**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

*Compliance:* Required as indicated in the body of this AD, unless already accomplished.

To prevent loss of control of the airplane caused by excessive speed or aerobatic maneuvers, accomplish the following:

(a) For all serial numbered airplanes, prior to further flight after September 26, 1996 (the effective date of AD 96–19–07), accomplish the following:

(1) Install, on the limitation placard at the left-hand cabin wall, the airspeed placard that is included with Grob Service Bulletin No. 1078–59/2, dated September 2, 1996. This placard reduces the maximum airspeed to 296 kilometers per hour (km/h); equal to 160 knots per hour.

(2) Modify the airspeed indicator glass by accomplishing the following:

(i) Place a red radial line on the indicator glass at 296 km/h (160 knots). The minimum dimensions for this radial line are 0.05-inch in width and 0.30-inch in length.

(ii) Place a white 0.05-inch minimum width slippage index mark that connects both the instrument glass and bezel. This slippage index mark shall not obscure any airspeed markings.

(3) Install, near the airspeed indicator, the red placard included with Grob Service Bulletin No. 1078–59/2 that has the words: ''Aerobatic maneuvers are prohibited.''

(4) Insert a copy of this AD into the Limitations Section of the airplane flight manual.

**Note 2:** The actions of paragraph (a), including all subparagraphs, is the same as that required by AD 96–19–07, which is superseded by this action. These requirements are being temporarily retained in this AD to provide a grace period for accomplishing the other actions required by this AD.

(b) Within the next 200 hours time-in-service (TIS) after the effective date of this AD, accomplish the following :

(1) For all serial numbered airplanes, inspect the nose wheel steering, the sliding canopy and canopy locking mechanism, the attachment of the horizontal stabilizer, the elevator installation, the vertical stabilizer, the rudder installation, and the weights and residual moments of the control surfaces in accordance with the instructions in Grob Service Bulletin No. 1078–59/3, dated October 24, 1996. Prior to further flight, repair any discrepancies in accordance with the above-referenced service bulletin.

(2) For airplanes incorporating a serial number in the range of 82001 through 82077, replace the elevator hinges with parts of improved design in accordance with Grob Installation Instructions 1078–64, dated December 11, 1996, as specified in both Grob Service Bulletin No. 1078–64/2, dated April 8, 1997; and Grob Service Bulletin No. 1078–64, dated December 11, 1996.

(3) For airplanes incorporating a serial number in the range of 82001 through 82077, after accomplishing the replacement required by paragraph (b)(2) of this AD, adjust the mass and residual moments in accordance with Grob Service Bulletin No. 1078–66, dated February 10, 1997.

(c) Accomplishing the actions required by paragraphs (b)(1), (b)(2), and (b)(3) of this AD eliminates the placard and flight restriction requirements of paragraph (a), including all subparagraphs, of this AD.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

(2) Alternative methods of compliance approved in accordance with AD 96–19–07 are not considered approved as alternative methods of compliance for this AD.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(f) Questions or technical information related to service information previously referenced should be directed to Burkhart Grob Luft-und Raumfahrt, D–8939 Mattsies, Germany. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(g) This amendment supersedes AD 96–19–07, mendment 39–9765.

**Note 4:** The subject of this AD is addressed in German AD 96–270/2, dated December 5, 1996; German AD 96–270/3, dated December 4, 1997; and German AD 97–143, dated May 22, 1997.

Issued in Kansas City, Missouri, on March 2, 1998.

**James E. Jackson,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 98–5796 Filed 3–5–98; 8:45 am]

BILLING CODE 4910–13–U

## SECURITIES AND EXCHANGE COMMISSION

## 17 CFR Parts 200, 240, 249

**[Release No. 34–39704; File Nos. S7–30–97; S7–31–97; S7–32–97]**

**RIN 3235–AH16, 3235–AG18, 3235–AH29**

## OTC Derivatives Dealers, Net Capital Rule

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Proposed rule; concept release; extension of comment period.

**SUMMARY:** The Securities and Exchange Commission (''Commission'') is extending the comment periods for two releases proposing rules and rule amendments under the Securities Exchange Act of 1934 (Release Nos. 34–39454 and 34–39455) and one concept release (Release No. 34–39456), which were published in the **Federal Register** on December 30, 1997. The comment period for Release No. 34–39454, concerning OTC derivatives dealers, is being extended to April 6, 1998. The comment period for Release No. 34–39455, concerning the treatment under the Commission's net capital rule of certain interest rate instruments, is being extended to May 4, 1998. The comment period for Release No. 34–39456, addressing the use of statistical models in setting the capital requirements for a broker-dealer's proprietary positions, is being extended to May 4, 1998.

**DATES:** Comments should be received on or before April 6, 1998 with respect to Release No. 34–39454 (62 FR 67940) (OTC Derivatives Dealers). Comments should be received on or before May 4, 1998 with respect to Release Nos. 34–39455 (62 FR 67996) (Net Capital Rule—Interest Rate Instruments) and 34–39456 (62 FR 68011) (Net Capital Rule—Concept Release).

**ADDRESSES:** Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Comments may also be submitted electronically at the following E-mail address: rule-comments@sec.gov. Comment letters should refer to File No. S7–30–97 for Release No. 34–39454 (OTC Derivatives Dealers); File No. S7–31–97 for Release No. 34–39455 (Net Capital Rule—Interest Rate Instruments); and File No. S7–32–97 for Release No. 34–39456 (Net Capital Rule—Concept Release). The file numbers should be included on the subject line if E-mail is used. Comment letters received will be available for

public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Electronically submitted comment letters will be posted on the Commission's Internet web site (http: // www.sec.gov).

