

encouraged to provide information on any ancillary matters that may have a bearing on validity or infringement.

(c) *Denial for refusal to provide information.* In the course of investigating a claim, it may become necessary for NASA to request information in the control and custody of the claimant that is relevant to the disposition of the claim. Failure of the claimant to respond to a request for such information shall be sufficient reason alone for denying a claim.

#### **§ 1245.203 Incomplete notice of infringement.**

(a) If a communication alleging patent infringement or copyright infringement is received that does not meet the requirements set forth in § 1245.202(a), the sender shall be advised in writing by the Agency Counsel for Intellectual Property:

(1) That the claim for infringement has not been satisfactorily presented; and

(2) Of the elements necessary to establish a claim.

(b) A communication, in which no infringement is alleged in accordance with § 1245.202(a), such as a mere proffer of a license, shall not be considered a claim for infringement.

#### **§ 1245.204 Indirect notice of infringement.**

A communication by a patent or copyright owner to addressees other than those specified in § 1245.202(a), such as NASA contractors, including contractors operating Government-owned facilities, alleging that acts of infringement have occurred in the performance of a Government contract, grant, or other arrangement, shall not be considered a claim within the meaning of § 1245.202(a) until such communication meets the requirements specified therein.

#### **§ 1245.205 Processing of administrative claims.**

(a) *Filing and forwarding of claims.* All communications regarding claims should be addressed to: Agency Counsel for Intellectual Property, Office of the General Counsel, National Aeronautics and Space Administration, Washington, DC 20546-0001. If any communication relating to a claim or possible claim of patent or copyright infringement is received by an agency, organization, office, or field installation within NASA, it shall be forwarded to the Agency Counsel for Intellectual Property.

(b) *Disposition and notification.* The General Counsel, or designee, shall investigate and administratively settle, deny, or otherwise dispose of each

claim. When a claim is denied, the Agency shall so notify the claimant or the claimant's authorized representative and provide the claimant with the reasons for denying the claim. Disclosure of information shall be subject to applicable statutes, regulations, and directives pertaining to security, access to official records, and the rights of others.

(c) *Termination of claims.* If, while an administrative claim for patent or copyright infringement is pending against NASA, the claimant brings suit for patent or copyright infringement against the United States in the Court of Federal Claims based on the same facts or transactions as the administrative claim, the administrative claim shall thereupon be automatically dismissed, with no further action being required of NASA.

**Charles F. Bolden, Jr.,**  
*Administrator.*

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#### **BILLING CODE P**

## **DEPARTMENT OF LABOR**

### **Wage and Hour Division**

#### **29 CFR Part 552**

#### **RIN 1235-AA05**

#### **Application of the Fair Labor Standards Act to Domestic Service**

**AGENCY:** Wage and Hour Division, Labor.

**ACTION:** Extension of comment period.

**SUMMARY:** This document extends the period for filing written comments until March 21, 2012 on the proposed revisions to the Application of the Fair Labor Standards Act to Domestic Service. On February 24, 2012, the Department published a document extending the comment period for the proposed revisions published on December 27, 2011 by an additional 14 days. This document further extends the comment period to March 21, 2012. The Department of Labor (Department) is taking this action in order to provide interested parties additional time to submit comments.

**DATES:** The agency must receive comments on or before March 21, 2012. The period for public comments, which was to close on March 12, 2012, will be extended to March 21, 2012.

**ADDRESSES:** You may submit comments, identified by RIN 1235-AA05, by either one of the following methods:

*Electronic comments:* through the Federal eRulemaking Portal: [http://](http://www.regulations.gov)

[www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.

*Mail:* Mary Ziegler, Director, Division of Regulations, Legislation and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue NW., Washington, DC 20210.

*Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name (Wage and Hour Division) and Regulatory Information Number identified above for this rulemaking (1235-AA05). All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Consequently, prior to including any individual's personal information such as Social Security Number, home address, telephone number, email addresses and medical data in a comment, the Department urges commenters carefully to consider that their submissions are a matter of public record and will be publicly accessible on the Internet. It is the commenter's responsibility to safeguard his or her information. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via the Federal eRulemaking Portal at <http://www.regulations.gov> or to submit them by mail early. For additional information on submitting comments and the rulemaking process, see the "Public Participation" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* For access to the docket to read background documents or comments received, go to the Federal eRulemaking Portal at <http://www.regulations.gov>.

#### **FOR FURTHER INFORMATION CONTACT:**

Mary Ziegler, Director, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S-3510, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693-0406 (this is not a toll free number). Copies of this notice of proposed rulemaking may be obtained in alternative formats (Large Print, Braille, Audio Tape, or Disc), upon request, by calling (202) 693-0023. TTY/TDD callers may dial toll-free (877) 889-5627 to obtain information or request materials in alternative formats.

Questions of interpretation and/or enforcement of regulations issued by this agency or referenced in this document may be directed to the nearest Wage and Hour Division District Office.

