woven cotton pajama pant in subheading 6208.21.0020, HTSUSA, and, in NYRL 890570 of October 20, 1993, (amended by supplemental letter of October 28, 1993) Customs classified five styles of women's woven boxer-styled sleep shorts (all sold with a coordinating upper body garment) in subheadings 6208.21.0010, HTSUSA and 6208.21.0020, HTSUSA. Customs Headquarters believes the conclusions in these rulings that the garments at issue therein would be principally used as sleepwear and should be classified as such are correct. These are rulings which Customs is able to identify and which are hereby modified to conform with HRL 956202. The error in the rulings was not the conclusion that the garments were sleepwear, but the classification of the garments at the subheading level in the provision for pajamas. Any other Customs rulings on virtually identical merchandise in which the goods were classified in the provision for pajamas are also subject to this notice.

In order to be classified in the provision for nightdresses and pajamas, a garment must be one of the named articles. In Headquarters Ruling Letter 088635 of May 24, 1991, the meaning of the term "pajamas" was examined and it was determined that the common meaning of the term required top and bottom garments and that "pajama bottoms" or sleep bottoms without

pajama tops are not classifiable as pajamas.

It follows that the women's sleepwear bottoms which were the subject of the previously cited rulings cannot be classified in the provision for nightdresses and pajamas. Although not classifiable as pajamas, these garments may be classified as "other similar articles" in the "other" provision of heading 6208, HTSUS.

The rationale for classification of the garments at issue in heading 6208, HTSUS, as similar to nightdresses and pajamas lies in the rule of statutory construction known as *ejusdem generis*. In *Van Dale Industries v. United States*, Slip Op. 94-54, (April 1, 1994), in discussing *ejusdem generis*, the Court of International Trade stated:

One rule of statutory construction is *ejusdem generis*, which means "of the same kind, class, or nature." *Black's Law Dictionary* 464 (5th ed. 1979). This rule applies "whenever a doubt arises as to whether a given article not specifically named in the statute is to be placed in a class of which some of the individual subjects are named." [*United States v. Damrak Trading Co., Inc.*, 43 CCPA 77, 79, C.A.D. 611 (1956).] Under *ejusdem generis*, where particular words of description are followed by general terms, the latter will be regarded as referring to things of a like class with those particularly described. *Id.* In other words, *ejusdem generis* requires that merchandise possess the particular characteristics or purposes that unite the specified exemplars in order to be classified under the general terms. See, *Nissho-Iwasi Am. Corp. v. United States*, 10 CIT 154, 157, 641 F. Supp. 808, 810 (1986) (citations omitted).

Heading 6208, HTSUS, specifically provides for women's and girls' singlets and other undershirts, slips, petticoats, briefs, panties, nightdresses, pajamas, negligees, bathrobes, dressing gowns and similar articles. To apply *ejusdem generis*, Customs must ascertain the shared characteristics or purposes of the named garments in heading 6208, HTSUS.

All of the articles named in heading 6208, HTSUS, may be characterized as "intimate apparel". They are garments which are recognized as either underwear (the singlets and other undershirts, slips, petticoats, briefs and panties), sleepwear (the nightdresses, pajamas and negligees), or garments normally worn indoors in the presence of family or close friends (the negligees, bathrobes and dressing gowns). The explanatory note for heading 6208 describes the scope of the heading as including women's or girls' underclothing and, after naming the last five exemplars, "garments usually worn indoors". While the explanatory notes contained in the *Harmonized*

Commodity Description and Coding System Explanatory Notes are not legally binding, they do represent the international interpretation of the Harmonized System and provide guidance in determining the scope of the various headings.

As Customs believes the garments in the previously named rulings were properly classified in heading 6208, HTSUS, based on the examination of the garments by Customs which determined that the garments were sleepwear, it is only the subheadings in which the garments were classified that is viewed as an error. Clearly, these garments were of a type which may be characterized as "intimate apparel", *i.e.*, garments which are either worn under other apparel (undergarments) or, garments which are not worn outside the home and when worn in the home would be worn only in the presence of family or intimate friends. Therefore, Customs is modifying these decisions to reflect the proper classification of the garments in subheading 6208.91.3010, HTSUSA, if of cotton or in subheading 6208.92.0030, HTSUSA, if of man-made fibers. These subheadings provide for, *inter alia*, women's other garments similar to nightdresses, pajamas, negligees, bathrobes, and dressing gowns.

