

NOTICE: National Nuclear Security Administration

ACTION: Finding of No Significant Impact; Environmental Assessment for the Transfer of the Kansas City Plant, Kansas City, Missouri (DOE/EA-1947)

DATE: TBD

1) SUMMARY:

The National Nuclear Security Administration (NNSA) issues this Finding of No Significant Impact (FONSI) on its proposed action to transfer the Kansas City Plant (KCP), in whole or in part, to one or more entities for a use that is different from its current use. NNSA's *Environmental Assessment for the Transfer of the Kansas City Plant, Kansas City, Missouri* (DOE/EA-1947; KCP EA) evaluates the potential environmental impacts of the proposed action to transfer the KCP. NNSA's action is needed to reduce its operational footprint and reduce operational and maintenance costs in an environmentally safe and fiscally responsible manner. NNSA believes the transfer and future use of the KCP would benefit NNSA and the local economic area.

The proposed action to transfer KCP would have no significant impact on the environment. To provide information and context to decision makers and other document reviewers, the KCP EA analyzed a representative and realistic range of potential future uses. Although this range of potential future uses is not part of the proposed action, it provided possible scenarios of what actions might take place should the transfer occur. Because the actual future uses of KCP land and facilities are not currently known, this analytical scenario served as a basis for estimating the reasonably foreseeable potential environmental impacts to the KCP following implementation of the proposed action. Potential future uses by any subsequent owner would be contingent upon receipt of necessary permits, authorizations, and additional environmental reviews.

Based on the results of the analysis reported in this EA, the NNSA has determined that the proposed action is not a major federal action that would significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969. Therefore, the preparation of an Environmental Impact Statement (EIS) is not necessary, and NNSA is issuing this FONSI

2) FOR FURTHER INFORMATION CONTACT:

Further information, including an electronic copy of the EA, FONSI, and other supporting National Environmental Policy Agency (NEPA) documents, will be made available on the following website: <http://nnsa.energy.gov/nepa/bfcea>. The EA and FONSI will also be made available at: <http://eh.doe.gov/nepa>.

For further information on the NEPA process or to request a hard copy of the final EA or this FONSI contact:

Nathan Gorn, KCP Transfer EA Document Manager
NNSA Kansas City Field Office
2000 E. 95th Street
Kansas City, Missouri 64131
KCPEAComments@nnsa.doe.gov

3) SUPPLEMENTARY INFORMATION:

Independent of any future transfer, NNSA is responsible for remedial activity at the KCP, and any transfer of the KCP would need to comply with all regulatory requirements. Any ownership transfer of the KCP would require the current Missouri Hazardous Waste Management Facility Part I Permit to be modified to add the new owner(s) as a Permittee, and ensure compliance with all applicable regulatory and permit-mandated requirements. In essence, the Permit will always be attached to ownership of the KCP property. Additionally, Sec. 120(h) of the Comprehensive Environmental Response Compensation and Liability Act of 1976 (CERCLA) imposes requirements on all transferees of Federal property to include a deed covenant that the United States will return and perform any additional response action that might be necessary in the future, and will retain a perpetual right of access to perform such actions. Also, all other applicable state and federal regulations for air, water, solid and hazardous waste will be identified and complied with by the responsible parties whether or not the transfer occurs.

The KCP has been characterized to identify soil, groundwater, and facility contamination from KCP operations and historical manufacturing operations that occurred at the site. NNSA has performed remediation and restoration activities under the *Resource Conservation and Recovery Act of 1976* (42 U.S.C. §§ 6901 *et seq.*) corrective action process, has completed corrective actions required by regulatory authorities, and will continue to perform corrective actions as identified and required.

NNSA informed the public of this EA through a Notice of Intent (77 FR 71414, November 30, 2012). NNSA held an informational meeting on December 11, 2012, to provide information regarding the scope of the EA and the new proposed action to interested parties. NNSA notified potentially interested local, State, and Federal agencies—including the Office of the Governor of Missouri, Missouri Department of Natural Resources, Missouri State Historic Preservation Office, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency Region 7, local stakeholders, and officials from local communities—of this informational meeting. NNSA also published a notice about the informational meeting in the *Kansas City Star*, the largest local newspaper.

The draft EA was made available to the public for review on February 12, 2013. NNSA notified potentially interested local, State, and Federal agencies—including the Office of the Governor of Missouri, Missouri Department of Natural Resources, Missouri State Historic Preservation Office, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency Region 7, local stakeholders, and officials from local communities—of the availability of the draft EA for review and comment via a Notice of Availability sent to distribution in a postcard, and posted on various DOE websites and in the *Kansas City Star*. This notification stated the deadline for public comments was March 14, 2013.

NNSA held a public meeting on March 5, 2013, at the International Brotherhood of Electrical Workers Local Union 124 Meeting Hall in Kansas City to provide information on the draft EA and receive written and oral comments about the draft EA. NNSA advertised the meeting in the February 17 and March 3, 2013, editions of the *Kansas City Star*.

Based on the analysis in the EA and after considering all the comments received as a result of the review process, NNSA has concluded that no information has been made available that is inconsistent with a finding of no significant impact.

4) PURPOSE AND NEED:

The purpose and need for agency action is to reduce NNSA's operational footprint and reduce operational and maintenance costs in an environmentally safe and fiscally responsible manner.

5) DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVE:

The proposed action is to transfer the KCP, in whole or in part, to one or more entities for a use that is different from its current use. This proposed action alone would have no impact on the environment. However, in order to provide information and context for decision makers and reviewers of this EA to assess the effect of the proposed action upon the human environment, this EA includes an analytical scenario based on the transferee(s) use of the property for mixed use (industrial, warehouse, and office), which could result in environmental impacts. NNSA does not know if the property transfer would be as a single unit or in parcels. NNSA would prefer to transfer its property as a single unit and based the KCP EA analysis on that assumption. The potential environmental impacts are expected to be the same whether transfer occurs as a single unit or in parcels.

In addition to the proposed action, impacts were also evaluated for the no action alternative. This alternative assumes that NNSA would vacate but not transfer the KCP. The property within the study area would be retained by NNSA.

6) ENVIRONMENTAL CONSEQUENCES OF PROPOSED ACTION:

a) Beneficial and Adverse Impacts (40 CFR § 1508.27(b)(1))

Transfer of the KCP would benefit NNSA by reducing its operational footprint and reducing operational and maintenance costs. Transfer of the KCP would benefit the local economic area because the property could be put to beneficial use. The analysis indicates that there would not be any significant adverse impacts from implementing the proposed action. Key findings of the EA related to the beneficial and adverse impacts of the analytical scenario are as follows:

- i) Land use. Under the analytical scenario, future operations at the KCP would most likely be mixed use (industrial, warehouse, and office) and would not result in any significant adverse impacts to future land use of the area.
- ii) Visual. Any future facility would be similar to current facilities in viewshed prominence and would comply with height limits/pertinent requirements under Kansas City's Zoning and Development Code.
- iii) Geology and Soils. Any ownership transfer of the KCP would require the new owner(s) to be a Permittee under the current Missouri Hazardous Waste Management Facility Part I Permit and comply with all applicable regulatory and permit-mandated requirements. Potential remediation involving soil removal would include backfilling of the remediated area with clean fill, which would produce a beneficial effect.
- iv) Water Resources. Under the analytical scenario, water use during new site operations would be expected to be within the range of what has been experienced historically at KCP. Use of ground water would continue to be prohibited via a deed restriction. The restriction is to ensure protection of human health by preventing exposure to known groundwater contamination in certain areas.
- v) Infrastructure. Under the analytical scenario, The utility infrastructure in the area is adequate to support any reasonably foreseeable future demands.
- vi) Socioeconomics. The transfer of the KCP and potential future operations would have a small positive impact on regional socioeconomics.

- vii) Waste Management. Any demolition, remediation, or new construction would generate hazardous and nonhazardous wastes. Under the analytical scenario, the maximum waste generated represents about 12 percent of the amount managed annually in hazardous waste landfills or surface impoundment facilities on a regional basis and less than 3 percent of the amount managed annually in such facilities across the county. Impacts of managing wastes would be insignificant.
- viii) Environmental Justice. Because there would be minimal public impacts, no disproportionately high and adverse human health effects or environmental impacts to minority or low-income populations would occur.
- ix) Intentional Destructive Acts. Future uses would not offer any particularly attractive targets of opportunity for terrorists or saboteurs to inflict adverse impacts to human life, health, or safety.

