

**FINDING OF SUITABILITY FOR
EARLY TRANSFER (FOSET)**

FOR

BANNISTER FEDERAL COMPLEX

KANSAS CITY, MISSOURI

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Table of References

| Abbreviation | Reference |
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| AOC | Administrative Order on Consent negotiated between the State of Missouri, DOE and TRANSFEREE dated_, 2017 |
| Demo Plan | Bannister Federal Complex Demolition Plan: Demolition Work Plan prepared by Brandenburg dated January 2016 and Bannister Federal Complex Abatement and Demolition Plan Supplements prepared by E W Wells Group LLC dated March 7, 2017 |
| Contingent Permit | Contingent Modified Missouri Hazardous Waste Management Facility Part I Permit |
| MARSSIM Report | Final Report Conversion of Existing Radiologic Data to Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) Format Report No. P(14)241_KCP MARSSIM Report |
| CMR | Corrective Measures Report Bannister Federal Complex prepared by S.S. Papadopoulos & Associates, Inc. dated December 2016 |
| Deed Covenant | Deed Covenant, Access Provisions and Land Use Restrictions |
| MoDNR Letter | Missouri Department of Health and Senior Services and Missouri Department of Natural Resources Letter dated April 26, 2017 |
| DCCR | Description of Current Conditions Report |
| EA | Environmental Assessment for the Transfer of the Kansas City Plant, Kansas City, Missouri (DOE/EA-1947) dated May 2013 |
| FONSI | Finding of No Significant Impact dated May 1, 2013 |
| Revised FONSI | Revised Finding of No Significant Impact dated August 30, 2016 |
| Public Notice, Comments, and Responses | Public Notification and Response to Comments Summary |

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| NNSA 2017a | Release of the Bannister Federal Complex under DOE Order 458.1 |
| NNSA 2017b | Unlimited Use/Unrestricted Exposure Determination for Uranium at the Bannister Federal Complex |

**FINDING OF SUITABILITY FOR EARLY TRANSFER (FOSET)
BANNISTER FEDERAL COMPLEX
KANSAS CITY, MISSOURI**

1. INTRODUCTION

The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the U.S. Department of Energy (DOE), plans to transfer 227 acres of the former Bannister Federal Complex (BFC) by early transfer with privatized cleanup.

The BFC comprises 309 acres of industrial, office, and warehouse space at 1500-2000 Bannister Road in Kansas City, MO including a 2 acre site located to the north of Bannister Road along Troost Ave (Figure 1). Portions of the property are currently under the custody of two Federal agencies, the General Services Administration (GSA) and the NNSA. NNSA owns the portion of the BFC known as the Kansas City Plant (KCP), consisting of 121 acres. GSA owns the remainder of the property, consisting of 188 acres.

Railroad tracks run north to south through the BFC, bisecting it such that 82 acres of the BFC lies east of the tracks. GSA owns those 82 acres. The United States Marine Corps and GSA occupy the building on those 82 acres, in which the Marine Corps operates a data center and GSA Region 6 operates its South Field Office. Other than the Marine Corps and GSA operations east of the railroad tracks, all business operations have stopped on the other portions of the BFC. The only activities associated with those other portions consist of maintaining them as a closed facility.

GSA plans to transfer its portions of the BFC west of the railroad tracks to the NNSA pursuant to GSA's authority under H. R. 3304, Section 3143 of the National Defense Authorization Act for Fiscal Year 2014 contingent on the transaction as described by this FOSET.

When a federal agency transfers real property to a non-federal person or entity, on which hazardous substances are known to have been released or disposed of or stored for one year or more, the government deed must contain a covenant warranting that all remedial action necessary to protect human health and the environment has been taken before the date of transfer. 42 U.S.C. § 9620(h)(3)(A). However, for federal property that has not been listed on the National Priorities List (NPL), Section 120(h)(3)(C) of the Comprehensive Environmental, Response, Compensation, and Liability Act of 1980, as amended, (CERCLA) authorizes the Governor of the State where the real property is located to approve the deferral of the CERCLA covenant requirement if: (1) the property is suitable for transfer based on its intended use; (2) the deed or other agreement for transfer of the property contains certain provisions relating to future remediation; (3) the public has had an opportunity to comment on the proposed transfer; and, (4) the deferral and transfer will not substantially delay any necessary response actions at the property. The BFC is not listed on the NPL.

2. PURPOSE

This Finding of Suitability for Early Transfer (FOSET) documents the environmental suitability of the portions of the BFC Property (227 acres) for transfer prior to completion of all response actions. The portions of the BFC Property to be transferred are legally described by metes and bounds and constitute all BFC property west of the railroad tracks (Figure 1) as depicted in the BFC Property Legal Description. This will hereafter be referred to in this FOSET as the "PROPERTY TO BE TRANSFERRED." This FOSET presents or references information that serves as the basis for this finding of suitability for early transfer under CERCLA Section 120(h)(3), 42 U.S.C. § 9620(h)(3), as well as information necessary for providing the deed notices and covenant deferral required by CERCLA. The Deed Covenant, Access Provisions and Land Use Restrictions (Deed Covenant) provides the text of those deed notices, CERCLA covenant deferral, and CERCLA-required access provisions. These protections and provisions are discussed in further detail in the remainder of the FOSET.

In accordance with 42 U.S.C. 9620(h)(3)(C), this FOSET documents the suitability of the PROPERTY TO BE TRANSFERRED for transfer prior to completion of all remedial actions. This FOSET will identify environmental factors associated with the proposed property transfer and satisfy statutory and regulatory requirements addressed herein. This FOSET is one part of an overall privatized cleanup process intended to facilitate the timely and efficient reuse of the PROPERTY TO BE TRANSFERRED while maintaining protection of human health and the environment throughout the transfer, cleanup, and redevelopment processes. This proposed property transfer prior to the completion of all response actions¹, with the appropriate land use controls, is consistent with protection of human health and the environment. All PROPERTY TO BE TRANSFERRED will be subject to land use controls and (with the exception of the 2 acre tower site)² the Contingent Modified Missouri Hazardous Waste Management Facility Part I Permit (Contingent Permit) at the time of transfer.

2.1. Finding of Suitability for Early Transfer.

Transfers occurring before all response actions on the property have been taken are commonly referred to as "Early Transfers." The PROPERTY TO BE TRANSFERRED found suitable for Early Transfer by this FOSET includes 227 acres of property at BFC, portions of which are contaminated by hazardous substances. Based on anticipated future use some of these contaminated areas of the PROPERTY TO BE TRANSFERRED will require response actions

¹ The terms "response action" and "remedial action" are both used in the covenant provisions of CERCLA § 120(h)(3)(A). CERCLA defines "response actions" to include "remedial actions" (CERCLA § 101(25)) and for purposes of this FOSET, the terms are used interchangeably, and future actions include all actions described or referenced in Section 8 of this FOSET.

² An approximately 2-acre parcel (9051 Troost Avenue) commonly called the "Tower Site" is not subject to the Contingent Modified Missouri Hazardous Waste Management Facility Part I Permit. The Tower Site was nonetheless investigated by S.S. Papadopoulos & Associates (SSPA) as part of its Due Diligence Investigation, including soil sampling. A Memorandum prepared by SSPA dated July 11, 2017 states that analytical data from its investigation of the Tower Site indicates no exceedance of U.S. Environmental Protection Agency (EPA) Regional Screening Levels (RSLs) for residential land use. On that basis, a land use covenant restricting the Tower Site to industrial uses is not required.

following the transfer as further discussed and referenced herein.

2.2. Notices.

For property on which any hazardous substances were stored for one year or more, known to have been released, or known to have been disposed, CERCLA Section 120(h)(3)(A)(i), requires that each deed transferring property to a non-federal entity must contain a notice of the following: the type and quantity of the hazardous substances; the time at which the storage, release, or disposal took place; and, a description of any remedial actions taken. The Deed will include these notices as set forth in the Deed Covenant.

2.3. CERCLA Covenant.

CERCLA Section 120(h)(3)(A)(ii) requires that the deed must contain a covenant warranting that all response actions necessary to protect human health and the environment have been taken prior to transfer and that the United States shall implement any additional response actions necessary after the transfer date. A summary description of remedial actions taken to date is contained in the Deed Covenant and the United States remains as the final responsible party by statute to perform any necessary response action if the other parties obligated to perform such response fail to do so.

2.4. Covenant Deferral.

CERCLA Section 120(h)(3)(C) allows an exception to the above referenced covenant requirement if the Governor of the State in which the Federal facility is located elects to approve deferral of the CERCLA covenant requirement until such time when all response actions have been completed. The NNSA intends to submit a “Covenant Deferral Request” to the Governor of Missouri to accompany this FOSET, that requests deferral of the CERCLA Covenant in the deed for the PROPERTY TO BE TRANSFERRED.

