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**Reginald C. Matthews,**

*Assistant Executive Director, Aviation Rulemaking Advisory Committee on Air Traffic Issues.*

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**Notice of Intent To Rule on Application to Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Aspen-Pitkin County Airport/Sardy Field, Submitted by Pitkin County, Aspen, CO**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose and use PFC revenue at Aspen-Pitkin County Airport/Sardy Field under the provisions of 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR 158).

**DATES:** Comments must be received on or before April 5, 1995.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Alan E. Wiechmann, Manager; Denver Airports District Office, DEN-ADO; Federal Aviation Administration; 5440 Roslyn, Suite 300; Denver, CO 80216-6026.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Scott Smith, Director of Aviation, at the following address: Aspen-Pitkin County Airport/Sardy Field, 0233 East Airport Road, Aspen, CO 81611.

Air Carriers and foreign air carriers may submit copies of written comments previously provided to Aspen-Pitkin County Airport/Sardy Field, under § 158.23 of part 158.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jim Fels, (303) 286-5596; Denver Airports District Office, DEN-ADO; Federal Aviation Administration; 5440 Roslyn, Suite 300; Denver, Colorado 80216-6026. The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use PFC revenue at Aspen-Pitkin County Airport/Sardy Field, under the provisions of 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On June 16, 1993, the FAA determined that the application to impose and use the revenue from a PFC submitted by Pitkin County was not substantially complete within the requirements of part 158. Pitkin County was notified by letter dated June 16, 1993, of this determination, with a request for information which would have allowed the application to meet the requirements of part 158. By letter dated June 30, 1993, Pitkin County declined to provide the supplemental information requested. A decision was made by the FAA to defer action on the application pending resolution of Airport Noise and Capacity Act (ANCA) issues. With the passage of Section 517 of Public Law 103-305 and the opening of the airport to night access by general aviation aircraft, under the conditions specified in this legislation, the ANCA issues have been resolved. This allows the FAA to make, at this time, a determination of substantially complete on this application. There has been no change to the original application.

On February 27, 1995, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Aspen-Pitkin County Airport was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 4, 1995.

The following is a brief overview of the application.

*Level of the proposed PFC: \$3.00  
Proposed charge effective date: July 1, 1995*

*Proposed charge expiration date:  
January 31, 1998*

*Total estimated PFC revenues:  
\$1,533,541.00*

Brief description of proposed project:  
Relocate State Highway 82; Overlay runway 15/33.

Class or classes of air carriers which the public agency has requested not be required to collect PFC's: Air taxi/commercial operators operating pursuant to § 135.1(a)(3) of the Federal Aviation Regulations (14 CFR).

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM-600, 1601 Lind Avenue SW., Suite 540, Renton, WA 98055-4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Aspen-Pitkin County Airport.

Issued in Renton, Washington on February 27, 1995.

**David A. Field,**

*Manager, Planning, Programming and Capacity Branch, Northwest Mountain Region.*

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**National Highway Traffic Safety Administration**

[Docket No. 94-100; Notice 2]

**Excalibur Automobile Corporation; Grant of Application for Temporary Exemption From Motor Vehicle Safety Standard No. 208**

Excalibur Automobile Corporation of West Allis, Wisconsin, applied for a temporary exemption of its JAC 427 Cobra passenger car for three years from compliance with paragraph S4.1.4 of Federal Motor Vehicle Safety Standard No. 208 Occupant Crash Protection. The basis of the application was that compliance would cause substantial economic hardship to a manufacturer that has tried to comply with the standard in good faith.

Notice of receipt of the application was published on December 28, 1994, and an opportunity afforded for comment (59 FR 66999). This notice grants the application.

The applicant sought an exemption for its JAC 427 Cobra passenger car, of which it produced 59 between January 1993 and September 1994. Thirty-six of these "are presently in the control of Excalibur's dealers", and the applicant asked that the exemption cover these vehicles so that they may be offered for sale and sold in compliance with the law. It plans increased production in 1995, of which 60 to 108 would be sold in the United States.

Excalibur is a small company with 37 employees and net assets of \$3,000,000. The company has had cumulative net losses of \$4,493,000 from January 1, 1992 to September 30, 1994. If it were required to comply immediately with the automatic restraint requirements of Standard No. 208, it would have to raise the retail price by more than 300 per cent which "is likely to be deemed (sic) to be prohibitive by potential purchasers (and dealers), thereby significantly reducing the line's desirability, if not ending the demand entirely \* \* \*." Denial of the petition would result in a reduction of the work force to 8 employees.

Excalibur has been owned since 1991 by German residents, who changed the company's management in August 1994. The new management has not been able