

Dated: August 8, 1995.

**Rudy K. Peschel,**

*Rear Admiral, U.S. Coast Guard, Office of Navigation Safety and Waterway Services.*  
[FR Doc. 95-20362 Filed 8-17-95; 8:45 am]

BILLING CODE 4910-14-M

**Federal Highway Administration**

**National Motor Carrier Advisory Committee Meeting**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of public meeting.

**SUMMARY:** The FHWA announces a public meeting of the National Motor Carrier Advisory Committee. The focus of the meeting will be issues and concerns of the motor carrier community, including: (1) Regulatory Updates; (2) Follow-up on the Truck and Bus Safety Summit; and (3) Intelligent Transportation Systems.

**DATES:** The meeting will be from 8:30 a.m. to 4:30 p.m. on September 12, 1995, and from 8:30 a.m. to 12 p.m. on September 13, 1995.

**ADDRESSES:** The meeting will be held at the Federal Highway Administration, 400 Seventh Street, SW., room 2230, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jill Hochman, HIA-20, Room 3104, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 366-1861. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except for Federal holidays.

(23 U.S.C. 315; 49 CFR 1.48)

Issued on: August 11, 1995.

**Rodney E. Slater,**

*Federal Highway Administrator.*

[FR Doc. 95-20503 Filed 8-17-95; 8:45 am]

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**DEPARTMENT OF THE TREASURY**

**Customs Service**

**Tariff Classification of Sleepwear Separates**

**AGENCY:** Customs Service, Treasury.

**ACTION:** Notice of proposed change of inconsistent tariff classification rulings of sleepwear separates.

**SUMMARY:** This notice advises the public that Customs proposes to modify 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 is hereby being given via the **Federal Register** 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. Before modification of these rulings, consideration will be given to any written comments timely submitted in response to publication of this notice.

**DATES:** Comments must be received on or before September 18, 1995.

**ADDRESSES:** Written comments are to be addressed to U.S. Customs Service, Office of Regulations and Rulings, Attention: Commercial Rulings Division, 1301 Constitution Avenue, NW., (Franklin Court), Washington, DC 20229. Comments submitted may be inspected at the Commercial Rulings Division, Office of Regulations and Rulings, located at Franklin Court, 1099 14th Street, NW., Suite 4000, Washington, DC.

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

**SUPPLEMENTARY INFORMATION:**

**Background**

This notice advises the public that Customs proposes to modify 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. It has come to Customs attention 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 is hereby being given via the **Federal Register** of our intent to modify these rulings to reflect classification of the garments, not as pajamas, but as similar articles. Before the change becomes effective, consideration will be given to any written comments timely submitted in response to publication of this 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 intends to modify 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 ruling 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 versus 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 versus 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. versus 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 intends to modify 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.

Claims for detrimental reliance under § 177.9, Customs Regulations (19 CFR 177.9), will not be entertained for actions occurring on or after the date of publication of this notice.

#### 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.

#### Comments

Before modifying these inconsistent rulings, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 and 4:30 p.m. at the Office of Regulations and Rulings, Franklin Court, 1099 14th Street, NW., Suite 4000, Washington, DC.

Approved: August 14, 1995

**George J. Weise,**

*Commissioner of Customs.*

**Dennis M. O'Connell,**

*Acting Deputy Assistant Secretary of the Treasury.*

[FR Doc. 95-20530 Filed 8-17-95; 8:45 am]

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## DEPARTMENT OF VETERANS AFFAIRS

### Information Collections Under OMB Review

**AGENCY:** Veterans Health Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).