In response to the Covenant Deferral Request, the Governor of Missouri may approve the deferral of the CERCLA covenant requirement if the Governor determines that:

- The property is suitable for transfer for the use intended by the transferee, and the intended use is consistent with protection of human health and the environment;
- The deed or other agreements proposed to govern the transfer between the United States and the recipient of the property contains the assurances set forth in CERCLA §120(h)(3)(C)(ii), including assurances that:
 - provide for the necessary restrictions on the use of the property to ensure the protection of human health and the environment;
 - provide that there will be restrictions on use necessary to ensure that required remedial investigations, response actions, and oversight activities will not be disrupted;

- provide that all necessary response actions will be taken and identify the schedules for investigation and completion of all necessary response actions as approved by the appropriate regulatory agency; and
 - provide that the Federal agency responsible for the property subject to transfer will submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules for investigation and completion of all necessary response actions, subject to congressional authorization and appropriations.
- The Federal agency that requests the deferral has provided notice, by publication in a newspaper of general circulation in the vicinity of the property, of the proposed transfer and of the opportunity for the public to submit, within a period of no less than 30 days after the date of the notice, written comments on the suitability of the property for transfer; and
 - The deferral and transfer of the property will not substantially delay any necessary response actions at the property.

2.5 Source Materials

This FOSET is a result of thorough analysis of the extensive information contained in the Table of References, including particularly, but not limited to, the Description of Current Conditions Report (DCCR) which describes site conditions and the Contingent Permit, which requires the Corrective Measures Report (CMR) which summarizes the planned remedial actions to be taken should transfer of the PROPERTY TO BE TRANSFERRED occur.

3. PROPERTY DESCRIPTION AND INTENDED REUSE

3.1. Property Description

BFC is located 10 miles south of downtown Kansas City, Missouri within the incorporated Kansas City, Missouri, city limits. Before World War II, the area was primarily farmland. In 1942, the US Government took possession of the property and constructed the Main Manufacturing Building at the BFC. Between 1943 and 1945, Pratt and Whitney Corp. built aircraft engines for the U.S. Navy in support of World War II at BFC. The Pratt and Whitney operations ceased in September 1945 with the end of World War II. From October 1945 until December 1947 the plant stood largely vacant. The surplus equipment at the plant was sold and the War Assets Administration leased the site for several small Kansas City firms as well as the Internal Revenue Service. In December 1947 the War Assets Administration filed a quit claim deed with the U. S. Navy resulting in the transfer of the plant to the Navy Department on December 31, 1947. The Navy leased part of the building to Westinghouse Electric Co. in June 1948. Westinghouse built jet engines for the U.S. Navy until 1961. Title to the BFC was transferred to GSA April 10, 1963. In February 1949, Westinghouse subleased part of the building to Bendix Corp. Bendix was contracted by the Atomic Energy Commission (AEC) to manufacture electrical, mechanical, plastic and other non-nuclear components of nuclear weapons at the Kansas City Plant (KCP). In 1975 the AEC became the Energy Research and Development Agency (ERDA). Then in 1977 ERDA became the Department of Energy. Finally in 2000 the National Nuclear Security Administration

(NNSA) was established and assumed responsibility for non-nuclear components manufacturing operations at the KCP. During the period from 1984 to 1999, Bendix also underwent several name changes. In 1983 Bendix merged with Allied Corp. Allied Corp. then merged with the Signal Companies and changed its name to AlliedSignal in 1994. In 1999, AlliedSignal acquired the Honeywell Corporation, and adopted the Honeywell name. With that acquisition and name change, Honeywell Federal Manufacturing & Technologies LLC continued operation of the KCP under contract with the DOE-NNSA. The roughly 120-acre KCP was formally transferred to the ERDA with an effective date of September 30, 1976, with the balance of the BFC remaining under GSA ownership.

In 1983, characterization for environmental contamination and limited implementation of corrective actions at the BFC began, however most corrective action activity was initiated in 1989. On June 23, 1989, DOE voluntarily entered into a 3008(h) Corrective Action Administrative Order on Consent with the U.S. Environmental Protection Agency (EPA), Docket No. VII-89-H-0026. On Oct. 6, 1999, the Missouri Department of Natural Resources (MoDNR) and the EPA issued two hazardous waste permits to DOE: MoDNR issued a Missouri Hazardous Waste Management Facility Part I Permit and EPA issued a Hazardous and Solid Waste Amendments Part II Permit. These permits transferred the oversight responsibility and authority for the investigation and corrective action activities from EPA to the MoDNR. EPA terminated the Corrective Action Administrative Order on Consent on December 30, 1999, and the corrective action process continued under the Part I Permit with MoDNR.

Until 2012, GSA was also performing environmental investigation and cleanup activities on its portion of BFC under CERCLA, with EPA providing regulatory oversight. On August 24, 2012, MoDNR and EPA approved modifications to amend DOE/NNSA's original permits to include the entire BFC complex, including the property owned by GSA, and added GSA as a Permittee.

To effectuate transfer of the property, NNSA will execute a Deed with Bannister Transformation & Development LLC, herein referred to as TRANSFEREE. CenterPoint Properties Trust (CenterPoint) will enter into a contract with TRANSFEREE to provide project management services during the demolition, environmental remediation, and site civil phases of the property transformation to be funded by an Environmental Services Cooperative Agreement with NNSA as hereinafter described. The Deed is authorized by H.R. 3304, Section 3143 of the National Defense Authorization Act for Fiscal Year 2014. Conveyance of the PROPERTY TO BE TRANSFERRED under the Deed is contingent on covenant deferral as sought by this FOSET. The Deed facilitates the conveyance of the PROPERTY TO BE TRANSFERRED prior to completion of all environmental response actions. Upon conveyance of title by NNSA to TRANSFEREE the PROPERTY TO BE TRANSFERRED will be under the exclusive control of TRANSFEREE effective as of the closing date, subject to the Contingent Permit, Administrative Order on Consent (AOC), easements, covenants, and conditions of the Deed.

3.2. Intended Reuse

On transfer of the PROPERTY TO BE TRANSFERRED under the Deed, TRANSFEREE will demolish existing buildings on the property (with the exception of the building housing the Groundwater Treatment System, which will remain in use), clear and re-grade the PROPERTY TO BE TRANSFERRED, and conduct environmental response actions to prepare the PROPERTY TO BE TRANSFERRED for future development.

3.2.1 Demolition and Remediation

Demolition and remediation work will include (a) the demolition and lawful disposition by the TRANSFEREE of all existing above grade and certain below grade structures, utilities, building fixtures and equipment (with the exception of the building housing the Groundwater Treatment System, which will remain in use); (b) re-contouring and grading the PROPERTY TO BE TRANSFERRED following the aforesaid demolition activities; (c) eliminating many of the existing storm water outfalls, footing drains and sumps, storm sewers and appurtenances, and replacing them with a new systems of on-site storm water detention basins, storm sewers, storm water outfalls and appurtenances; (d) terminating the on-site portions of the existing sanitary sewer systems and replacing the same with a new sanitary sewer connecting to the wastewater treatment plant currently located on the PROPERTY TO BE TRANSFERRED; and (e) replacing a portion of the municipal potable water main on or adjacent to the PROPERTY TO BE TRANSFERRED. This additional WORK has been outlined in the Demolition Plan and Site Civil Plans, approved March 2017, which may or may not be response actions required by the Contingent Permit. The WORK required under the AOC includes certain post-transfer environmental response actions at the PROPERTY TO BE TRANSFERRED pursuant to the Contingent Permit.

3.2.2 Future Land Use

Future land use will be commercial or industrial only and will be further restricted under: existing land use restrictions; Deed Restrictions and environmental protection provisions as described herein; and, as outlined in the activity and use limitations and access provisions contained in the Environmental Land Use Covenant incorporated in the Deed Covenant. The Environmental Land Use Covenant includes:

- A prohibition on residential land use and a list of allowable commercial/industrial uses;
- Requirements for a soil management plan to address disturbance of potentially contaminated soils, their management if excavated, and construction worker health and safety in these area;
- Requirements for future buildings to be constructed with engineered barriers to minimize vapor intrusion, unless it can be demonstrated to the Department, with the Department's written approval, that such a barrier is not needed for a specific building.

A copy of the Contingent Permit with land use restrictions, and access easement provisions is attached. Within the approved land use scenarios for the PROPERTY TO BE TRANSFERRED, the only construction style anticipated will be slab-on-grade buildings.

3.2.3 Future Owner's Land Use Restrictions

The proposed Demolition & Remediation and intended future reuse of the PROPERTY TO BE TRANSFERRED is consistent with the use restrictions, environmental covenants, Deed restrictions and environmental protection provisions identified in the Deed Covenant and 3.2 of this FOSET. Demolition, remediation and future use of the PROPERTY TO BE TRANSFERRED or certain portions thereof may also be restricted or otherwise regulated by the permit conditions contained in the Contingent Permit, including use restrictions and covenants for certain identified Solid Waste Management Units (SWMUs) and Areas of Concern. These requirements and restrictions are independent of, and in addition to, those contained in the Deed. During redevelopment, all work will be conducted in a manner that protects human health and the environment and in compliance with the requirements and schedules outlined in the AOC, all applicable provisions contained within the Contingent Permit, and all applicable federal, state, and local regulations.

4. NOTICES OF ENVIRONMENTAL CONDITION OF PROPERTY

The following sections summarize the known environmental conditions, evaluations, and investigations completed to date at the BFC.

