

*Lindner*, 457 F.2d 506, 508, 173 USPQ 356, 358 (CCPA 1972)(one test not sufficient where there was no adequate basis for concluding the other claimed compounds would behave the same way).

<sup>60</sup>. E.g., *Chupp*, 816 F.2d at 646, 2 USPQ2d at 1439; *Clemens*, 622 F.2d at 1036, 206 USPQ at 296.

<sup>61</sup>. Usually, a showing of unexpected results is sufficient to overcome a *prima facie* case of obviousness. See, e.g., *In re Albrecht*, 514 F.2d 1389, 1396, 185 USPQ 585, 590 (CCPA 1975). However, where the claims are not limited to a particular use, and where the prior art provides other motivation to select a particular species or subgenus, a showing of a new use may not be sufficient to confer patentability. See *Dillon*, 919 F.2d at 692, 16 USPQ2d at 1900-01.

<sup>62</sup>. *Piasecki*, 745 F.2d at 1473, 223 USPQ at 788.

<sup>63</sup>. E.g., *Piasecki*, 745 F.2d at 1472-73, 223 USPQ at 788; *In re Eli Lilly & Co.*, 902 F.2d 943, 945, 14 USPQ2d 1741, 1743 (Fed. Cir. 1990).

<sup>64</sup>. E.g., *Piasecki*, 745 F.2d at 1472, 223 USPQ at 788; *Eli Lilly*, 902 F.2d at 945, 14 USPQ2d at 1743.

<sup>65</sup>. *Dillon*, 919 F.2d at 693, 16 USPQ2d at 1901; *In re Mills*, 916 F.2d 680, 683, 16 USPQ2d 1430, 1433 (Fed. Cir. 1990).

Dated: August 26, 1998.

**Bruce A. Lehman,**

*Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.*

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## COMMODITY FUTURES TRADING COMMISSION

### Chicago Mercantile Exchange: Proposed Amendments to the Cash Settlement Provisions of the CME Russian Ruble Futures Contract

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of availability of proposed amendments to the terms and conditions of commodity futures contract.

**SUMMARY:** The Chicago Mercantile Exchange (CME or Exchange) has submitted proposed amendments related to the cash settlement provisions of its Russian Ruble futures contract. If the Moscow Interbank Currency Exchange (MICEX) did not determine and/or disseminate a rubles per dollar spot exchange rate on the last day of trading, then, under the proposal, the CME would set the cash settlement price based on the results of its survey of Russian ruble-US dollar interbank market participants used to determine the ruble/dollar exchange rate on that day. The Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the

authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purpose of the Commodity Exchange Act.

**DATES:** Comments must be received on or before September 8, 1998.

**ADDRESSES:** Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418-5521, or by electronic mail to secretary@cftc.gov. Reference should be made to the amendments to the CME Russian Ruble futures contract.

**FOR FURTHER INFORMATION CONTACT:** Please contact Thomas Leahy of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, 20581, telephone (202) 418-5278. Facsimile number: (202) 418-5527. Electronic mail: tleahy@cftc.gov.

**SUPPLEMENTARY INFORMATION:** Under current rules for the CME ruble futures contract, the cash settlement price is the reciprocal of the spot rate of Russian rubles per US dollar determined by the Moscow Interbank Currency Exchange on the last day of trading. In the event that MICEX does not determine and/or disseminate that spot exchange rate, CME rules provide for the declaration of an emergency pursuant to existing Exchange rule 3025.J.

To preclude an emergency declaration, the Exchange proposes to adopt in its rules, backup procedures that would be used if the MICEX does not determine and/or disseminate the spot rate of Russian rubles per US dollar on the last trading day of the subject contract. The backup cash settlement price would be based on the exchange rate derived from the CME's daily survey of banks. The daily CME survey was initiated on August 28, 1998.

The daily CME survey is conducted as follows. The CME surveys eight reference institutions from a list of at least twelve institutions that are active participants in the market for spot and/or non-deliverable forward markets. At 11:00 a.m. (Moscow time), each randomly selected participant is asked for its perception of the prevailing bid and offer for a typically sized Russian ruble per US dollar spot transaction in the Moscow marketplace. The midpoint of each bid/offer pair is determined, and

the highest two and the lowest two midpoints are eliminated. The remaining four midpoints are averaged and the reciprocal of that average is the daily rate, which could be used as the final settlement price, as noted above.

If the CME is unable to obtain eight responses, but is able to obtain at least five responses, then the CME determines the midpoints of each bid/offer pair and eliminates the highest and the lowest midpoint and average the remaining midpoints. The daily rate, that may be the final settlement price, is the reciprocal of that average. If fewer than five responses are received, then the CME would invoke its emergency provisions.

