

**FOR FURTHER INFORMATION CONTACT:**

Ronle Taylor, Air Carrier Fitness Division (X-56, Room W86-464), U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 366-9721.

Dated: March 26, 2008.

**Michael W. Reynolds,**

*Acting Assistant Secretary for Aviation and International Affairs.*

[FR Doc. E8-6807 Filed 4-1-08; 8:45 am]

**BILLING CODE 4910-01-P**

**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****Environmental Impact Statement:  
Seattle, WA**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Rescission of Notice of Intent, FR document 01-1508.

**SUMMARY:** This notice rescinds the previous Notice of Intent issued on January 9, 2001, to prepare an environmental impacts statement (EIS) for the proposed NE Novelty Hill transportation project in King County, Washington.

**FOR FURTHER INFORMATION CONTACT:** Pete Jilek, Urban Area Engineer, Federal Highway Administration, 711 South Capitol Way, Suite 501, Olympia WA 98501, Telephone (360) 753-9550 and Ed Conyers, Washington State Department of Transportation, Local Programs Engineer for Northwest Region, P.O. Box 330310, 15700 Dayton Avenue, Seattle, WA 98133, Telephone (206) 440-4734.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Washington State Department of Transportation (WSDOT) and the King County Department of Transportation (KCDOT), issued a Notice of Intent on January 18, 2001 to prepare an EIS to evaluate the potential environmental impacts associated with the proposed NE Novelty Hill transportation improvement project to improve immediate and long-range transportation mobility of people and goods in the NE Novelty Hill Road corridor area. This corridor area is located west of 243rd Avenue NE to Avondale Road NE., south of NE 133rd Street to NE Union Hill Road in King County, Washington.

The initial proposal included the consideration of four alternatives (three build alternatives and a no action alternative) for evaluation in the proposed EIS. Since then, refinement of the project elements and review and

analysis in the completion of thirteen associated discipline reports helped to more specifically identify potential impacts, resulting in the elimination of two of the build alternatives with significant impacts. As such, the FHWA, WSDOT, and KCDOT have jointly decided that the project will likely not result in significant impacts to the environment and that an Environmental Assessment (EA) is the most appropriate environmental document for compliance with the National Environmental Policy Act (NEPA). The EA will be circulated, as appropriate, once it is completed.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 315; 40 CFR 1.48.

Issued on: March 20, 2008.

**Pete Jilek,**

*Urban Area Engineer, Federal Highway Administration, Olympia, Washington.*

[FR Doc. E8-6852 Filed 4-1-08; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board**

**[STB Ex Parte No. 290 (Sub-No. 4)]**

**Railroad Cost Recovery Procedures—  
Productivity Adjustment**

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Adoption of a railroad cost recovery procedures productivity adjustment.

**SUMMARY:** In a decision served on February 22, 2008, we proposed to adopt 1.008 (0.8% per year) as the measure of average change in railroad productivity for the 2002-2006 (5-year) averaging period. This value was a decline of 0.9 of a percentage point from the current measure of 1.7% that was developed for the 2001-2005 period. That decision stated that comments may be filed addressing any perceived data and computational errors in our calculation. It also stated that, if there were no further action taken by the Board, the proposed productivity adjustment would become effective on March 17, 2008.

On March 13, 2008, the Board received comments from both the Association of American Railroads and the Western Coal Traffic League. Both parties requested that the Board revisit

the development of the output index calculation and make certain other clarifications. By a decision served on March 17, 2008, we postponed the effective date of the annual productivity adjustment.

We have reviewed the calculations of the output index for 2006. During that review, we found inconsistencies in the weights associated with certain movements reported in the waybill sample data, and found that these inconsistencies caused a distortion in the resulting productivity calculation. This circumstance has been rectified and the Board is issuing modifications to its annual productivity decision. The Board's original calculation of the output index for 2006 of 0.994 should be modified to 1.018.

We will adopt 1.013 (1.3% per year) as the measure of average change in railroad productivity for the 2002-2006 (5-year) averaging period. This value is a decline of 0.4 of a percentage point from the current measure of 1.7% that was developed for the 2001-2005 period. The proposed 5-year (2002-2006) productivity trend calculated using a geometric average is 1.012, or 1.2% per year.

**EFFECTIVE DATE:** The productivity adjustment is effective March 28, 2008.

**FOR FURTHER INFORMATION CONTACT:** Pedro Ramirez, (202) 245-0333. [Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's decision, which is available on our Web site <http://www.stb.dot.gov>. To purchase a copy of the full decision, write to, e-mail or call the Board's contractor, ASAP Document Solutions; 9332 Annapolis Rd., Suite 103, Lanham, MD 20706; e-mail [asapdc@verizon.net](mailto:asapdc@verizon.net); phone (202) 306-4004. [Assistance for the hearing impaired is available through FIRS: 1-800-877-8339.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Decided: March 27, 2008.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

**Anne K. Quinlan,**

*Acting Secretary.*

[FR Doc. E8-6846 Filed 4-1-08; 8:45 am]

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