4.1. Environmental Condition of Property

Based on investigations, studies and documentation, the NNSA has identified certain portions of the PROPERTY TO BE TRANSFERRED that contain, or may contain, hazardous substances that require further investigation and/or response actions. This information was obtained as a result of a search of existing information and through completion of the investigations including but not limited to the DCCR and the CMR as contained in the Contingent Permit, the PCB Fate and Transport Study, and the Due Diligence Investigation Report prepared by SSPA. A list of documents providing information on environmental conditions of the PROPERTY TO BE TRANSFERRED is in the Deed Covenant. Figures 2 and 3 summararily identifying areas of environmental concern of the PROPERTY TO BE TRANSFERRED.

4.2. Storage, Release or Disposal of Hazardous Substances

CERCLA 120(h)(3) requires that whenever federal property on which hazardous substances were stored, released, or disposed of is to be transferred, the deed entered into for the transfer of such property must include a notice of the type and quantity of such hazardous substances and the time at which storage, release, or disposal took place. This notice requirement is codified at 40 Code of Federal Regulations (CFR) Part 373, which provides that the notice requirement applies only when hazardous substances are or have been stored in quantities greater than or equal to: (i) 1,000 kilograms (kg) or the hazardous substances CERCLA reportable quantity found at 40 CFR Part 302.4, whichever is greater; or (ii) one kilogram if the substance is also an "acutely" hazardous waste found in 40 CFR 373.2(b). The regulation also provides that the notices required for the

known release of hazardous substances applies only when the hazardous substances are or have been released in quantities greater than or equal to the substance's CERCLA reportable quantity. 40 CFR 373.2(c).

A list of hazardous substances known to have been stored on the PROPERTY TO BE TRANSFERRED at quantities potentially requiring notification, or potentially disposed of on the PROPERTY TO BE TRANSFERRED is provided in Exhibit 1 of the Deed Covenant. A list of hazardous substances known to have been released on the PROPERTY TO BE TRANSFERRED potentially requiring notification is provided in Exhibit 2 of the Deed Covenant.

4.3. Major Environmental Regulatory History of the Property

The various historical manufacturing operations conducted at the PROPERTY TO BE TRANSFERRED have necessitated environmental regulatory control and oversight for many years as summarized below. The narrative below is provided to give notice of the primary regulations covering BFC operations, and the contaminants or potential contaminants from those operations. This narrative does not alter the ongoing requirements to comply with any and all applicable regulations including the requirements of the current Modified Missouri Hazardous Waste Management Facility Part I Permit.

The three federal environmental laws and corresponding regulations that have historically governed operations at the PROPERTY TO BE TRANSFERRED are the Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery Act. A brief description of these regulations and their impact to the PROPERTY TO BE TRANSFERRED is provided below. It should be noted that Missouri Hazardous Waste Management Law and regulations constitute the regulatory drivers for the majority of the anticipated environmental cleanup at the PROPERTY TO BE TRANSFERRED. The other environmental laws and regulations described below are provided to give notice that the PROPERTY TO BE TRANSFERRED is, or has been, regulated under a number of different environmental requirements during the period of its historical operations.

4.3.1. Clean Air Act (CAA)

The Clean Air Act (CAA) has regulated emissions and potential emissions to the air from the facility. The CAA generally provides ambient air quality standards for criteria pollutants, emission limits and/or control technology standards for hazardous air pollutants and new sources. The CAA also encompasses construction permitting rules, stratospheric ozone protection regulations, Section 112(r) emergency air source release rules and Title V operating permit requirements. Under the CAA, states or local governments may administer and enforce CAA provisions by obtaining EPA approval of a State Implementation Plan. MoDNR has administered the CAA program for the BFC. Air pollution emissions from the KCP were predominantly the result of the West Boilerhouse operations, through the emission of nitrogen oxides (NO_x) and carbon monoxide (CO). Natural gas was the primary fuel for the West Boilerhouse; but historically, gas curtailments imposed by the local utility, boiler testing, training, and/or recalibration have required the occasional use of #2 diesel fuel as an alternate fuel. Number 6 diesel fuel was also used as a backup fuel source to natural gas in the early years of operation. Activities at BFC that were subject to National Emission Standards for Hazardous Air Pollutants

(NESHAP) under the Clean Air Act includes asbestos abatement activities, Halogenated Solvent Cleaning (40 CFR Part 63 Subpart T), Radionuclide Sources Other Than Radon From DOE Facilities (40 CFR Part 61 Subpart H), Flexible Polyurethane Foam Manufacturing (40 CFR Part 63 Subpart III), Miscellaneous Organic Chemical Manufacturing (40 CFR Part 61 Subpart FFFF), and Surface Coating of Miscellaneous Metal Parts and Products (40 CFR Part 61 Subpart MMMM). Asbestos abatement also has occurred in conjunction with plant maintenance and construction. Remaining regulated air emission sources at the facility include the high pressure steam boilers at the West Boilerhouse and emergency generators.

Following the transfer of the PROPERTY TO BE TRANSFERRED under the Deed, all current steam generation will cease and the buildings will be demolished removing the primary sources of air pollutants. Permits still applicable at the time of the property transfer will be transferred to the TRANSFEREE. All local and state regulations governing potential air emissions during demolition will be complied with as will be set forth in the Bannister Federal Complex Demolition Plan (Demo Plan) prepared by TRANSFEREE.

4.3.2. Clean Water Act (CWA) and Missouri Clean Water Law (MCWL)

The Clean Water Act (CWA) established the National Pollutant Discharge Elimination System (NPDES), designed to control pollutants discharged to surface waters. In accordance with the provisions of Section 402 of the act the State of Missouri via the Department of Natural Resources, has been granted authority by the EPA to administer the NPDES program with its boundaries. This includes NPDES authority over federal facilities located in the state as well. Additionally the Department of Natural Resources regulates applicable discharges in accordance with the Missouri Clean Water Law (MCWL), RSMo 644. All regulated discharges in Missouri are required to obtain a Missouri State Operating Permit (MSOP) which permits discharges under both the NPDES and MCWL. Effluent limitations are set by the Department of Natural Resources and discharge and/or operating permits are required for discharges from a point source into surface or subsurface waters of the state (direct discharge). The CWA and Missouri Code of State Regulations 10 CSR 20-6.100 also establishes effluent limitations for indirect discharges (discharge to a sanitary sewer system) from certain sources. Over the years, the BFC has maintained permits for both direct and indirect water discharges from the facility. During its period of operations, the NNSA has controlled the discharge permits covering the entire BFC. The current discharge permit monitoring program for the BFC includes regular monitoring of plant stormwater discharges to surface water receiving streams (Blue River, Boone Creek and Indian Creek) and discharges to the City of Kansas City publicly owned treatment works. BFC discharge permit monitoring locations are shown in Figure 4.

In addition to the Missouri State Operating Permit which covers direct discharges of stormwater from BFC, NNSA also maintains a Wastewater Discharge Permit with the City of Kansas City for indirect discharges from the BFC groundwater treatment system which discharges are directed through the sewer system to the City's publicly owned treatment works.

Upon transfer of the PROPERTY TO BE TRANSFERRED, the NNSA's Missouri State Operating permit and the Kansas City, Missouri Wastewater Discharge Permit will be terminated and new permits will be issued to the TRANSFEREE. It is anticipated that the provisions and discharge limits in new permits will remain the same as the terminated former permits. Following

the transfer and subsequent demolition and redevelopment of the PROPERTY TO BE TRANSFERRED, the operating permit will be modified to reflect changed conditions.

4.3.3. Missouri Hazardous Waste Management Law and Regulations (Federal Resource Conservation and Recovery Act Equivalent (RCRA-equivalent))

Under the Federal Resource Conservation and Recovery Act (RCRA) and since 1980 EPA has developed a comprehensive program to ensure that waste defined by regulation as hazardous waste is managed safely: from the moment it is generated; while it is transported, treated, or stored; until the moment the hazardous waste is finally disposed. Missouri received authorization to administer certain elements of its own State hazardous waste program in lieu of the federal EPA program in 1985. Additional authorization was granted by EPA in 1999 for Missouri to administer its own RCRA-equivalent corrective action program elements under the state's hazardous waste law and regulations. The BFC property submitted its first RCRA notification of regulated waste activity on August 18, 1980. A RCRA Part A permit application was first submitted on November 17, 1980 for the storage of hazardous waste in containers and tanks and to treat hazardous waste in surface impoundments at the BFC. EPA's authority under Section 3008(h) of the HSWA amendments to RCRA and the Missouri Hazardous Waste Management Law and regulations have been the regulatory driver for the majority of environmental response actions performed at the BFC since 1980. The primary exception to this is the work done by the GSA associated with their investigation of the Building 50 groundwater plume and the CERCLA Preliminary Assessment/ Site Inspection completed for the GSA portion of the BFC. Environmental response actions at the BFC are currently governed by a continued Missouri Hazardous Waste Management Facility Part I Permit, Permit Number MO9890010524 originally issued on October 6, 1999, and modified on August 24, 2012.

