

and Scope,” “Smart Grid Vision,” and “Conceptual Reference Model”) and chapters 5–7 (“Priority Action Plans,” “Cyber Security Risk Management Framework and Strategy,” and “Next Steps”) of the draft *NIST Framework and Roadmap for Smart Grid Interoperability Standards, Release 1.0*.

2. Comments on the 15 additional “Standards Identified for Implementation” (Chapter 4); comments on the NIST-proposed “Guidance for Identifying Standards for Implementation;” and recommendations for adding or removing specifications on the list of standards identified for implementation (Table 2), which should reference relevant guidance criteria. In addition, comments on the standards in Table 3—additional standards NIST has identified for further review—are requested, and comments should reference relevant guidance criteria.

Comments should be submitted in accordance with instructions in the **ADDRESSES** section of this notice.

NIST advises that it also is seeking public review and comment on a companion draft document, NIST Interagency Report (NISTIR) 7628 *Smart Grid Cyber Security Strategy and Requirements*. (More than 200 pages long, this document is summarized in Chapter 6 of draft *NIST Framework and Roadmap for Smart Grid Interoperability Standards, Release 1.0*.) The request for comments on draft NISTIR 7628 will be published separately in the **Federal Register**.

Dated: October 5, 2009.

**Patrick Gallagher**,  
Deputy Director.

[FR Doc. E9–24429 Filed 10–8–09; 8:45 am]

BILLING CODE 3510–13–P

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

[Docket No. 0909301329–91332–01]

#### Draft NIST Interagency Report (NISTIR) 7628, *Smart Grid Cyber Security Strategy and Requirements*; Request for Comments

**AGENCY:** National Institute of Standards and Technology (NIST), Department of Commerce.

**ACTION:** Notice; request for comments.

**SUMMARY:** The National Institute of Standards and Technology (NIST) seeks comments on draft NISTIR 7628, *Smart Grid Cyber Security Strategy and Requirements*. This initial draft of the document contains the overall security

strategy for the Smart Grid. Contents include: Development of vulnerability classes, identification of well-understood security problems that need to be addressed, selection and development of security-relevant use cases, initial privacy impact assessment, identification and analysis of interfaces identified in six functional priority areas, advanced metering infrastructure (AMI) security requirements, and selection of a suite of security documents that will be used as the base for determining and tailoring security requirements. This is the first draft of NISTIR 7628; NIST plans to post a subsequent draft of this report for additional public comments.

**DATES:** Comments must be received on or before December 1, 2009.

**ADDRESSES:** Written comments may be sent to: Annabelle Lee, National Institute of Standards and Technology, 100 Bureau Dr., Stop 8930, Gaithersburg, MD 20899–8930. Electronic comments may be sent to: [csctgdraftcomments@nist.gov](mailto:csctgdraftcomments@nist.gov).

The report is available at: <http://csrc.nist.gov/publications/PubsDrafts.html#NIST-IR-7628>.

**FOR FURTHER INFORMATION CONTACT:** Annabelle Lee, National Institute of Standards and Technology, 100 Bureau Dr., Stop 8930, Gaithersburg, MD 20899–8930, telephone (301) 975–8897.

**SUPPLEMENTARY INFORMATION:** Section 1305 of the Energy Independence and Security Act (EISA) of 2007 (Pub. L. 110–140) requires the Director of the National Institute of Standards and Technology (NIST) “to coordinate the development of a framework that includes protocols and model standards for information management to achieve interoperability of smart grid devices and systems.” EISA also specifies that, “It is the policy of the United States to support the modernization of the Nation’s electricity transmission and distribution system to maintain a reliable and secure electricity infrastructure that can meet future demand growth and to achieve each of the following, which together characterize a Smart Grid: \* \* \*

(1) Increased use of digital information and controls technology to improve reliability, security, and efficiency of the electric grid.

(2) Dynamic optimization of grid operations and resources, with full cyber-security.”

With the transition to the Smart Grid—the ongoing transformation of the nation’s electric system to a two-way flow of electricity and information—the information technology (IT) and telecommunications infrastructures

have become critical to the energy sector infrastructure.

NIST recently issued the *NIST Framework and Roadmap for Smart Grid Interoperability Standards, Release 1.0* (draft for public review and comment). The report is an output of NIST’s approach to expediting development of key standards and requirements necessary for Smart Grid interoperability and cyber security.

The report includes a high-level summary (Chapter 6) of draft NISTIR 7628, *Smart Grid Cyber Security Strategy and Requirements*. The report on the interoperability framework and standards roadmap, as well as the **Federal Register** notice soliciting public comments on the report, advised that NIST also was submitting this companion draft document on cyber security for public review and comment.

NIST has established a Smart Grid Cyber Security Coordination Task Group (CSCTG) which includes members from the public and private sectors, academia, regulatory organizations, and federal agencies. The CSCTG is identifying a comprehensive set of cyber security requirements. These requirements are being identified using a high-level risk assessment process that is defined in the cyber security strategy for the Smart Grid.

The DRAFT NIST Interagency Report (NISTIR) 7628, *Smart Grid Cyber Security Strategy and Requirements* includes the initial risk assessment documents (vulnerability classes and bottom-up analysis); security-relevant use cases; a base set of security requirements with cross-referenced security standards; diagrams of a set of functional priority areas and interfaces, including interface categories with constraints and issues and impacts; initial privacy impact assessment; and AMI security requirements.