**FOR FURTHER INFORMATION CONTACT:** *Release No. 34–39454 (OTC Derivatives Dealers) General:* Catherine McGuire, Chief Counsel, Glenn J. Jessee, Special Counsel, or Patrice Gliniecki, Special Counsel, at (202) 942–0073, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Mail Stop 7–11, Washington, D.C. 20549.

*Financial Responsibility and Books and Records:* Michael Macchiaroli, Associate Director, at (202) 942–0132, Peter R. Geraghty, Assistant Director, at (202) 942–0177, Thomas K. McGowan, Special Counsel, at (202) 942–4886, Christopher Salter, Attorney, at (202) 942–0148, Matt Hughey, Accountant, at (202) 942–0143, or Gary Gregson, Statistician, at (202) 942–4156, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Mail Stop 2–2, Washington, D.C. 20549.

*Release Nos. 34–39455 (Net Capital Rule—Interest Rate Instruments) and 34–39456 (Net Capital Rule—Concept Release):* Michael Macchiaroli, Associate Director, at (202) 942–0132, Peter R. Geraghty, Assistant Director, at (202) 942–0177, Thomas K. McGowan, Special Counsel, at (202) 942–4886, Christopher Salter, Attorney, at (202) 942–0148, or Gary Gregson, Statistician, at (202) 942–4156, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Mail Stop 2–2, Washington, D.C. 20549.

**SUPPLEMENTARY INFORMATION:** On December 17, 1997, the Commission issued for comment Release No. 34–39454, soliciting comment on proposed rules and rule amendments under the Exchange Act that would tailor capital, margin, and other broker-dealer regulatory requirements to a class of registered dealers, called OTC derivatives dealers, active in over-the-counter derivatives markets. The proposed regulations for OTC derivatives dealers are intended to allow securities firms to establish dealer affiliates that would be able to compete more effectively against banks and foreign dealers in global over-the-counter markets. The Commission originally requested that comments on the proposed rules and rule amendments be received by March 2, 1998.

On December 17, 1997, the Commission also issued for comment two releases relating to the Commission's capital requirements for broker-dealers. In Release No. 34–39455, the Commission solicited comment on proposed amendments to Rule 15c3–1 [17 CFR 240.15c3–1] under the Exchange Act that would alter the charges, or ''haircuts,'' from net worth in computing net capital for certain interest rate instruments, including government securities, investment grade nonconvertible debt securities, certain mortgage-backed securities, money market instruments, and debt-related derivative instruments. In Release No. 34–39456, the Commission solicited comment on a concept release considering the extent to which statistical models should be used in setting the capital requirements for a broker-dealer's proprietary positions. The Commission originally requested that comments on these two releases be received by March 30, 1998.

The Commission has recently received requests from interested persons to extend the comment periods for these three releases. The Commission believes that extending the comment periods is appropriate in order to give the public additional time to comment on the matters the releases address. Therefore, the comment period for Release No. 34–39454 (OTC Derivatives Dealers) is extended from March 2, 1998 to April 6, 1998, and the comment periods for Release Nos. 34–39455 (Net Capital Rule—Interest Rate Instruments) and 34–39456 (Net Capital Rule—Concept Release) are extended from March 30, 1998 to May 4, 1998.

By the Commission.

Dated: February 27, 1998.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 98–5775 Filed 3–5–98; 8:45 am]

**BILLING CODE 8010–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Food and Drug Administration

## 21 CFR Part 314

**[Docket No. 97P–0044]**

## New Drugs for Human Use; Clarification of Requirements for Patent Holder Notification

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule.

**SUMMARY:** The Food and Drug Administration (FDA) is proposing to amend its regulations on notice of certification of invalidity or noninfringement of a patent to provide additional methods for new drug and abbreviated new drug applicants to provide notice to patent owners and new drug application (NDA) holders, without removing the existing means. These proposed amendments reflect current business practices and are intended to ensure that notice is provided to patent owners and NDA holders in a timely manner. FDA is also proposing to require certain applicants to submit to FDA a copy of the notice of certification.

**DATES:** Submit written comments by June 4, 1998.

**ADDRESSES:** Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:** Leanne Cusumano, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

**SUPPLEMENTARY INFORMATION:**

### I. Background

Under §§ 314.52(a) and 314.95(a) (21 CFR 314.52(a) and 314.95(a)), new drug and abbreviated new drug applicants provide notice of certification of invalidity or noninfringement of a patent to patent owners and NDA holders by registered or certified mail, return receipt requested, or by another method approved in advance by the agency. Sections 314.52(c) and 314.95(c) set forth the content requirements of the notice of certification. Under § 314.52(e) and § 314.95(e), applicants must amend their applications to document receipt of the notice of certification by each person provided the notice. Applicants must include a copy of the return receipt or other similar evidence of the date the notification was received. FDA accepts as adequate documentation of the date of receipt a return receipt or a letter acknowledging receipt by the person provided the notice. Under § 314.52(e) and § 314.95(e), applicants may rely on another form of documentation only if FDA has agreed to such documentation in advance.

FDA is proposing to amend these regulations to provide additional methods of giving notice of certification without removing the existing means. On February 4, 1997, FDA received a citizen petition from McKenna & Cuneo, L.L.P., on behalf of the National