4.3.4. Identification of Solid Waste Management Units (SWMUs) and Areas of Concern

Under RCRA and the equivalent state hazardous waste program requirements, corrective action investigations are conducted and corrective measures are evaluated to address actual and potential releases of hazardous waste and hazardous constituents from SWMUs where such waste or constituents have, or are suspected to have been, "routinely and systematically released," whether or not the unit was intended to manage hazardous waste. An Area of Concern is an area where hazardous waste or hazardous constituents have been or are suspected to have been released, but not on a systematic or routine basis. SWMUs at BFC include all of the Missouri closed, regulated hazardous waste management units, but also include many other locations and facilities ranging from solid waste landfills and lagoons to areas often lacking well-defined boundaries. During the course of regulatory activities at the KCP portion of the BFC, a RCRA Facility Assessment was prepared to identify and generally characterize SWMUs and AOCs and related actual/potential releases to the environment. The EPA 3008(h) Consent Order initially listed thirty-five SWMUs. As part of the work conducted pursuant to the EPA 3008(h) Consent Order, eight additional SWMUs were identified and many of the SWMUs were grouped together due to geographic proximity and contamination type. In total, forty-five SWMUs have been identified. Two Areas of Concern have been identified on that portion of the BFC that is currently owned by GSA and that is scheduled to be retained if the other portions of the BFC are transferred

in the future to BT&D LLC. These Areas of Concern include an area just to the west of the Marine Corps building where residual subsurface petroleum contamination was identified during rerouting of electrical utilities and an area to the east of the Marine Corps building where chlorinated solvents are present in the groundwater and a relationship to releases, if any, from the Former Landfill has not been established. A list of the SWMUs and Areas of Concern follows, and the general location of the individual SWMUs and Areas of Concern is illustrated on Figure 5.

This section outlines environmental SWMUs where: according to the terms of the current Modified Missouri Hazardous Waste Management Facility Part I Permit, no further corrective action was needed; sites where RCRA Facility Investigations were completed and approved by EPA or MoDNR; sites where corrective measures studies were completed and approved by EPA or MoDNR; and sites where further corrective action was needed to protect human health and the environment.

| SOLID WASTE MANAGEMENT UNITS (SWMUs) at the BFC | | | | | |
|--|---|--------------------------------|---|--|--|
| SWMU Number | SWMU Name | No Further Action SWMUs | RCRA Facility Investigations (Approval Date) | Corrective Measures Studies Completed and EPA and/or MoDNR Approved Remedies (Approval Date) | SWMUs Where Further Corrective Action Is Needed |
| SWMU 1: | Underground Tank Farm (in post closure care) | | 07-11-95 | 07-28-92 (Note: In the Final Decision, Statement of Basis, 02-18-92, wells KC87-61, KC87-62, and KC87-63 are both compliance points and extraction wells) | X |
| SWMU 2: | TCE Still Location | | 10-30-94 | Multiple Sites CMS | X |
| SWMU 3: | Waste Transfer Spill Area | | 10-30-94 | Multiple Sites CMS | X |
| SWMU 4: | Classified Waste Trenches | | 10-30-94 | Classified Waste Trenches (6-08-95) North Lagoon (08-12-94) | X |
| SWMU 5: | North Lagoon (in post closure care) | | 12-03-93 | 08-12-94 | X |
| SWMU 6: | Old Ponds | | 12-03-93 | 08-12-94 | X |
| SWMU 7: | North Lagoon Trench Area | | 12-03-93 | 08-12-94 | X |
| SWMU 8: | Outfall 001 Raceway ⁱ | | 06-16-94 | 08-12-94 | X |
| SWMU 9: | Plating Building Area (Bldg. 57) Acid & Alkaline Tanks | | 10-25-93 | Multiple Sites CMS | X |
| SWMU 10: | Waste Oil Tank Under N. End of Plating Bldg. | | 10-25-93 | Multiple Sites CMS | X |

| SOLID WASTE MANAGEMENT UNITS (SWMUs) at the BFC | | | | | |
|--|--|--------------------------------|---|---|--|
| SWMU Number | SWMU Name | No Further Action SWMUs | RCRA Facility Investigations (Approval Date) | Corrective Measures Studies Completed and EPA and/or MoDNR Approved Remedies (Approval Date) | SWMUs Where Further Corrective Action Is Needed |
| SWMU 11: | Substation 18 N. of former Plating Bldg. | | 10-25-93 | Multiple Sites CMS | X |
| SWMU12: | Department 26 Outside | | 10-25-93 | Multiple Sites CMS | X |
| SWMU 13: | South Lagoon (in post closure care) ⁱⁱ | X | 11-30-92 | | |
| SWMU 14: | Abandoned Indian Creek Outfall, Old 002 Outfall | X | 03-20-90 | 07-30-91 | |
| SWMU 15: | New 002 Outfall ^{i, iii} | X | | | |
| SWMU 16: | Sales Building | | 10-30-94 | Multiple Sites CMS | X |
| SWMU 17: | Building 54 | | 10-08-93 | Multiple Sites CMS | X |
| SWMU 18: | North Lot ⁱⁱ | X | 12-14-92 | Multiple Sites CMS for groundwater; 11-30-94 for soil | |
| SWMU 19: | Building 16 Underground Pits (PCBs) ⁱⁱ | X | 12-14-92 | 11-30-94 | |
| SWMU 20: | Abandoned Fuel Lines | | 12-14-92 | 11-30-94 | X |
| SWMU 21: | Fuel Oil Tank Unloading Area | | 12-14-92 | 11-30-94 | X |
| SWMU 22: | East of Oil Storage Tanks, Underground Tank Farm, and Bldg. 15, Extending to Lagoons ⁱⁱ | X | | | |

| SOLID WASTE MANAGEMENT UNITS (SWMUs) at the BFC | | | | | |
|--|--|--------------------------------|---|---|--|
| SWMU Number | SWMU Name | No Further Action SWMUs | RCRA Facility Investigations (Approval Date) | Corrective Measures Studies Completed and EPA and/or MoDNR Approved Remedies (Approval Date) | SWMUs Where Further Corrective Action Is Needed |
| SWMU 23: | PCBs and Hydraulic Oil Spills in Open Area Department 182 Barrel Lot ⁱⁱ | X | | | |
| SWMU 24: | Wastewater Dumping West of Building 16 ⁱⁱ | X | | | |
| SWMU 25: | Spill of Cutting Oil and Coolants near Lot 187-L Outside Diked Area ⁱⁱ | X | | | |
| SWMU 26: | Spill of Caustic Wastewater North of Manufacturing Support Building ⁱⁱ | X | | | |
| SWMU 27: | Dumping of PCB Contaminated Wastewater West of Lagoons ⁱⁱ | X | | | |
| SWMU 28: | Spill of Plating Acid From Truck (East Half of Barrel Lot) ⁱⁱ | X | | | |
| SWMU 29: | Southeast Parking Lot ⁱⁱ | X | 06-23-89 | | X |

| SOLID WASTE MANAGEMENT UNITS (SWMUs) at the BFC | | | | | |
|--|--------------------------------------|--------------------------------|---|---|--|
| SWMU Number | SWMU Name | No Further Action SWMUs | RCRA Facility Investigations (Approval Date) | Corrective Measures Studies Completed and EPA and/or MoDNR Approved Remedies (Approval Date) | SWMUs Where Further Corrective Action Is Needed |
| SWMU 30: | Department 27 – Outside | X | 10-30-94 | | |
| SWMU 31: | Department 26 – Inside | | 07-06-95 | Multiple Sites CMS | X |
| SWMU 32: | Department 27 – Inside | | 11-30-92 | Multiple Sites CMS | X |
| SWMU 33: | Oil House | | 10-30-94 | Multiple Sites CMS | X |
| SWMU 34: | Sanitary Sewer Pump Station | X | | | |
| SWMU 35: | East Boilerhouse (Substation 23) | | 03-01-97 | 03-20-97 | X |
| SWMU 36: | Maintenance Vehicle Repair Shop Sump | | 10-08-93 | Multiple Sites CMS | X |
| SWMU 37: | Abandonment Sump | | 10-30-94 | Multiple Sites CMS | X |
| SWMU 38: | Reported Buried Drum Site | X | 10-30-94 | | |
| SWMU 39: | Department 95 | | 10-30-95 | Multiple Sites CMS | X |
| SWMU 40: | Former Chip Handling Building | | 10-30-94 | Multiple Sites CMS | X |
| SWMU 41: | Department 20 Degreaser Pit | | 10-30-94 | Multiple Sites CMS | X |
| SWMU 42: | 95 th Terrace | | 09-02-01 | 10-05-04 | X |
| SWMU 43: | Test Cell Tanks | | 10-08-93 | | X |

| SOLID WASTE MANAGEMENT UNITS (SWMUs) at the BFC | | | | | |
|--|---|--------------------------------|---|---|--|
| SWMU Number | SWMU Name | No Further Action SWMUs | RCRA Facility Investigations (Approval Date) | Corrective Measures Studies Completed and EPA and/or MoDNR Approved Remedies (Approval Date) | SWMUs Where Further Corrective Action Is Needed |
| SWMU 44: | Former Landfill ⁱ | | Former Landfill (current CERCLA Remedial Investigation being done by USACE for GSA under Formerly Used Defense Sites) | | X |
| SWMU 45: | Building 50 | | Building 50, previous groundwater sampling in vicinity has detected volatile organic compounds. | | X |
| AOC 1 | Chlorinated Solvent Groundwater Contamination to the East of the Marine Corps building ⁱ | | | | X |
| AOC 2 | Petroleum Hydrocarbon Contamination to the west of the Marine Corps building ⁱ | | | | X |

ⁱ This property is not part of the PROPERTY TO BE TRANSFERRED. Continuing obligations as to locations not within the PROPERTY TO BE TRANSFERRED are contained in the AOC and Contingent Permit.

