

5. Section 1.445 is amended by revising paragraphs (a)(2) and (a)(3) to read as follows:

**§ 1.445 International application filing, processing and search fees.**

(a) \* \* \*

(2) A search fee (see 35 U.S.C. 361(d) and PCT Rule 16)—\$1,800.00

(3) A supplemental search fee when required, per additional invention—\$1,800.00.

\* \* \* \* \*

6. Section 1.452 is added to read as follows:

**§ 1.452 Restoration of right of priority.**

(a) If the international application has an international filing date which is later than twelve months from the priority date but within the period of fourteen months from the priority date, the right of priority in the international application may be restored upon request if the delay in filing the international application within the period of twelve months from the priority date was unintentional.

(b) A request to restore the right of priority in an international application under paragraph (a) must be filed not later than fourteen months from the priority date and must include:

(1) A notice under PCT Rule 26bis.1(a) adding the priority claim, if the priority claim in respect of the earlier application is not contained in the international application;

(2) The fee set forth in § 1.17(t); and

(3) A statement that the entire delay was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

(c) If the applicant makes a request for early publication under PCT Article 21(2)(b), any requirement under paragraph (b) of this section filed after the technical preparations for international publication have been completed by the International Bureau shall be considered as not having been submitted in time.

(d) Restoration of a right of priority to a prior application by the United States Receiving Office under this section, or by any other Receiving Office under the provisions of PCT Rule 26bis.3, will not entitle applicants to a right of priority in any application which has entered the national stage under 35 U.S.C. 371, or in any application filed under 35 U.S.C. 111(a) which claims benefit under 35 U.S.C. 120 and 365(c) to an international application in which the right to priority has been restored.

7. Section 1.465 is amended by revising paragraph (b) to read as follows:

**§ 1.465 Timing of application processing based on the priority date.**

\* \* \* \* \*

(b) When a claimed priority date is corrected under PCT Rule 26bis.1(a), or a priority claim is added under PCT Rule 26bis.1(a), withdrawn under PCT Rule 90bis.3, or considered not to have been made under PCT Rule 26bis.2, the priority date for the purposes of computing any non-expired time limits will be the filing date of the earliest remaining priority claim under PCT Article 8 of the international application, or if none, the international filing date.

\* \* \* \* \*

Dated: February 12, 2007.

**Jon W. Dudas,**

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

[FR Doc. E7-2761 Filed 2-15-07; 8:45 am]

**BILLING CODE 3510-16-P**

**POSTAL SERVICE**

**39 CFR Part 111**

**Revised Standards for Mailing Adult Fowl**

**AGENCY:** Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** The Postal Service proposes new requirements for containers used for mailing adult chickens. Currently, we require all mailable adult fowl other than chickens to be mailed in containers approved by the manager of Mailing Standards. With this proposal, we intend to require adult chickens to be mailed in approved containers also.

**DATES:** We must receive your comments on or before March 19, 2007.

**ADDRESSES:** Mail or deliver written comments to the Manager, Mailing Standards, U.S. Postal Service, 475 L'Enfant Plaza SW., Room 3436, Washington, DC 20260-3436. You may inspect and photocopy all written comments at Postal Service Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor N, Washington, DC between 9 a.m. and 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Bert Olsen, 202-268-7276.

**SUPPLEMENTARY INFORMATION:** To promote the safety of Postal Service employees, customers, and all mailed adult fowl, we propose to revise our requirements for containers used for mailing adult chickens. Current mailing standards permit adult chickens to be mailed in containers that pass basic

package performance tests. By contrast, other adult fowl (such as turkeys, guinea fowl, doves, pigeons, pheasants, partridges, and quail) must be mailed in containers approved by the manager of Mailing Standards. The container standards for other adult fowl are more stringent than the standards for adult chickens. Because there is no compelling reason to treat adult chickens differently from other adult fowl, the revised standards will require adult chickens to be mailed in the same containers approved by Mailing Standards for use with other adult fowl.

Vendors who wish to submit a container for USPS approval can contact the office of Mailing Standards for a list of container criteria. Additionally, the term "biologically secure" has been replaced by the word "secure" to eliminate any implication that such packaging will completely prevent the spread of disease during handling.

Although we are exempt from the notice and comment requirements of the Administrative Procedure Act [5 U.S.C. of 553(b), (c)] regarding proposed rulemaking by 39 U.S.C. 410(a), we invite public comment on the following proposed revisions to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

**List of Subjects in 39 CFR Part 111**

Administrative practice and procedure, Postal Service.

Accordingly, 39 CFR part 111 is proposed to be amended as follows:

**PART 111—[AMENDED]**

1. The authority citation for 39 CFR Part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001-3011, 3201-3219, 3403-3406, 3621, 3626, 5001.