Locate the nearest office by calling the Wage and Hour Division's toll-free help line at (866) 4US-WAGE ((866) 487-9243) between 8 a.m. and 5 p.m. in your local time zone, or log onto the Wage and Hour Division's Web site for a nationwide listing of Wage and Hour District and Area Offices at: <http://www.dol.gov/whd/america2.htm>.

#### SUPPLEMENTARY INFORMATION:

##### I. Electronic Access and Filing Comments

**Public Participation:** This notice of proposed rulemaking is available through the **Federal Register** and the <http://www.regulations.gov> Web site. You may also access this document via the Department's Web site at <http://www.dol.gov/federalregister>. To comment electronically on federal rulemakings, go to the Federal eRulemaking Portal at <http://www.regulations.gov>, which will allow you to find, review, and submit comments on federal documents that are open for comment and published in the **Federal Register**. Please identify all comments submitted in electronic form by the RIN docket number (1235-AA05). Because of delays in receiving mail in the Washington, DC area, commenters should transmit their comments electronically via the Federal eRulemaking Portal at <http://www.regulations.gov>, or submit them by mail early to ensure timely receipt prior to the close of the comment period. Submit one copy of your comments by only one method.

##### II. Request for Comment

The Department is proposing to revise the Fair Labor Standards Act minimum wage, overtime and recordkeeping regulations pertaining to the exemptions for companionship services and live-in domestic services. The Department proposes to amend the regulations to revise the definitions of "domestic service employment" and "companionship services." The Department also proposes to more specifically describe the type of activities and duties that may be considered "incidental" to the provision of companionship services. In addition, the Department proposes to amend the recordkeeping requirements for live-in domestic workers. Finally, the Department proposes to amend the regulation pertaining to employment by a third party of companions and live-in domestic workers. This change would continue to allow the individual, family, or household employing the worker's services to apply the companionship and live-in exemptions and would deny

all third party employers the use of such exemptions.

On December 15, 2011, President Obama announced that the Department of Labor was proposing the rule changes. The Department posted a Notice of Proposed Rulemaking (NPRM), complete with background information, economic impact analyses and proposed regulatory text, on its Web site that day. The Department published the NPRM in the **Federal Register** on December 27, 2011 (76 FR 81190), requesting public comments on the proposed revisions to the regulations pertaining to the exemption for companionship services and live-in domestic services. Interested parties were requested to submit comments on or before February 27, 2012. On February 24, 2012, the Department published a document in the **Federal Register** extending the original comment period by 14 days to March 12, 2012 (77 FR 11021).

The Department has received requests to extend the period for filing public comments from members of Congress and various business organizations. Because of the interest that has been expressed in this matter, the Department has decided to provide an additional extension of the period for submitting public comment until March 21, 2012.

Dated: March 8, 2012.

**Nancy J. Leppink,**

*Deputy Administrator, Wage and Hour Division.*

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#### DEPARTMENT OF HOMELAND SECURITY

##### Coast Guard

##### 33 CFR Part 117

[Docket No. USCG-2012-0126]

##### Drawbridge Operation Regulation; Berwick Bay (Atchafalaya River), Morgan City, LA

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Burlington Northern Santa Fe (BNSF) Railway Company vertical lift span bridge across Berwick Bay, mile 0.4, (Atchafalaya River, mile 17.5) at Morgan City, St. Mary Parish, Louisiana. The deviation is necessary to perform

scheduled maintenance to the bridge. This deviation allows the bridge to remain in the closed-to-navigation position on two dates occurring in March of 2012.

**DATES:** This deviation is effective from 7:30 a.m. on Thursday, March 15, 2012 through 11:30 a.m. Thursday, March 22, 2012.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2012-0126 and are available online by going to <http://www.regulations.gov>, inserting USCG-2012-0126 in the "Keyword" box and then clicking "Search". They are also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Kay Wade, Bridge Branch Office, Coast Guard; telephone 504-671-2128, email [Kay.B.Wade@uscg.mil](mailto:Kay.B.Wade@uscg.mil). If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** The BNSF Railway Company has requested a temporary deviation from the operating schedule of the vertical lift span railroad bridge across Berwick Bay, mile 0.4 (Atchafalaya River, mile 17.5), at Morgan City, St. Mary Parish, Louisiana. The vertical lift span bridge has a vertical clearance of 6.4 feet above high water, elevation 8.2 feet Mean Sea Level in the closed-to-navigation position. Vessels able to pass underneath the bridge in the closed-to-navigation-position may do so.

In accordance with 33 CFR 117.5, the bridge currently opens on signal for the passage of vessels. This deviation allows the vertical lift span of the bridge to remain in the closed-to-navigation position from 7:30 a.m. through 11:30 a.m. on Thursday, March 15, 2012 and Thursday, March 22, 2012.

To avoid becoming a safety hazard, the closures are necessary in order to cut and weld worn rails and chipping Conley joints. This maintenance is essential for the continued safety and operation of the bridge. Notices will be published in the Eighth Coast Guard District Local Notice to Mariners and will be broadcast via the Coast Guard Broadcast Notice to Mariners System.

Navigation on the waterway consists of tugs with tows, fishing vessels and recreational craft, including sailboats