*Request for Comments:* NIST seeks public comments on the report. The document will be revised on the basis of comments received, and a second draft will be published for public comment. In addition, the second draft will include the overall Smart Grid security architecture and the security requirements.

The final version of NISTIR 7628 will address all comments received to date. The document will have the final set of security controls and the final security architecture.

Comments on draft NISTIR 7628, *Smart Grid Cyber Security Strategy and Requirements* should be submitted in accordance with the **DATES** and **ADDRESSES** sections of this notice.

Dated: October 6, 2009.

**Patrick Gallagher,**

*Deputy Director.*

[FR Doc. E9-24430 Filed 10-8-09; 8:45 am]

**BILLING CODE 3510-13-P**

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

[Docket No. PTO-P-2009-0037]

#### Additional Period for Comments on Interim Examination Instructions for Evaluating Patent Subject Matter Eligibility

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Request for comments; additional comment period.

**SUMMARY:** The United States Patent and Trademark Office (USPTO) has prepared interim examination instructions for evaluating patent subject matter eligibility under 35 U.S.C. 101 (Interim Patent Subject Matter Eligibility Examination Instructions) pending a decision by the U.S. Supreme Court in *Bilski v. Kappos*, and invited the public to submit written comments on the Interim Patent Subject Matter Eligibility Examination Instructions. The USPTO is extending the comment period to ensure that members of the public have sufficient opportunity to submit comments on the Interim Patent Subject Matter Eligibility Examination Instructions. The USPTO will revise the instructions as appropriate based on comments received.

*Comment Deadline Date:* Written comments must be received on or before November 9, 2009. No public hearing will be held.

**ADDRESSES:** Comments should be sent by electronic mail message over the Internet addressed to [AB98.Comments@uspto.gov](mailto:AB98.Comments@uspto.gov). Comments may also be submitted by facsimile to (571) 273-0125, marked to the attention of Caroline D. Dennison. Although comments may be submitted by mail or facsimile, the USPTO prefers to receive comments via the Internet.

The comments will be available for public inspection at the Office of the Commissioner for Patents, located in Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia, and will be available via the Office Internet Web site (address: <http://www.uspto.gov>). Because comments will be made available for public inspection, information that is not desired to be made public, such as an address or

phone number, should not be included in the comments.

**FOR FURTHER INFORMATION CONTACT:** Caroline D. Dennison, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at 571-272-7729, or by facsimile transmission to 571-273-0125, marked to the attention of Caroline D. Dennison.

**SUPPLEMENTARY INFORMATION:** The USPTO posted the Interim Patent Subject Matter Eligibility Examination Instructions on its Internet Web site (address: <http://www.uspto.gov>) on August 27, 2009. The notice published on the USPTO's Internet Web site invited public comment on the Interim Patent Subject Matter Eligibility Examination Instructions and indicated that comments must be received on or before September 28, 2009, to be ensured of consideration. The USPTO subsequently published a notice in the **Federal Register** confirming that the USPTO was inviting public comment on the Interim Patent Subject Matter Eligibility Examination Instructions and that comments must be received on or before September 28, 2009, to be ensured of consideration. *See Request for Comments on Interim Examination Instructions for Evaluating Patent Subject Matter Eligibility*, 74 FR 47780 (September 17, 2009) (notice). The USPTO is extending the comment period because the USPTO desires the benefit of public comment on the instructions and wants to ensure that members of the public have sufficient opportunity to submit comments on the Interim Patent Subject Matter Eligibility Examination Instructions. Comments that have already been received are under consideration and the USPTO will revise the instructions as appropriate based on comments received.

Dated: October 5, 2009.

**David J. Kappos,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. E9-24395 Filed 10-8-09; 8:45 am]

**BILLING CODE 3510-16-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XS13**

#### Marine Mammals; File No. 87-1743

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; issuance of permit amendment.

**SUMMARY:** Notice is hereby given that Daniel P. Costa, Ph.D., Long Marine Laboratory, University of California at Santa Cruz, 100 Shaffer Road, Santa Cruz, California 95060, has been issued a minor amendment to Scientific Research Permit No. 87-1743.

**ADDRESSES:** The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376; and Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

**FOR FURTHER INFORMATION CONTACT:**

Amy Sloan or Tammy Adams, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The original permit (No. 87-1743-00), issued on September 17, 2004 (69 FR 56999), authorized long-term behavioral, physiological, and life history research studies on northern elephant seals (*Mirounga angustirostris*) through September 30, 2009. This permit was subsequently amended on four occasions through minor amendments.

This minor amendment (Permit No. 87-1743-05) extends the duration of the permit through September 30, 2010 with no increase in the number of animals that may be taken. Permit No. 87-1743-05 also authorizes a minor change to permitted methods for a physiological study to allow researchers to substitute one instrument, a thermister, for another instrument, a Doppler flow sensor, but does not change any other terms or conditions of the permit.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a supplemental environmental assessment (SEA) was prepared to analyze the effects of issuing the amendment. Based on the analysis, NMFS determined that issuance of the permit amendment would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That