ⁱⁱ Soil, surface water, and groundwater contamination discovered during the RFI were evaluated to determine if contamination from a particular SWMU posed any threat to human health and the environment. It was determined that remediation was not required at that time to protect human health and the environment.

ⁱⁱⁱ Several SWMUs were identified by the EPA as requiring no further corrective action. Appendix E of the Consent Order lists some of these. Additional SWMUs are identified for no further action in a Confirmation Study submitted to EPA in June, 1989, and in an RFI for Miscellaneous Contaminated Soils dated April 8, 1993.

On June 23, 1989, the DOE and EPA entered into an Administrative Order on Consent (hereafter referred to as the Consent Order), Docket No. VII-89-0026-H, pursuant to the authority of Section 3008 (h) of RCRA. Appendix D of that Consent Order listed the SWMUs for which further investigation was required. Under the conditions of the Consent Order, the Respondent (DOE) was required to complete a RCRA Facility Investigation and Corrective Measures Study at these SWMUs. At the time of Permit issuance, the Permittees had fully or partially completed corrective action at thirty-three SWMUs.

4.4 Underground Storage Tanks (USTs)

Over the years of operation at BFC, including on the portions that are the PROPERTY TO BE TRANSFERRED, there have been numerous underground storage tanks (USTs) located in various areas at the BFC. The contents of these tanks have included various liquids including: diesel fuel, unleaded gasoline, No. 2 fuel oil, waste oil, acetone, DMF, coolants, waste solvent, spent acid, rinse water, No. 6 fuel oil, therminol, water, kerosene, waste kerosene, paraffin oil, and hydraulic oil. An inventory and figure showing historical USTs at the PROPERTY TO BE TRANSFERRED is contained in Section 5: Figure 5.151 and Table 5.69 of the DCCR.

In 1943, the Underground Tank Farm (SWMU 1) was installed in the northeast area of the KCP consisting of twenty-two steel and six concrete tanks. In 1987, after the discovery of leaking tanks, the tanks in the Underground Tank Farm were closed and removed. Soil in the Underground Tank Farm area was excavated to approximately fifteen feet, backfilled with uncontaminated soil, and covered with a clay cap and topsoil. In addition, there were thirty USTs located outside of the Underground Tank Farm at the BFC. In 2005, the last remaining in-service UST, a 940-gallon diesel tank was removed. At present, the PROPERTY TO BE TRANSFERRED has no in-service USTs because all were either removed or abandoned in place in compliance with regulations existing at the time of tank closures. Historical use of the USTs at the BFC has resulted in soil contamination in various areas on the PROPERTY TO BE TRANSFERRED.

4.5 Polychlorinated Biphenyls (PCBs)

Historically, PCBs were used at the BFC, including on the PROPERTY TO BE TRANSFERRED, as dielectric fluids in electrical transformers, as components of heat transfer fluids, and as components of certain paints, mastics and roofing material. Testing of building component samples from the PROPERTY TO BE TRANSFERRED has shown PCB contamination in: wood block flooring; mastic used in flooring; roofing material; and fluids and spill locations from heat transfer fluids.

In addition to building components contaminated with PCBs, historical use of PCBs at the PROPERTY TO BE TRANSFERRED has resulted in contamination of soil, groundwater, surface water, sediment, and sewer lines with PCBs both on and off the property.

Figure 2 shows areas on the PROPERTY TO BE TRANSFERRED portion of the BFC that have or had elevated PCBs concentration in soil. DOE completed active remediation in targeted PCB areas and implemented institutional and engineering controls to address constituents of concern in inaccessible areas. PCB discharges have also been historically observed from some of the regulated stormwater outfalls. Discharge of PCBs from regulated stormwater outfalls has been substantially mitigated by past remedial actions including diversion of surface water runoff, lining of portions of the storm sewer system and excavation of contaminated soils.

In accordance with the AOC, after conveyance of the PROPERTY TO BE TRANSFERRED NNSA shall nonetheless provide the financial assurance and be obligated to execute all corrective measures now or hereafter required under the Contingent Permit with respect to PCB contamination of Indian Creek, Boone Creek and the Blue River originating from the PROPERTY TO BE TRANSFERRED caused by historical releases of PCBs on, at or from the PROPERTY TO BE TRANSFERRED. Such corrective measures shall include, but not limited to, sediment and fish monitoring and warning signage, and any future corrective measures that may be required by MoDNR.

The Deed for the PROPERTY TO BE TRANSFERRED will include a PCB notice and covenant. The notice and covenant is provided in the Deed Covenant.

4.6 Asbestos

There are approximately fifty-two buildings with a combined 5.03 million square feet of space at BFC. All but a few of the buildings were built between 1941 and 1968. Based on the dates of construction, the majority of the buildings on the PROPERTY TO BE TRANSFERRED are presumed to contain or previously contained suspect-asbestos containing material (ACM) since these buildings were built prior to 1978.

An asbestos survey and asbestos abatement of friable ACM was performed sometime prior to 1998. An Environmental Site Assessment was completed on August 11, 2015 in part to identify remaining ACM. The 2015 asbestos survey consisted of a visual inspection, collecting samples of suspect ACM and analyzing the samples for asbestos. The 2015 asbestos survey identified ACM in the following materials at the BFC:

- Floor Tile & Mastic – Non-ACM Floor Tile on ACM Black Mastic is considered ACM
- Pipe Insulation & Fittings
- Transite Conduit
- Transite Wall Partitions
- Transite Ceilings
- Cork Board Ceilings
- Glue Dots
- Caulking
- Fireproof Pipe Penetrations
- Roofing
- Roof Duct Waterproofing
- Roof Steel Support Coatings
- Fire Doors (presumed ACM)
- Wire Insulation (presumed ACM)
- Lab Tables
- Pipe Gaskets

The buildings on the PROPERTY TO BE TRANSFERRED that have ACM are identified in Demolition Plan, Section 1.15.

As a part of the work under the AOC, to be entered concurrently with the transfer described in this FOSET, TRANSFEREE plans to demolish all of the buildings on the property with the exception of the building housing the Groundwater Treatment System. TRANSFEREE will comply with all applicable state and local regulations and notifications concerning such demolition and the presence of asbestos, and best management practices, as presented in the Demo Plan, concerning asbestos will be used during demolition and excavation activities and, as required, any ACM will be disposed of appropriately as described in the Demo Plan and any associated work plans.

Post transfer demolition on the PROPERTY TO BE TRANSFERRED will be conducted by TRANSFEREE in conformance with the Demo Plan prepared by TRANSFEREE, which the Demo Plan and Supplements has been submitted to MoDNR for review and, where required, approval.

An asbestos notice and covenant requiring the transferees to manage and/or abate asbestos in accordance with applicable laws will be included in the deed. The notice is provided in section 8 of the Deed.

4.7 Lead-Based Paint

There are approximately fifty-two buildings with a combined 5.03 million square feet of space at BFC. All but a few of the buildings were built between 1941 and 1968. Given the dates of construction being before 1978 when lead-based paint was banned by the Consumer Product Safety Commission, the majority of the buildings on BFC including the PROPERTY TO BE TRANSFERRED are presumed to contain or have once contained lead-based paint.

An Environmental Site Assessment was conducted on August 11, 2015 in part to identify lead-based paint at the PROPERTY TO BE TRANSFERRED. The lead paint portion of the survey was conducted to determine the existence and location of concrete and masonry building materials that contain lead-based paint for disposal of recycled concrete. In the survey lead-based paint was found on the surface of various block walls, concrete floors and ceilings in various locations throughout the PROPERTY TO BE TRANSFERRED.

As a part of the work under the AOC to be entered concurrently with the transfer described in this FOSET, TRANSFEREE plans to demolish all of the buildings on the property with the exception of the building housing the Groundwater Treatment System. TRANSFEREE will comply with all applicable federal, state, and local regulations concerning such demolition, and best management practices, as presented in the Demo Plan, concerning lead-based paint will be used during demolition and excavation activities. Post transfer demolition on the PROPERTY TO BE TRANSFERRED will be conducted by TRANSFEREE in conformance with the Demo Plan prepared by TRANSFEREE, was submitted to MoDNR for review and where required approval.

The notice is provided in section 8 of the Deed. Pre-transfer abatement of lead-based paint is not required because all PROPERTY TO BE TRANSFERRED subject to this FOSET is restricted to non-residential use only.

4.8 Radiological Materials

KCP's historical operations included the manufacturing of non-nuclear components for nuclear weapons. As a part of those and other historical KCP operations, the use of depleted uranium as a manufacturing material has been documented (DOE & GSA, March 2013). In recent years, additional research has documented the handling and milling of natural uranium in the 1950s and a 3% thorium alloy from the 1950s to the 1970s. (ORAUT, 2006, 2014; NIOSH, 2011). More information regarding use of radiological material and remedial actions is contained in Chapter 7 of the DCCR.

In 2015 and 2016, NNSA and CenterPoint's contractors undertook surveys of KCP building materials, soil and groundwater to ascertain the status of the BFC with respect to radioactivity and radionuclides potentially associated with past activities. The surveys of building materials found several areas in the Main Manufacturing Building, including walls and a former closed loop drain pipe/sump, where radiation levels exceeded action levels. The materials causing these elevated radiation levels were determined to be depleted uranium and natural uranium. These areas were remediated by NNSA and the areas re-surveyed to confirm their remediated status.

