

governments, to the extent practicable and permitted by law, before making decisions or implementing policies, rules, or programs that affect federally recognized tribal governments.

(3) The Census Bureau will consult and work with AIAN tribal governments before making decisions and throughout the planning and implementation of policy, rules, or programs that may affect tribes to ensure that tribal rights and concerns are addressed. Consultation will provide for, but is not limited to, mutually agreed-upon protocols for timely communication, coordination, cooperation, and collaboration.

(4) The Census Bureau recognizes each tribal government as a functioning governing body that the Census Bureau will work with to count and collect data, as accurately as possible, of all residents living in AIAN areas.

(5) The Census Bureau recognizes and invites tribal governments' involvement in the Census Bureau planning and implementation for censuses and surveys toward ensuring the most accurate counts and data for the AIAN population.

(6) The Census Bureau will continue its partnerships with tribal governments to enhance awareness of all censuses, surveys, and geography programs, particularly those including residents living in AIAN areas.

(7) The Census Bureau recognizes that there are distinct tribal protocols, cultural values, practices, religious beliefs, traditions, and climate conditions, as well as a tribe's authority over its land areas, that must be considered and abided by when conducting any census or survey in AIAN areas.

(8) The Census Bureau recognizes the importance of effective and efficient coordination with other federal agencies in the planning process of any census or survey that will include AIAN tribal governments.

(9) The Census Bureau acknowledges its responsibility to provide accurate demographic and economic data on AIAN populations and their businesses. The Census Bureau will work with tribal governments and other partners to encourage the participation of every resident living in AIAN areas.

Therefore, the Director of the Census Bureau hereby directs all directorates and their components (divisions, branches, and offices) to implement this policy by incorporating all of the above principles in their interactions with federally recognized AIAN tribal governments.

#### Executive Order 12866

This Notice has been determined to be not significant under Executive Order 12866.

Dated: October 21, 2008.

**Steve H. Murdock,**

*Director, Bureau of the Census.*

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**BILLING CODE 3510-07-P**

#### DEPARTMENT OF COMMERCE

##### Foreign-Trade Zones Board

[Docket 54-2008]

##### Foreign-Trade Zone 38 – Spartanburg, South Carolina

##### Application for Subzone Status adidas Sales, Inc.

##### (Athletic Footwear and Apparel Distribution)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the South Carolina State Ports Authority, grantee of FTZ 38, requesting special-purpose subzone status for the footwear and apparel warehousing and distribution facility of adidas Sales, Inc. (adidas), located in Spartanburg, South Carolina. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on October 20, 2008.

The adidas facility (1,959,293 sq. ft. /251 acres, 1,300 employees) is located at 685 Cedar Crest Road, Spartanburg, South Carolina. The facility is used for warehousing and distribution of foreign- origin apparel for the U.S. market and export. FTZ procedures would be utilized to support adidas' U.S.-based distribution activity. Finished apparel products to be admitted to the proposed subzone for distribution would include men's, boys', women's and girls' shoes, coats, suits, blouses, shirts, tops, jumpers, underwear, hosiery, pajamas, athletic wear, scarves, shawls, mufflers, gloves/ mittens, and infants' apparel. Certain textile fabrics (wool, cotton, man-made fiber) would also be distributed from the proposed subzone. Additional products that would be admitted to the proposed subzone for distribution are umbrellas, various instruments, sporting goods, sunglasses, cameras, jewelry, plates, leather goods, boxes, cases and paints. All foreign-origin apparel and textile products that are subject to quotas will be admitted to the proposed subzone under privileged foreign status (19 CFR

§ 146.41) or domestic (duty paid) status (19 CFR § 146.43). The applicant is not seeking manufacturing or processing authority with this request.

FTZ procedures would exempt adidas from customs duty payments on foreign products that are re-exported (about 2% of shipments). On domestic sales, duty payments would be deferred until the foreign merchandise is shipped from the facility and entered for U.S. consumption. Certain logistical/supply chain management savings would also be realized through subzone status. The application indicates that the savings from FTZ procedures would help improve the facility's international competitiveness.

In accordance with the Board's regulations, Claudia Hausler of the FTZ Staff is designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is December 29, 2008. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to January 13, 2009.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations: Greenville U.S. Department of Commerce Export Assistance Center, Buck Mickel Center at Greenville Technical College, 216 S. Pleasantburg Drive, Suite 243, Greenville, South Carolina; and, Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230-0002. For further information, contact Claudia Hausler at Claudia\_Hausler@ita.doc.gov, or (202) 482-1379.

Dated: October 22, 2008.

**Andrew McGilvray,**

*Executive Secretary.*

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