Authority

This notice is published pursuant to 5 U.S.C. 552 (a)(1)(D). Publication of this notice in the Federal Register pursuant to the foregoing provision provides a higher degree of notice than that required under section 625 of the Tariff Act of 1930 (19 U.S.C. 1625), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057, (hereinafter section 625)). Accordingly, it is Customs position that publication pursuant to section 625 is unnecessary. Customs is using Federal Register publication 1) because all rulings to which this notice relates may not have been identified, 2) in order to ensure a uniform and consistent position with respect to classification of this merchandise at an early date, 3) to assist Customs in its responsibility to administer informed compliance with respect to the trade community, and 4) as an aid to the importing community in exercising reasonable care with respect

to importations of merchandise subject to this notice.

George J. Weise,
Commissioner of Customs.

Approved: November 29, 1995.

Dennis M. O'Connell,
Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 95-31499 Filed 12-29-95; 8:45 am]

BILLING CODE 4820-02-P

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice of proposed amendments to sentencing guidelines, policy statements, and commentary. Request for public comment.

SUMMARY: The Commission is considering promulgating certain amendments to the sentencing guidelines, policy statements, and commentary. This notice sets forth the proposed amendments and, for each proposed amendment, a synopsis of the issues addressed by that amendment. The Commission seeks comment on the proposed amendments, alternative proposed amendments, and any other aspect of the sentencing guidelines, policy statements, and commentary. The Commission may submit amendments to the Congress not later than May 1, 1996.

DATES: Written public comment should be received by the Commission not later than March 6, 1996, in order to be considered by the Commission in the promulgation of amendments and in the possible submission of those amendments to the Congress by May 1, 1996.

ADDRESSES: Public comment should be sent to: United States Sentencing Commission, One Columbus Circle, N.E., Suite 2-500, Washington, D.C. 20002-8002, Attention: Public Information.

FOR FURTHER INFORMATION CONTACT: Michael Courlander, Public Information Specialist, Telephone: (202) 273-4590.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal sentencing courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated

guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to the Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

Ordinarily, the rule-making requirements of the Administrative Procedure Act are inapplicable to judicial agencies; however, 28 U.S.C. 994(x) makes the rule-making provisions of 5 U.S.C. 553 applicable to the promulgation of sentencing guidelines by the Commission.

The proposed amendments are presented in this notice in one of two formats. First, some of the amendments are proposed as specific revisions of a guideline, policy statement, or commentary. Second, the Commission has highlighted certain issues for comment and invites suggestions for specific amendment language and, in the case of penalties for cocaine offenses, related legislative proposals.

Section 1B1.10 of the United States Sentencing Commission Guidelines Manual sets forth the Commission's policy statement regarding retroactivity of amended guideline ranges. The Commission requests comment as to whether any of the proposed amendments should be made retroactive under this policy statement.

As set forth more fully in its notice dated September 22, 1995, (see 60 F.R. 49316-17), the Commission currently is engaged in a comprehensive guideline assessment and simplification effort. This project is expected to be a two-year initiative that may produce amendments in the 1996-97 amendment cycle for submission to Congress not later than May 1, 1997. During this initial year of the project, the Commission generally plans to promulgate no guideline amendments, except as may be necessary to implement legislation enacted by Congress. The Commission believes that a one-year hiatus in the heretofore annual amendment process is appropriate at this juncture to allow a guideline settling period and to permit more deliberate consideration of broader guideline concerns.

The matters published for comment in this notice pertaining to sentencing policy for cocaine and money laundering offenses are responsive to Pub. L. 104-38 (Oct. 30, 1995). The matters relating to proposed guideline amendments for food and drug offenses are a product of a staff working group that has considered these issues during the past two years. The Commission voted at its September 5, 1995, meeting, prior to its subsequent decision declaring a one-year hiatus on Commission amendment initiatives, to