Similarly, work by CenterPoint's and NNSA's contractors identified two soil areas outside of the KCP buildings with elevated radiation levels. These were attributed to depleted uranium and a compound with a thorium signature. The depleted uranium was assumed to be DOE process related and the thorium signature compound was determined to be copper sulfate and non-process related. Both of these areas of impacted soil were also remediated by NNSA through excavation until remaining soils were below action level criteria.

A Summary of Radiation Activity at the BFC Memorandum dated March 9, 2017 was issued by NNSA's Kansas City Field Office, which includes and incorporates:

- The MARSSIM Report;
- The DOE Order 458.1 Release of Property Determination; and
- The NNSA's determination that the former BFC meets criteria for Unlimited Use / Unrestricted Exposure (UU/UE),

This Summary Memorandum (including the incorporated documentation) has been reviewed and accepted by the Missouri Department of Health and Senior Services and Missouri Department of Natural Resources via Letter dated April 26, 2017. (MoDNR Letter)

MARSSIM Report: The results of the radiological surveys and remediation of BFC are summarized in the report entitled "Final Report Conversion of Existing Radiologic Data to Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) Format" (MARSSIM Report) which combines all data from these studies and evaluates it following MARSSIM protocols for Final Status Surveys. The MARSSIM Report concludes that "there is no indication of remaining radioactive contamination that would prevent public release of the KCP property." Detailed information can be found in the "Final Report Conversion of Existing Radiologic Data to Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) Format".

DOE Order 458.1 "*Radiation Protection of the Public and the Environment*" sets forth the DOE requirements that must be met to demonstrate protectiveness of the public and environment against undue risk from radiation associated with radiological activities. The DOE Order 458.1 clearance level is a cleanup standard intended to be protective of human health and the environment for the intended use of the property. The residual radiological contamination discovered on the PROPERTY TO BE TRANSFERRED has been remediated to below the DOE Order 458.1 authorized limits. Detailed information can be found in the "Release of the Bannister Federal Complex under DOE Order 458.1" (NNSA 2017a).

Unlimited Use / Unrestricted Exposure (UU/UE) Determination: DOE reviewed all the uranium analytical data collected from the BFC to determine whether or not the site poses an unacceptable threat to human health and the environment, and whether or not the site is appropriate for UU/UE. The average concentrations at the BFC are at background or close to background concentrations. DOE has determined that the BFC meets the UU/UE for the residential exposure scenario and therefore, institutional controls will not be required. DOE arrived at this conclusion based on the demonstration that the uranium concentrations are below the site specific criteria for EPA's Preliminary Remediation Goals model of 1×10^{-4} residential cancer risk level and would be of protective of human health and the environment for a residential exposure. Detailed information can be found in the "Unlimited Use/Unrestricted Exposure Determination for Uranium at the

Bannister Federal Complex.” (NNSA 2017b).

DOE/NNSA will retain all responsibilities for response actions should any additional historical radiological material associated with the BFC be discovered during site demolition or any time thereafter. Prior to transfer of the PROPERTY TO BE TRANSFERRED the NNSA will develop a Radiation Rapid Response Plan that will describe actions to be taken and further define NNSA's continuing responsibilities for responding to and managing any media impacted with residual radioactivity associated with BFC operations. The Radiation Rapid Response Plan and Demo Plan protocols will require radiological portal screening for all trucks incoming and outgoing from the property during demolition and remedial activities, and outline the procedures for re-screening, and if necessary, off-site disposal of these materials by DOE.

4.9 Beryllium

Two different beryllium alloy components were historically used at the KCP. These components were placed in assemblies typically without machining, cutting, or grinding operations. On February 10, 1961, the KCP established procedures for setting up an area to machine beryllium alloys with the first record of actual machining occurring in 1963. A Chronic Beryllium Disease Prevention Program was implemented to address potential worker exposures to beryllium. The program included routine building surface and air sampling in beryllium processing areas, work authorization permits that established specific controls for beryllium processing for a specified period, beryllium characterization and cleanup, and medical surveillance to ensure early detection of precursor conditions and beryllium sensitization.

In 2000, the DOE sampled the entire plant for beryllium surface contamination. Sixteen areas were identified that exceeded the DOE housekeeping limit of 3 $\mu\text{g}/100\text{cm}^2$ for interior building surfaces. These areas were cleaned (with the exception of areas 8' and above work areas or other inaccessible areas which were shut off from access to personnel) and verification samples collected to ensure that the housekeeping limit was met. Further plant-wide characterization was conducted in 2003 and in 2009, and all but three of the areas that were previously found to have surface contamination above the Housekeeping limit were found to meet the DOE housekeeping limit. Any residual beryllium contamination at the KCP is contained within the buildings to be demolished and further decontamination of areas with residual beryllium contamination within the buildings will be performed, as applicable, prior to building demolition as described in the Demo Plan. More information regarding Beryllium use and control actions is contained in the DCCR, Section 7.

As a part of the work under the AOC to be entered concurrently with the transfer described in this FOSET, TRANSFEREE plans to demolish all of the buildings on the property with the exception of the building housing the Groundwater Treatment System. TRANSFEREE will comply with all applicable state and local regulations concerning such demolition and best management practices concerning beryllium contamination will be used during demolition and excavation activities and any beryllium contamination will be disposed of appropriately.

Post transfer demolition on the PROPERTY TO BE TRANSFERRED will be conducted by TRANSFEREE in conformance with a Demo Plan prepared by TRANSFEREE, which was submitted to MoDNR for review and where required approval.

4.10 Chlorinated Solvents

Chlorinated solvents were historically used at the KCP including on the PROPERTY TO BE TRANSFERRED in various operations. Contaminants in the groundwater and soil at the PROPERTY TO BE TRANSFERRED include chlorinated solvents (with trichloroethylene of primary concern). Figure 2 shows areas on the PROPERTY TO BE TRANSFERRED with elevated trichloroethylene concentrations in soils. Figure 3 shows the shape, locations and concentrations of chlorinated solvent groundwater contamination plumes beneath the PROPERTY TO BE TRANSFERRED.

4.11 Hexavalent Chromium

Concentrations of total chromium and hexavalent chromium in specific limited areas are elevated on the PROPERTY TO BE TRANSFERRED due to past plating operations and plating waste management. Limited detections of hexavalent chromium were found in groundwater and soil, with the highest results found in association with elevated total chromium in former waste management areas of SWMU 6. Therefore, hexavalent chromium was retained during due diligence through the screening process for contaminants of potential concern. Ultimately hexavalent chromium is not likely to be a driver of any corrective measures as the limited exceedances of proposed cleanup levels co-occur with volatile organic compounds that are also targeted for corrective measures. Nonetheless, as set forth in the Demo Plan during demolition and remedial activities, soils will be screened for staining, and this may lead to additional corrective measures.

4.12 Former Munitions and Explosives of Concern

Operations at the KCP historically handled, stored, and tested a small amount of energetic devices as a part of normal operations prior to 1990. The limited explosives at the Kansas City Plant were stored in an underground 12-foot diameter multiplate galvanized pipe with a concrete slab floor and a 3-foot earthfill above and behind the storage area. The front of the magazine has a walk-in door facing an unoccupied area of the Plant grounds and meets the requirements - for a Class II explosive storage magazine. This storage area was constructed in 1961 and was used for Class C (1.4C) explosives in a maximum quantity of 50 pounds. No explosives of any kind were stored in this bunker since 1990. Only thermal batteries have been stored there after that time.

The KCP had an active indoor live fire range for firearms training and qualification located in the test cell area within building 14, north of the Main Manufacturing Building. This range was known to be contaminated with lead. As reported in the December 2017 CMR, locations where lead concentrations exceed the site specific cleanup level for lead will be addressed as part of redevelopment through implementation of corrective measures.

4.13 Petroleum Contamination

Areas with Total Petroleum Hydrocarbon (TPH) contaminated soils related to past releases on the PROPERTY TO BE TRANSFERRED are expected to be encountered during demolition and remediation activities. Some of these soils exhibit odors or the presence of residual fuels.

These areas may be in addition to petroleum contaminated soils in SWMUs 20, 21 and 22 referenced above as depicted in Figure 2. To the extent such soils are encountered TRANSFEREE will comply with all applicable state and local regulations concerning excavation and disposal of such soils in conformance with the Demo Plan prepared by TRANSFEREE, which was submitted to MoDNR for review and where required approval.

4.14 Other Environmental Property Conditions

An Environmental Site Assessment was conducted on August 11, 2015 in part to identify specific waste material including universal wastes, located on the PROPERTY TO BE TRANSFERRED. The following wastes and universal wastes were identified:

Waste Materials Identified During Site Assessment

- Fire extinguishers
- Fire doors
- Fire hoses
- Nitrogen tanks
- Walk-in ovens
- PC & TV screens
- Water coolers
- Water fountains
- CFC containing equipment
- Emergency lights
- Exit signs

Universal Waste Materials Identified During Site Assessment

- Light ballasts
- Fluorescent lights
- High intensity mercury vapor lights
- Cubicle lighting Batteries
- Mercury – thermostats, gauges, light switches

TRANSFEEE will comply with all applicable laws and regulations concerning such wastes and best management practices as presented in the Demo Plan and associated work plans and will be used for the disposal of such waste materials during demolition and excavation activities.

Post transfer demolition on the PROPERTY TO BE TRANSFERRED will be conducted by TRANSFEEE in conformance with a Demo Plan and associated work plans prepared by TRANSFEEE, which has been submitted to MoDNR for review and where required approval.

Other than as referenced herein or in the attached background material, there are no other known conditions on the PROPERTY TO BE TRANSFERRED that present an unacceptable risk to human health and the environment.

5. ADJACENT PROPERTY CONDITIONS

Other than as set forth in this paragraph, there are no known conditions on property adjacent to the PROPERTY TO BE TRANSFERRED that present potential risks to human health and the environment on the PROPERTY TO BE TRANSFERRED.

5.1 Environmental Conditions on 2306 and 2312

The U.S. Marine Corps Data Center and the South Field Office of GSA Region 6 occupy two joined brick structures (Buildings 2306 and 2312) located at 2306 and 2312 East Bannister Road, a few hundred feet from the main facilities of the BFC. These buildings are owned by the GSA and are not included within the PROPERTY TO BE TRANSFERRED to TRANSFEEE. There is a groundwater contamination plume located under the northerly portions of the 2306/2312 property which originates on the PROPERTY TO BE TRANSFERRED. This northeast groundwater plume and any other groundwater plumes found to be migrating from the PROPERTY TO BE TRANSFERRED will be monitored/addressed by TRANSFEEE in accordance with the Contingent Permit.

Except for groundwater plumes that are migrating from the PROPERTY TO BE TRANSFERRED, all other remedial actions with respect to the 2306 and 2312 property shall be the continuing obligation of GSA. Two Areas of Concern have been identified on this property. These Areas of Concern include an area just to the west of the Marine Corps building where residual subsurface petroleum contamination was identified during rerouting of electrical utilities and an area to the east of the Marine Corps building where chlorinated solvents are present in the groundwater and a relationship to releases, if any, from the Former Landfill has not been established.

5.2 SWMU 44 -- Former Landfill

A closed landfill is located in the southeast portion of the BFC on property owned by the GSA. The closed landfill is under environmental investigation by the U.S. Army Corps of Engineers under the Formerly Used Defense Sites program. Manufacturing waste including metals, solvents, and petroleum compounds were disposed of at the landfill during its operation between 1942 and 1964. Field investigations are ongoing for the purpose of better determining the sources and

contaminant migration from this landfill. GSA is participating in the investigation through the installation and sampling of groundwater monitoring wells down-gradient of the landfill.

The SWMU 44 property is not part of the PROPERTY TO BE TRANSFERRED to TRANSFEREE. Obligations as to contamination associated with SWMU 44 will remain with GSA.

5.3 Offsite Outfall 001 and SWMU 8

Outfall 001 currently drains the northeastern manufacturing areas of the BFC to Boone Creek. Substantial portions of the Outfall 001 system are located on property owned by the Union Pacific Railroad. A portion of the Outfall 001 pathway, the Outfall 001 raceway, is designated as SWMU 8.

Historically, surface water discharges from Outfall 001 have included both PCBs and chlorinated solvents. In the 1990s, the raceway was installed as part of a corrective action to remove contaminated soil and capture shallow contaminated groundwater for treatment prior to discharge to the City of Kansas City, Missouri, sanitary sewer system. Currently water collected from a french drain under the raceway is treated at the Groundwater Treatment System prior to discharge to the sanitary sewer system.

Outfall 001 and the Raceway in SWMU 8 are expected to be permanently taken out of service by excavation and/or grouting in-place, and portions of the Union Pacific property will be re-graded. One or more new groundwater extraction wells will be installed in the vicinity of SWMU 8. A new, replacement stormwater outfall system will be constructed to replace Outfall 001 as part of the redevelopment of the PROPERTY TO BE TRANSFERRED. A second new stormwater discharge point will be constructed on the east side of the railroad tracks to drain the northern portion of the GSA's property. Stormwater discharge monitoring will continue as required by the current Modified Missouri Hazardous Waste Management Facility Part I Permit and the Missouri State Operating Permit.

5.4 SWMU 15 -- Offsite Outfall 002

The New 002 Outfall Raceway has been designated as SWMU 15 and is on property owned by the City of Kansas City, Missouri and discharges stormwater from a portion of BFC under Bannister Road to the South of BFC and off of the PROPERTY TO BE TRANSFERRED. In 2005, the Outfall 002 re-route system was completed, resulting in a significant reduction in PCBs being emitted from the outfall and continued decline in sediment PCB concentration in Indian Creek. As indicated in Section 4.3.4 above, no further corrective action is required at SWMU 15; however, ongoing monitoring of surface water, sediment and fish tissue in Indian Creek due to historical releases of PCBs will continue by NNSA as required by the AOC and Contingent Permit.

The 002 Outfall is planned to be grouted, plugged and abandoned as part of the redevelopment. Stormwater discharge monitoring will continue as required by the current Modified Missouri Hazardous Waste Management Facility Part I Permit and current Missouri State Operating permit until 002 Outfall is abandoned.

5.5 Contamination in Adjacent Portions of Indian Creek, Boone Creek and the Blue River

PCBs and other contaminants have been found in surface water and sediment in or from portions of Indian Creek, Boone Creek and/or the Blue River adjacent to the BFC. PCBs and other contaminants have been found in fish tissue collected from the creeks and river. Some of this contamination appears attributable to upstream sources; however, incremental contributions from the BFC (specifically the KCP portion of the BFC) are documented.

The current Modified Missouri Hazardous Waste Management Facility Part I Permit required the preparation and submittal of a PCB Fate & Transport Study. A final copy of the Indian Creek/Blue River Fate & Transport Study Report was submitted by NNSA to MoDNR on February 10, 2016 and was approved by MoDNR on March 14, 2016. Based on the current low levels of PCBs entering from the BFC facility and the upstream sources of PCBs in the receiving streams, the Fate and Transport Study recommends best management practices be implemented during remediation of the BFC and recommends periodic future bioaccumulation studies to monitor to levels of contamination in the fish.

In accordance with the AOC, after conveyance of the PROPERTY TO BE TRANSFERRED NNSA shall nonetheless provide the financial assurance and be obligated to execute all corrective measures now or hereafter required under the Contingent Permit with respect to PCB contamination of Indian Creek, Boone Creek and the Blue River originating from the PROPERTY TO BE TRANSFERRED caused by historical releases of PCBs on, at or from the PROPERTY TO BE TRANSFERRED. Such corrective measures shall include, but not limited to, sediment and fish monitoring and warning signage, and any future corrective measures that may be required by the Department of Natural Resources.

6. REGULATORY/PUBLIC COORDINATION

The MoDNR, EPA Region 7, and the public were notified of the initiation of this FOSET on May 5, 2017. The public comment period for this document was from May 5, 2017 to June 19, 2017. Comments received during the FOSET development were reviewed and incorporated into this FOSET, as appropriate. All comments and responses to regulatory and public comments as well as the Public Notification of the Proposed Transfer and Opportunity for the Public to Submit Written Comments posted in the Kansas City Star on May 5, 2017 are included in the Public Notification and Response to Comments Summary which is referenced hereto as Public Notice, Comments, and Responses.

7. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) and NATIONAL HISTORIC PRESERVATION (NHPA) COMPLIANCE

The environmental impacts associated with the proposed transfer have been analyzed by NNSA under National Environmental Policy Act (NEPA). The results of NNSA's analysis have been documented in the *Environmental Assessment for the Transfer of the Kansas City Plant, Kansas City, Missouri* (DOE/EA-1947) (EA) dated May 2013 and resulted in issuance of a Finding of No Significant Impact (FONSI) on May 1, 2013. The May 1, 2013 FONSI was revised as the Revised Finding of No Significant Impact (Revised FONSI) dated August 30, 2016 to include the GSA portion of the BFC located west of the railroad tracks.

The EA was prepared in accordance with NEPA and its implementing regulations, 42 U.S.C. 4321 et seq.; 10 CFR Part 1021. The EA evaluated the environmental impact of the proposed transfer on: Land Use, Aesthetics, Air Quality, Geology and Soils, Water Resources, Biological Resources, Cultural Resources, Infrastructure, Socioeconomics, Waste Management, Human Health and Safety, Environmental Justice, Intentional Destructive Acts, and Cumulative Impacts. The EA also documents the NNSA and Corps of Engineers evaluation and determination that there are jurisdictional waters of the United States on the BFC transfer property. The August 2016 Revised FONSI noted jurisdictional wetlands on the GSA portions of the BFC. However, if future redevelopment has the potential to impact the wetlands, the property owner will be subject to compliance with Clean Water Act § 404 permitting requirements.

Based on the results of the analysis reported in the EA, the NNSA issued its initial FONSI dated May 1, 2013, and reaffirmed the finding in light of new information described above in the Revised FONSI dated August 30, 2016, both findings determined that the proposed transfer is not a major federal action that would significantly affect the quality of the human environment within the meaning of NEPA. Therefore, the preparation of an Environmental Impact Statement was not necessary.

