

Signed at Washington, DC this 24th day of September 2007.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

[FR Doc. E7-19177 Filed 9-27-07; 8:45 am]

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-62,183]

#### Hartmann, Inc., Lebanon, TN; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 21, 2007 in response to a worker petition filed by a company official on behalf of workers at Hartmann, Inc., Lebanon, Tennessee.

The petitioner has requested that the petition be withdrawn. Consequently, the investigation has been terminated.

Signed at Washington, DC this 24th day of September, 2007.

**Richard Church,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-61,852]

#### Schnadig Corporation, Montoursville, PA; Notice of Negative Determination Regarding Application for Reconsideration

By application dated September 3, 2007, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice was signed on August 3, 2007 and published in the **Federal Register** on August 14, 2007 (72 FR 45451).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, which was filed on behalf of workers at Schnadig Corporation, Montoursville, Pennsylvania engaged in the production of lawn and garden products, was denied based on the findings that during the relevant time period, the subject company did not separate or threaten to separate a significant number or proportion of workers, as required by Section 222 of the Trade Act of 1974.

In the request for reconsideration, the petitioner alleges that because he was a part of the initially certified worker group and remained employed by the subject firm after all the production stopped and beyond the expiration date of the original TAA certification, he should be also eligible for TAA.

The workers of the subject firm were previously certified eligible for TAA (TA-W-55,198). This certification expired on July 15, 2006. The investigation revealed that production at the subject firm ceased in August of 2004.

When assessing eligibility for TAA, the Department exclusively considers the relevant employment data (for one year prior to the date of the petition and any imminent layoffs) for the facility where the petitioning worker group was employed. In this case, the employment since the expiration of the previous certification was considered. The subject firm did not separate or threaten to separate a significant number or proportion of workers as required by Section 222 of the Trade Act of 1974. Significant number or proportion of the workers in a firm or appropriate subdivision means at least three workers in a workforce of fewer than 50 workers, five percent of the workers in a workforce of over 50 workers, or at least 50 workers.

Moreover, in its investigation, the Department considers production that occurred one year prior to the date of the petition as required in the Trade Adjustment Assistance regulations. Thus the period ending in 2004 is outside of the relevant period as established by the current petition date of July 12, 2007. The investigation revealed that the subject facility did not manufacture articles since 2004 and workers of the subject firm were not engaged in production of an article or supporting production of the article during the relevant time period. The Department further found that no new information was provided to contradict the original negative findings.

## Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 21st day of September, 2007.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## DEPARTMENT OF LABOR

### Employment and Training Administration

[TA-W-61,864; TA-W-61,864C]

#### Syroco, Inc., Baldwinsville, NY, Including an Employee Located in Houston, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and

### Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on July 27, 2007, applicable to workers of Syroco, Inc., Baldwinsville, New York. The notice was published in the **Federal Register** on August 9, 2007 (72 FR 44865).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information shows that a worker separation has occurred involving an employee of the Baldwinsville, New York facility of Syroco, Inc. located in Houston, Texas. Mr. John Minnelli provided sales support services for the production of plastic patio furniture that is produced at the Baldwinsville, New York location of the subject firm.

Based on these findings, the Department is amending this certification to include an employee of the Baldwinsville, New York facility of Syroco, Inc., located in Houston, Texas.

The intent of the Department's certification is to include all workers of Syroco, Inc., Baldwinsville, New York who were adversely affected by increased customer imports.

The amended notice applicable to TA-W-61,864 is hereby issued as follows:

All workers of Syroco, Inc., Baldwinsville, New York (TA-W-61,864), including an employee in support of Syroco, Inc., Baldwinsville, New York located in Houston, Texas (TA-W-61,864C), who became totally or partially separated from employment on or after July 23, 2006, through July 27, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.

Signed at Washington, DC this 24th day of September 2007.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade Adjustment Assistance.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-286]

### Entergy Nuclear Operations, Inc., Indian Point Nuclear Generating Unit No. 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of a revision of existing exemptions from Title 10 of the *Code of Federal Regulations* (10 CFR) part 50, appendix R, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979," for Fire Areas ETN-4 and PAB-2, issued to Entergy Nuclear Operations, Inc. (the licensee), for operation of Indian Point Nuclear Generating Unit No. 3 (IP3), located in Westchester County, NY. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

#### Environmental Assessment

##### *Identification of the Proposed Action*

The proposed action would revise the January 7, 1987 safety evaluation (SE) to reflect that the installed Hemyc electrical raceway fire barrier system (ERFBS) configurations provide either a 30-minute fire resistance rating, or in one case a 24-minute fire resistance rating, in lieu of the previously stated 1-hour fire resistance rating. The licensee states that a Hemyc ERFBS fire resistance rating will provide sufficient protection for the affected raceways, with adequate margin, to continue to meet the intent of the original requests for exemption and conclusions presented in the NRC's January 7, 1987,

SE. The licensee concludes that the revised fire resistance rating of the Hemyc ERFBS does not reflect a reduction in overall fire safety, and presents no added challenge to the credited post-fire safe-shutdown capability which remains materially unchanged from the configuration originally described in previous letters and as credited in the January 7, 1987, SE.

The proposed action is in accordance with the licensee's application dated July 24, 2006, as supplemented by letters dated April 30, May 23, and August 16, 2007.

##### *The Need for the Proposed Action*

The proposed revision of existing exemptions from 10 CFR part 50, appendix R, is needed in response to NRC Information Notice 2005-07. The information notice provided licensees the details of Hemyc ERFBS full-scale fire tests conducted by the NRC's Office of Nuclear Regulatory Research. The test results concluded that the Hemyc ERFBS does not provide the level of protection expected for a 1-hour rated fire barrier, as originally designed. The proposed revision to existing exemptions would revise the fire resistance rating of Hemyc ERFBS configurations.

##### *Environmental Impacts of the Proposed Action*

The NRC has completed its SE of the proposed action and concludes that the configuration of the fire zones under review provide reasonable assurance that a severe fire is not plausible and the existing fire protection features are adequate. The details of the staff's SE will be provided in the exemptions that will be issued as part of the letter to the licensee approving the exemption. Based on the presence of redundant safe-shutdown trains, minimal fire hazards and combustibles, automatic cable tray fire suppression system, manual fire suppression features, fire barrier protection, existing Hemyc configuration, and the installed smoke detection system, the NRC staff finds that the use of this Hemyc fire barrier in these zones will not significantly increase the consequences from a fire in these fire zones.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released off site.

There is no significant increase in the amount of any effluent released off site. There is no significant increase in occupational or public radiation exposure. Therefore, there are no

significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

##### *Environmental Impacts of the Alternatives to the Proposed Action*

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

##### *Alternative Use of Resources*

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for IP3, dated February, 1975.

##### *Agencies and Persons Consulted*

In accordance with its stated policy, on February 13, 2007, the NRC staff consulted with the New York State official, Alyse Peterson of the New York State Energy Research and Development Authority, regarding the environmental impact of the proposed action. The State official had no comments.

##### **Finding of No Significant Impact**

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated July 24, 2006, Agencywide Documents Access and Management System (ADAMS) accession number ML062140057, as supplemented on April 30, 2007, ADAMS accession number ML071280504, May 23, 2007, ADAMS accession number ML071520177, and August 16, 2007, ADAMS accession number ML072400369. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR),