* *Mail:* Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, Administrative Management Group, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before October 19, 2009 to Nicholas A. Fraser, OMB Desk Officer, via e-mail at *Nicholas_A._Fraser@omb.eop.gov* or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Dated: September 10, 2009.

Susan K. Fawcett,

Records Officer, USPTO, Office of the Chief Information Officer, Administrative Management Group.

[FR Doc. E9–22376 Filed 9–16–09; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XL85

Record of Decision (ROD) for the Final Environmental Impact Statement/ Environmental Impact Report for Replacement of the National Oceanic and Atmospheric Administration's Southwest Fisheries Science Center Located in La Jolla, California

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: National Environmental Policy Act (NEPA) Record of Decision.

SUMMARY: NOAA issues this notice to inform the public that an ROD has been approved for replacement of the Southwest Fisheries Science Center (SWFSC) at the Scripps Institution of Oceanography (SIO) within the University of California at San Diego (UCSD) campus in La Jolla, California. NOAA signed the ROD on August 20, 2009.

ADDRESSES: Request for copies of the ROD may be directed to Mr. Mark Eberling, NOAA Project Planning and Management Decision, Western Region, 7600 Sand Point Way, N.E., WC41, Bin 15700, Seattle, WA 98115–0070. Copies of the Final EIS/EIR are available for review at the UCSD library, at the existing SWFSC, and at La Jolla Public Library. Additionally, an electronic copy is available at *http://www.seco.noaa.gov/ENV/NEPA/Sites/LaJolla__NEPA.html*.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Eberling, NOAA Project Planning and Management Decision, Western Region, 7600 Sand Point Way, N.E., WC41, Bin 15700, Seattle, WA 98115–0070. Tel. (206)526–6477, email: *mark.a.eberling@noaa.gov*

SUPPLEMENTARY INFORMATION: The National Marine Fisheries Services (NMFS) is responsible for the management, conservation, and protection of living marine resources within the U.S. Exclusive Economic Zone. The SWFSC in La Jolla, CA manages and conducts research involving Pacific fisheries and marine mammal research for the protection and management of these resources throughout Western Pacific and Antarctica. The existing SWFSC facility, built in 1964, is currently adjacent to a coastal bluff that is undergoing severe erosion and retreat.

NOAA will implement the proposed action analyzed in the Final Environmental Impact Statement/ Environmental Impact Report. NOAA will construct and operate a new SWFSC building at a 3.3 acre undeveloped property located across La Jolla Shores Drive from the existing facility. A minimum of two existing at-risk SWFSC structures will be removed and the property currently used by NOAA will be returned to UCSD. The new building will be constructed in conformance with Leadership in Energy and Environmental Design principles to minimize impacts to the environment. The ROD contains a number of measures to mitigate environmental effect of the planned action.

Dated: September 11, 2009.

William F. Broglie,

Chief Administrative Officer, National Oceanic and Atmospheric Administration, Department of Commerce.

[FR Doc. E9–22416 Filed 9–16–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–AV15

Public Meetings on Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act

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

ACTION: Proposed rule; notification of additional public meeting.

SUMMARY: We, the National Marine Fisheries Service (NMFS) are issuing this notice to advise the public that NMFS is adding an additional public meeting regarding proposed regulations under the Endangered Species Act and Marine Mammal Protection Act to prohibit vessels from approaching killer whales within 200 yards and from parking in the path of whales for vessels in inland waters of Washington State. The proposed regulations would also prohibit vessels from entering a conservation area during a defined season. The proposed rule was published July 29, 2009, and includes information on two public meetings. We are issuing this notice to announce a third public meeting in Anacortes, WA that has been added in response to requests for additional public meetings to allow for greater public participation.

DATES: Three public meetings will be held as follows:

(1) September 24, 2009, 7–9 p.m., Pier One Main Warehouse, 100 Commercial Avenue, Anacortes, WA;

(2) September 30, 2009, 7–9 p.m., Seattle Aquarium, Pier 59, Seattle, WA; and

(3) October 5, 2009, 7–9 p.m., The Grange Hall, First Street, Friday Harbor, WA.

Written or electronic comments on the proposed rule and draft Environmental Assessment (EA) from all interested parties are encouraged and must be received no later than October 27, 2009. All comments and material received, including names and addresses, will become part of the administrative record and may be released to the public.

ADDRESSES: Comments on the proposed rule, draft EA and any of the supporting documents can be submitted by any of the following methods:

- Email: *orca.plan@noaa.gov*.
- Federal e-rulemaking Portal: *http://www.regulations.gov*.
- Mail: Assistant Regional Administrator, Protected Resources Division, Northwest Regional Office, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, WA 98115.