The CME proposes to implement the changes to the proposed amendments to the cash settlement provisions immediately upon Commission approval for application to all existing and newly listed contracts. The first contract month to which the amendments could apply is the September 1998 contract which expires on September 15, 1998.

The Division requests comment on the proposed changes and implementation plan. The comment period is abbreviated in view of the short time period remaining to the expiration date of the September contract and in view of the recent suspension by MICEX of its daily fixing of the rubles per dollar exchange rate.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st St., NW, Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 418-5097.

Other materials submitted by the CME may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 C.F.R. Part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 C.F.R. 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 C.F.R. 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed amendments, or with respect to other materials submitted by the CME, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three

Lafayette Centre, 1155 21st St., NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on September 1, 1998.

**Steven Manaster,**

*Director.*

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Proposed Collection; Comment Request

**AGENCY:** Defense Finance and Accounting Service.

**ACTION:** Notice.

**SUMMARY:** In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Defense Finance and Accounting Service announces the proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by November 2, 1998.

**ADDRESSES:** Written comments and recommendations on the proposed information collection should be sent to the Defense Finance and Accounting Service—Denver Center, (FYCT) ATTN: Ms. Vicki Holifield, 6760 East Irvington Place, Denver, CO 80279-3000.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call Ms. Vicki Holifield, 303-676-4743.

*Title, Associated Form, and OMB Number:* Waiver/Remission of Indebtedness Application.

*Needs and uses:* Used by current or former DoD civilian employees or military members to request waiver or remission of an indebtedness owed to

the Department of Defense. Under 5 U.S.C. 5584, 10 U.S.C. 2774, and 32 U.S.C. 716, certain debts arising out of erroneous payments may be waived. Under 10 U.S.C. 4837, 10 U.S.C. 6161, and 10 U.S.C. 9837, certain debts may be remitted. Information obtained through this form is used in adjudicating the request for waiver or remission. Remissions apply only to active duty military members, and thus are not covered under the Paperwork Reduction Act of 1995.

*Affected Public:* Individuals.

*Annual Burden Hours:* 23,000 hours.

*Number of Respondents:* 11,500.

*Responses per Respondent:* 1.

*Average Burden per Response:* 2 hours.

*Frequency:* On occasion.

#### SUPPLEMENTARY INFORMATION:

#### Summary of Information Collection

The referenced United States Code sections on waivers provide for an avenue of relief for individuals who owe debts to the United States which resulted from erroneous payments. Criteria for waiver of a debt includes a determination that there is no indication of fraud, misrepresentation, fault, or lack of good faith on the part of the individual owing the debt or any other person interested in obtaining a waiver. Information obtained through the proposed collection is needed in order to adjudicate the waiver request under the law.

Dated: August 28, 1998.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 98-23701 Filed 9-2-98; 8:45 am]

BILLING CODE 5000-04-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Meeting of the Historical Records Declassification Advisory Panel

**AGENCY:** Department of Defense, Historical Advisory Committee.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the forthcoming meeting of the Historical Records Declassification Advisory Panel. The purpose of this meeting is to discuss recommendations to the Department of Defense on topical areas of records of interest that, from a historical perspective, would be of the greatest benefit if declassified. This is the third session held in 1998. The OSD Historian will chair this meeting.

**DATES:** Thursday, September 24, 1998; 2 p.m. until 4 p.m.; Friday, September 25, 1998; 9 a.m. until 12 p.m. *Time:* The HRDAP sessions will be closed to the public due to the necessity to hear classified and sensitive reports in accordance with 5 U.S.C., Sec 552b(c)(1) (1982).

**ADDRESSES:** The Pentagon, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Carroll Lee, Room 1D760B, Office of the Deputy Assistant Secretary of Defense (Security and Information Operations), Office of the Assistant Secretary of Defense (Command, Control, Communications and Intelligence), 6000 Defense Pentagon, Washington, DC 20301-6000, telephone (703) 693-0368.

Dated: August 28, 1998.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 98-23702 Filed 9-2-98; 8:45 am]

BILLING CODE 5000-04-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Revised Non-Foreign Overseas Per Diem Rates

**AGENCY:** DoD, Per Diem, Travel and Transportation Allowance Committee.

**ACTION:** Notice of revised non-foreign overseas per diem rates.

**SUMMARY:** The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 203. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 203 is being published in the **Federal Register** to assure that travels are paid per diem at the most current rates.

**EFFECTIVE DATE:** September 1, 1998.

**SUPPLEMENTARY INFORMATION:** This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 202. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only