2. Revise the following sections of Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM), as follows:

**600 Basic Standards for All Mailing Services**

**601 Mailability**

\* \* \* \* \*

**9.0 Perishables**

\* \* \* \* \*

**9.3 Live Animals**

\* \* \* \* \*

**9.3.4 Adult Fowl**

[Revise 9.3.4 as follows:]  
Disease-free adult fowl are mailable domestically when shipped under

applicable law in accordance with 601.1.7. Adult chickens, turkeys, guinea fowl, doves, pigeons, pheasants, partridges, and quail as well as ducks, geese, and swans are mailable as follows:

a. The mailer must send adult fowl by Express Mail in secure containers approved by the manager of Mailing Standards (see 608.8.0 for address).

b. The number of birds per parcel must follow the container manufacturer limits and each bird must weigh more than 6 ounces.

c. Indemnity may be paid only for loss, damage, or rifling, and not for death of the birds in transit if there is no visible damage to the mailing container.

[Delete 9.3.5, Adult Chickens, and renumber 9.3.6 through 9.3.13 as new 9.3.5 through 9.3.12.]

\* \* \* \* \*

We will publish an appropriate amendment to 39 CFR Part 111 to reflect these changes if our proposal is adopted.

Neva R. Watson,

Attorney, Legislative.

[FR Doc. E7-2817 Filed 2-15-07; 8:45 am]

BILLING CODE 7710-12-P

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Parts 2, 3, and 52

[FAR Case 2006-007; Docket 2007-0001; Sequence 1]

RIN 9000-AK67

#### Federal Acquisition Regulation; FAR Case 2006-007, Contractor Code of Ethics and Business Conduct

**AGENCIES:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule with request for comments.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to address Contractor Code of Ethics and Business Conduct and the display of Federal agency Office of the Inspector General (OIG) Fraud Hotline Poster.

**DATES:** Interested parties should submit written comments to the FAR

Secretariat on or before April 17, 2007 to be considered in the formulation of a final rule.

**ADDRESSES:** Submit comments identified by FAR case 2006-007 by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Search for any document by first selecting the proper document types and selecting "Federal Acquisition Regulation" as the agency of choice. At the "Keyword" prompt, type in the FAR case number (for example, FAR Case 2006-007) and click on the "Submit" button. Please include any personal and/or business information inside the document. You may also search for any document by clicking on the "Advanced search/document search" tab at the top of the screen, selecting from the agency field "Federal Acquisition Regulation", and typing the FAR case number in the keyword field. Select the "Submit" button.

- Fax: 202-501-4067.

- Mail: General Services

Administration, Regulatory Secretariat (VIR), 1800 F Street, NW, Room 4035, ATTN: Laurieann Duarte, Washington, DC 20405.

**Instructions:** Please submit comments only and cite FAR case 2006-007 in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov*, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ernest Woodson, Procurement Analyst, at (202) 501-3775 for clarification of content. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501-4755. Please cite FAR case 2006-007.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

FAR Part 3 provides guidance on improper business practices and personal conflicts of interest, but it does not discuss the contractor's responsibilities with regard to code of ethics and business conduct and the avoidance of improper business practices. Currently, three agencies (the Departments of Defense, Veterans Affairs, and the Environmental Protection Agency) maintain policy for contractor code of ethics and business conduct and the contractor's responsibility to avoid improper business practices. With few exceptions, the agencies' clauses and prescriptions are very similar to one another, in that they— establish agency policy and recommend contents of a contractor's

system of management and internal controls in connection with Government contracts; establish contract dollar thresholds for display of the agency Inspector General poster; provide instructions for obtaining the hotline posters; and provide exemptions to displaying posters. However, the agencies' policies differ on the contract dollar thresholds and the address and phone number of the Office of the Inspector General (OIG) to obtain a fraud hotline poster.

In view of the significant sums of Federal dollars spent by agencies to acquire goods and services, this rule establishes a clear and consistent policy regarding contractor code of ethics and business conduct, responsibility to avoid improper business practices, and procedures for displaying an agency OIG Fraud Hotline poster to facilitate the reporting of wrongdoing in Federal contracting. This rule also recognizes the need for agencies to cooperate with the Department of Homeland Security to ensure that contracts funded with disaster assistance funds require display of any event-specific fraud hotline posters announcing ad hoc or other special hotline reporting information applicable to the specific contract. This rule proposes amending the FAR to add FAR Subpart 3.10, Contractor Code of Ethics and Business Conduct, that will—

1. Define the "United States" to mean the 50 States, the District of Columbia and outlying areas as used in FAR 25.003, and exclude contracts performed outside the United States from the requirements of the rule.

2. Include policy stating that contractors "should" have a code of ethics and business conduct.

3. Exclude commercial item contracts awarded pursuant to FAR Part 12 from the requirements of the rule, because the rule will not implement statute or executive order, and because ethics programs and hotline posters are not standard commercial practices as stipulated by the Federal Acquisition Streamlining Act.

4. Provide that contractors receiving awards in excess of \$5,000,000 that have performance periods of 120 days or more, shall have a written code of ethics and business conduct within 30 days after contract award. Furthermore, the contractor shall promote compliance by establishing, within 90 days after contract award, an employee ethics and compliance training program and an internal control system proportionate to the size of the company and extent of its business with the Federal Government.

5. Provide that contractors receiving awards in excess of \$5,000,000 shall