The draft EA and other supporting documents are available on Regulations.gov and the NMFS Northwest Region Web site at *http://www.nwr.noaa.gov/*.

You may submit information and comments concerning this Proposed Rule, the draft EA, or any of the supporting documents by any one of several methods identified above. We will consider all comments and information received during the comment period in preparing a final

rule. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment- including your personal identifying information- may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

FOR FURTHER INFORMATION CONTACT: Lynne Barre, Northwest Regional Office, 206–526–4745; or Trevor Spradlin, Office of Protected Resources, 301–713–2322.

SUPPLEMENTARY INFORMATION:

Background

On July 29, 2009, NMFS proposed regulations under the Endangered Species Act and Marine Mammal Protection Act to prohibit vessels from approaching killer whales within 200 yards and from parking in the path of whales for vessels in inland waters of Washington State (74 FR 37674). The proposed regulations would also prohibit vessels from entering a conservation area during a defined season. Certain vessels would be exempt from the prohibitions. The purpose of the action is to protect killer whales from interference and noise associated with vessels. In the final rule announcing the endangered listing of Southern Resident killer whales NMFS identified disturbance and sound associated with vessels as a potential contributing factor in the recent decline of this population. The Recovery Plan for Southern Resident killer whales calls for evaluating current guidelines and assessing the need for regulations and/or protected areas. We developed the proposed rule after considering comments submitted in response to an Advance Notice of Proposed Rulemaking (72 FR 13464; March 22, 2007) and preparing a draft environmental assessment (EA).

Reasonable Accommodation

Persons needing reasonable accommodations to attend and participate in the public meetings should contact Lynne Barre (see **FOR FURTHER INFORMATION CONTACT**). To allow sufficient time to process requests, please call at least 5 business days prior to the relevant meeting(s).

Dated: September 11, 2009.

James H. Lecky,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E9–22414 Filed 9–16–09; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2009–0037]

Request for Comments on Interim Examination Instructions for Evaluating Patent Subject Matter Eligibility

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Request for comments.

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*. The Interim Patent Subject Matter Eligibility Examination Instructions will be for use by USPTO personnel in their review of patent applications to determine whether the claims in a patent application are directed to patent eligible subject matter under 35 U.S.C. 101. The USPTO is requesting comments from the public regarding the Interim Patent Subject Matter Eligibility Examination Instructions.

DATES: *Comment Deadline Date:* To be ensured of consideration, written comments must be received on or before September 28, 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*. 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 has prepared Interim Patent Subject Matter Eligibility Examination Instructions for evaluating patent subject matter eligibility under 35 U.S.C. 101. The Interim Patent Subject Matter Eligibility Examination Instructions are based on the USPTO's current understanding of the law and are believed to be fully consistent with binding precedent of the U.S. Supreme Court, the U.S. Court of Appeals for the Federal Circuit (Federal Circuit) and the Federal Circuit's predecessor courts. The USPTO posted the Interim Patent Subject Matter Eligibility Examination Instructions on its Internet Web site (*http://www.uspto.gov*) on August 27, 2009, with a notice requesting public comment on the Interim Patent Subject Matter Eligibility Examination Instructions and indicating that written comments must be received on or before September 28, 2009, to be ensured of consideration.

The Interim Patent Subject Matter Eligibility Examination Instructions do not constitute substantive rule making and hence do not have the force and effect of law. Rejections are and will continue to be based upon the substantive law, and it is these rejections that are appealable. Consequently, any perceived failure by USPTO personnel to follow the Interim Patent Subject Matter Eligibility Examination Instructions is neither appealable nor petitionable.

The U.S. Supreme Court granted certiorari in *Bilski,* S.Ct. No. 08–964. *See* 556 U.S.___ (June 1, 2009). The USPTO expects that a decision in *Bilski* will be rendered sometime before the end of June 2010. The Interim Patent Subject Matter Eligibility Examination Instructions are to provide instructions to examiners pending a final decision from the Supreme Court in *Bilski.* Following the Supreme Court's decision in *Bilski*, the USPTO will revise its examination instructions for evaluating patent subject matter eligibility under 35 U.S.C. 101 for consistency with the Supreme Court's decision.

The Interim Patent Subject Matter Eligibility Examination Instructions merely revise USPTO examination practice for consistency with the USPTO's current understanding of the case law regarding patent subject matter eligibility under 35 U.S.C. 101. Therefore, the Interim Patent Subject Matter Eligibility Examination Instructions relate only to interpretative rules, general statements of policy, or rules of agency organization, procedure,