recommended decision and order in which to submit simultaneous responses. Parties thereafter shall have eight days from receipt of any response(s) in which to submit replies. Any response or reply must be received within the time specified by the Under Secretary.

(c) Final decision. Within 30 days after receipt of the recommended decision and order, the Under Secretary shall issue a written order affirming, modifying or vacating the recommended decision and order of the administrative law judge. If he/she vacates the recommended decision and order, the Under Secretary may refer the case back to the administrative law judge for further proceedings. Because of the time limits, the Under Secretary's review will ordinarily be limited to the written record for decision, including the transcript of any hearing, and any submissions by the parties concerning the recommended decision.

(d) Delivery. The final decision and implementing order shall be served on the parties and will be publicly available in accordance with § 766.20 of this part.

(e) Appeals. The charged party may appeal the Under Secretary's written order within 15 days to the United States Court of Appeals for the District of Columbia pursuant to 50 U.S.C. app. 2412(c)(3).

Certificate of Service

I hereby certify that I have served the foregoing Recommended Decision and Order as indicated below to the following person(s):

Mario Mancuso, Under Secretary of Commerce for Industry and Security, U.S. Department of Commerce, Room H–3892, 14th Street & Constitution Avenue, NW., Washington, DC 20230. (By Facsimile to 202–482–2387 and Federal Express.)

Charles G. Wall, Gregory Michelsen, Attorneys for Bureau of Industry and Security, Office of Chief Counsel for Industry and Security, U.S. Department of Commerce, Room 11–3 839, 14th Street & Constitution Avenue, NW., Washington, DC 20230. (By Facsimile to 202–482–0085 and Federal Express.)

Wayne LaFleur, 339 Torrey Pines Point, Naples, FL 34113. (By Federal Express.)

Peter Goldsmith, 2627 Staples Avenue, Key West, FL 33040. (By Federal Express.)

Michele Geslin, 2627 Staples Avenue, Key West, FL 33040. (By Federal Express.)

Hearing Docket Clerk, ALJ Docketing Center, 40 S. Gay Street, Room 412, Baltimore, Maryland 21202–4022. (By Facsimile to 410–962–1746 and Federal Express.)

Done and dated this 8th day of December 2008, New York, New York.

Regina V. Maye,

Paralegal Specialist to the Hon. Walter J. Brudzinski, Administrative Law Judge.

[FR Doc. E9–654 Filed 2–2–09; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Emerging Technology and Research Advisory Committee; Notice of Partially Closed Meeting

The Emerging Technology and Research Advisory Committee (ETRAC) will meet on February 10, 2009, 10:45 a.m., Room 4830, in the Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on emerging technology and research activities, including those related to deemed exports.

Agenda

Open Session

1. State Department—What is ITAR and its scope? What is the line of demarcation of dual-use? Areas of regulatory uncertainty. Importance of deemed export controls on dual-use technologies subject to the CCL.

2. BIS view: What are dual-use technologies; how they differ from ITAR; where regulatory jurisdiction becomes fuzzy; jurisdictional issues on how best to resolve the issues.

3. Deemed Exports—BIS National Security & Technology Transfer Controls

- What is a deemed export in all of its flavors.
- What services does EA provide to help academics and industry researchers understand current regulations and comply with these rules.

4. BIS Export Enforcement (EE)—deemed export rules for dual-use technologies subject to EAR over 5 years.

- Describe the levels of violations; prime reasons for violations.
- Typical EE responses.
- Frequency of prosecution.
- Real life examples.

5. ISTAC, MTAC briefings

- Approaches BIS/TACs use in identifying, ranking, or prioritizing technologies in terms of importance, sensitivity, availability, etc.
- Describe decision trees, process models, systematic processes individual TACs.
- Discuss methods TACs use to identify, rank, or prioritize technologies that might be subject to deemed export regulations.
- Describe types of guidance and tools BIS provides to TACs to enable sound decision making on imposition or relaxation of deemed export regulations.

6. Public Comments and Questions.

Closed Session

7. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yspringer@bis.doc.gov* no later than February 3, 2009.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via e-mail.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 14, 2009, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 (10)(d)), that the portion of the meeting dealing with matters the disclosure of which would be likely to frustrate significantly implementation of an agency action as described in 5 U.S.C. 552b(c)(9)(B) shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 10(a)1 and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Dated: January 29, 2009.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. E9–2266 Filed 2–2–09; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Materials Technical Advisory Committee; Notice of Partially Closed Meeting

The Materials Technical Advisory Committee will meet on February 12, 2009, 10 a.m., Herbert C. Hoover Building, Room 3884, 14th Street between Constitution & Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the