b) Public Health and Safety (40 CFR § 1508.27(b)(2))

The analysis indicates that there will not be any significant adverse impacts to public health and safety from implementing the proposed action. Key findings of the EA related to the public health and safety based upon the analytical scenario are as follows:

- i) Human Health and Safety. Under the analytical scenario, potential occupational impacts to workers are expected to be comparable to historical trends at the KCP or smaller. Potential impacts to the public would be minimal.
- ii) Air Quality. New facility operations would be required to obtain air quality construction and operating permits, which would include emission limits and outline specific monitoring and recordkeeping requirements. Under the analytical scenario air quality regulations for asbestos mitigation and dust suppression would be addressed during demolition and construction. Air quality would be expected to remain in attainment for all criteria pollutants. Likewise, greenhouse gas emissions from mobile and stationary sources are expected to be similar in magnitude to current operations at the KCP (approximately 112,000 tons annually).
- iii) Noise. Under the analytical scenario, noise impacts related to demolition, remediation, or new construction are expected to be intermittent, temporary, and mainly planned during daytime hours.

c) Unique characteristics of the geographical area (40 CFR § 1508.27(b)(3))

- i) Prime Farmland. The location of the KCP is not considered prime farmland.
- ii) Impact to Wetlands. There are no jurisdictional wetlands on the KCP.

d) Degree to which the effects on the quality of the human environment are likely to be highly controversial (40 CFR § 1508.27(b)(4))

The analysis in the KCP EA indicates that the proposed action would result in no significant impacts in the quality of the human environment. Based on public comments, the proposed action is not controversial. The vast majority of public comment expressed concern regarding the clean-up of the site and the timing of the transfer. NNSA has coordinated with Missouri Department of Natural

Resources and the EPA to ensure clean-up efforts will continue at the site through various permits and regulatory statutes. It should also be noted that only a small number of comments were received regarding the potential environmental impacts of the proposed action. Only a small number of comments were received regarding the potential environmental impacts of the proposed action. These comments are addressed in the EA, Appendix B.

e) Uncertain or unknown risks to the human environment (40 CFR § 1508.27(b)(5))

The KCP is considered a low-hazard industrial facility, and operations at the KCP have involved hazards of the type and magnitude routinely encountered in industry and generally accepted by the public. The transferee(s) would likely use the property for mixed use (industrial, warehouse, and office), which is not expected to differ from historical use at the KCP.

f) Precedent for future actions (40 CFR § 1508.27(b)(6))

The selected alternative does not set a precedent for future actions.

g) Cumulatively significant impacts (40 CFR § 1508.27(b)(7))

NNSA evaluated cumulative impacts associated with new GSA lease spaces and the transfer of GSA property at the Bannister Federal Complex and determined there would be no significant cumulative impacts associated with implementing the proposed action. The evaluation of cumulative impacts does not satisfy GSA's requirement to complete NEPA requirements on any action they may propose.

h) Effect on historical or cultural resources (40 CFR § 1508.27(b)(8))

Detailed documentation of the historic nature and context of the KCP would have to be completed prior to transferring any assets. An architectural historian has conducted evaluations of most of the historic buildings and structures at the KCP; evaluations and documentation of the remaining structures are underway and will be completed regardless of whether the proposed action is implemented.

i) Effect on endangered or threatened species or critical habitat (40 CFR § 1508.27(b)(9))

There would be no significant impact on flora and fauna. Threatened and endangered species do not occur at the KCP because of the lack of suitable habitat.

j) Violation of Federal, State, or local law (40 CFR § 1508.27(b)(10))

The selected alternative would not violate any Federal, State, or local laws imposed for the protection of the environment.

7) DETERMINATION:

In accordance with NEPA and DOE's NEPA implementing regulations (10 CFR Part 1021); and based on the analysis in the KCP EA (DOE/EA-1947), and after careful consideration of all public and agency comments, NNSA finds that the transfer of the KCP is not a major Federal action significantly affecting the quality of the human environment within the meaning of the NEPA. Therefore, the preparation of an Environmental Impact Statement is not required and NNSA is issuing this FONSI for the proposed action.

Issued at the Kansas City Plant, this 29th day of April, 2013

MARK L. HOLECEK
Manager, Kansas City Field Office
National Nuclear Security Administration