

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 16-E-0472 - Joint Petition of Entergy Nuclear FitzPatrick, LLC and Exelon Generation Company, LLC Pursuant to Section 70 of the New York Public Service Law for Approval of the Transfer of the James A. FitzPatrick Nuclear Power Plant and Related Assets and for a Declaratory Ruling Continuing Lightened Regulation.

NOTICE OF DETERMINATION OF SIGNIFICANCE
(NEGATIVE DECLARATION)

(Issued November 17, 2016)

NOTICE is hereby given that an Environmental Impact Statement will not be prepared in connection with the proposed transfer of the James A. FitzPatrick Nuclear Power Plant and related assets from Entergy Nuclear FitzPatrick, LLC to Exelon Generation Company, LLC. No other agency is involved in the review of this action, so the Commission is the lead agency for conducting the environmental review. The Commission has completed its review of the proposed activity.

The proposed action is an unlisted action because it does not meet the regulatory criteria for Type I or Type II actions set forth in 6 NYCRR §§617.2, 617.4, 617.5 and 16 NYCRR §7.2. The Joint Petition includes an Environmental Assessment Form (EAF) attached as an Exhibit with Part I completed and DPS Staff has completed Part II and Part III of the form. The EAF describes and discloses the likely environmental impacts of the proposed action.

The Commission concludes, based on consideration of the criteria for determining significance listed in 6 NYCRR §617.7(c), the information in the completed EAF and the record, that the proposed action will not have a significant adverse impact on the environment because approval of the Transfer is not expected to have any negative impacts on the environment. The Transfer does not involve any new construction, or other

modification the landscape or existing community. Further, approval of the Transfer will not result in the creation of environmental hazards or result in any adverse change to natural resources. To the extent approval of the Transfer results in continued operation of the FitzPatrick Facility, impacts associated with continuing operations have already been contemplated by NRC licensing of the plant through 2034. The Commission therefore adopts a negative declaration pursuant to SEQRA.

The address of the Public Service Commission, the Lead Agency for purposes of environmental quality review of this project, is Three Empire State Plaza, Albany, New York 12223-1350. For further information, please contact the Environmental Certification and Compliance Section at (518) 474-8702.

(SIGNED)

KATHLEEN H. BURGESS
Secretary