Potential impacts associated with the proposed transfer of the PROPERTY TO BE TRANSFERRED on historically significant resources were assessed by NNSA and a report was provided to MoDNR in accordance with procedures required under the National Historic Preservation Act and the Advisory Council on Historic Preservations regulation. Pursuant to these procedures, a Historic American Engineering Record was developed to document historically important assets on the property. On April 1, 2015 the State Historic Preservation Office within MoDNR determined that all required action had been concluded under the Act.

8. RESPONSE ACTION ASSURANCES

As part of the Early Transfer, CERCLA §120(h)(3)(C)(ii) requires that the deed transferring the property to TRANSFEREE contain the following assurances:

- Provide for any necessary restrictions on the use of the Property during the demolition, environmental remediation, site civil, and redevelopment portions of the work to ensure the protection of human health and the environment (see Section 8.1);

- Provide that there will be restrictions on use necessary to ensure that required remedial investigations, response actions, and oversight activities will not be disrupted (see Section 8.2);
- Provide that all necessary response actions will be taken and identify the schedules for investigation and completion of all necessary response actions as approved by the appropriate regulatory agency (see Sections 8.3 and 8.4); and
- Provide that the NNSA will submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules for the investigation and completion of all necessary response action, subject to congressional authorizations and appropriations (see Section 8.5).

8.1 Protection of Human Health and the Environment

Future response actions to be taken at the PROPERTY TO BE TRANSFERRED are assured by the requirements of: 1) the Contingent Permit; 2) the transfer documentation including the Deed between NNSA and TRANSFEREE and, 3) the AOC negotiated between the State of Missouri, NNSA and TRANSFEREE. Additionally, as a part of the transfer, the NNSA will impose deed restrictions, covenants, and access provisions upon the PROPERTY TO BE TRANSFERRED, including a general prohibition against use of the PROPERTY TO BE TRANSFERRED for residential use, and restrictions on the continued or future use of groundwater.

The Deed transferring the PROPERTY TO BE TRANSFERRED to TRANSFEREE will contain the notices, restrictions and covenants to ensure the protection of human health and the environment as described below. The content of these provisions are provided in the Deed Covenant and will be supplemented by execution of a stand-alone Environmental Covenant pursuant to the Missouri Environmental Covenants Act once the property is transferred. While these deed restrictions and covenants are intended to run with the land in perpetuity, the Deed will contain provisions for their removal or modification by TRANSFEREE upon a demonstration by additional investigation and/or remediation that removal or modification of the restrictions or covenants is appropriate. NNSA, MoDNR and/or EPA concurrence is a part of the required demonstration. The restrictions and covenants on use will include:

Non-residential Use Restrictions – Prohibited residential uses of the PROPERTY TO BE TRANSFERRED include, but are not limited to, any form of housing, childcare, pre-schools, educational institutions attended on a regular basis by students younger than 18-years old, and playgrounds, whether or not ancillary to a commercial facility or endeavor.

Ground Disturbance Restrictions – No physical or structural changes or disturbances of ground surface shall be permitted in, on, or immediately adjacent to any Hazardous Waste Management Unit, SWMU, or Area of Concern other than as allowed, required or facilitated by response actions required or referenced herein including any necessary MoDNR approvals that may be required pursuant to the Contingent Permit and/or executed Environmental Covenant.

Groundwater Use Restrictions – Requires that all groundwater must meet applicable MoDNR use standards prior to use and limits the purposes for which new wells may be installed. Existing deed restrictions on the PROPERTY TO BE TRANSFERRED, which would remain in effect post transfer, already prevent the use of groundwater from the property being used as a potable water source.

8.2 Access and Assurances of Non-Disruption

Section 120(h)(3)(A)(iii) of the CERCLA requires that NNSA insert “a clause granting the United States and the State of Missouri access to the property in any case in which remedial action or corrective action is found to be necessary after the date of such transfer.” To fulfill this requirement, NNSA has inserted a deed clause assuring perpetual access to the property for any required remedial or corrective action. This clause provides the primary mechanism assuring that potential future response actions performed by the government will not be prevented or disrupted. The Deed transferring the PROPERTY TO BE TRANSFERRED will contain the notices, restrictions and covenants to ensure that any required investigations, response actions, and oversight activities will not be disrupted. The content of these provisions are provided in the Deed Covenant.

Non-Disturbance Clause –Neither Property owners, nor their lessees and tenants shall disrupt or prevent any required environmental response.

Compliance with Contingent Permit – Requires property owners and operators of applicable property within the PROPERTY TO BE TRANSFERRED to comply with the provisions of the Contingent Permit and prohibits the establishment and operation of any hazardous waste facility on the PROPERTY TO BE TRANSFERRED without the prior express written permission of the Permittees.

8.3 Response Action Assurance Execution and Schedule

Following transfer of the property and throughout the demolition, remediation and redevelopment phases of the post-transfer work, future response actions to be taken at the PROPERTY TO BE TRANSFERRED are assured by the requirements of the: 1) the Contingent Permit; and, 2) the transfer documentation including the Deed between NNSA and TRANSFEREE and, 3) the AOC negotiated between the State of Missouri, NNSA and TRANSFEREE.

Certain specific assured response actions for the PROPERTY TO BE TRANSFERRED are described in more detail in the CMR contained in the Contingent Permit and in the AOC. These response actions include the following categories or activities:

- | | |
|--------------------------|--|
| Demolition Work Phase | <ul style="list-style-type: none">• Demolition and lawful disposition by the TRANSFEREE of all existing above grade and certain below grade structures, utilities, building fixtures |
|--------------------------|--|

- and equipment (with the exception of the building housing the Groundwater Treatment System, which will remain in use);
- Terminating the on-site portions of the existing sanitary sewer systems and replacing the same with a new sanitary sewer connecting to the wastewater treatment plant currently located on the PROPERTY TO BE TRANSFERRED; and
 - Replacing a portion of the municipal potable water main on or adjacent to the PROPERTY TO BE TRANSFERRED.
- Soil Remedies
- Excavation and disposal of soils exceeding soil screening levels to 12 feet below future site grades; excavation of utilities to 12 feet below future site grades on the western portion of the BFC where new construction is planned;
 - Excavation of utilities to 6 feet below future site grades in the eastern portion of the property, where no deep footing foundations or utilities are anticipated;
 - Excavation and disposal of impacted soils including soils with strong odor or other contamination impacting site re-use where encountered in conjunction with removal of utilities, installation of barrier walls, and removal of building slabs and foundations;
 - Emplacement of barriers to infiltration (engineered caps, buildings or paved areas) on active SWMUs; and
- Groundwater Remedies
- Continued groundwater monitoring and reporting;
 - groundwater extraction and treatment for containment of groundwater in excess of groundwater protection standards; construction of low-permeability barrier walls around selected source areas in former manufacturing areas;
 - Installation of new sanitary sewer and water mains to limit migration pathways; and construction of a low-permeability barrier wall to reduce off-site migration of contaminants in the northeast area; and maintenance of Institutional Controls and use restrictions.
- Surface Water Remedies
- Abandonment and plugging of existing stormwater conveyance systems including removal, or plugging of Outfalls 001, 002, 003, and F; modification of the Outfall 004 configuration; placement of fill between the embankments near Outfall 001 Raceway and New 002 Outfall; installation of a new stormwater system including detention basins, pre-discharge stormwater treatment (for demolition phase), and new discharge outfalls; re-grading of the site with up to 8 feet of additional clean fill;
 - monitoring of any new outfalls that are constructed; and maintenance of Institutional Controls and use restrictions
- Institutional Controls
- Institutional controls (including access restrictions and soil contingency plans) limiting human contact with potentially contaminated soil; continuation of deed restrictions preventing use of site groundwater; and requirements for vapor mitigation systems in all new buildings determined to be at risk from vapor intrusion unless otherwise demonstrated as not needed to the satisfaction of MoDNR.

Site Civil

- Re-grading of the site with up to 8 feet of additional clean fill; capping of SWMUs and ongoing inspection of capped areas; and maintenance of Institutional Controls and use restrictions.
- Re-contouring and grading the PROPERTY TO BE TRANSFERRED following the aforesaid demolition activities;

The current schedule for response actions to be taken on the PROPERTY TO BE TRANSFERRED is provided as the Demolition and Remediation Schedule of Activities and in the AOC. The schedule demonstrates that the proposed covenant deferral and transfer of the property will not substantially delay and will in fact accelerate necessary response actions at the property. As set forth in the AOC, this schedule is subject to change depending upon future agreements between the Permittees and regulatory agencies, available funding, site conditions, approval cycles, force majeure, and other factors. After NNSA transfers ownership of the PROPERTY TO BE TRANSFERRED to TRANSFEREE, the scheduling decisions for response actions and any modifications thereof will be made by TRANSFEREE with MoDNR consent.

The STATE, NNSA and TRANSFEREE have entered into an AOC which, among other issues, details assurance of funding for the performance of remediation work pursuant to Section 6305 of 31 U.S.C. Title Subtitle V Chapter 63. This work includes all remedial actions required under the Contingent Permit as described herein and attached, as well as all work required under the Demolition Plan and the AOC. NNSA may issue additional funding vehicles, or modify the existing or future obligations, to allow and fund the TRANSFEREE to perform all or some of any remaining or additional response actions, and to fund the long-term monitoring, operations and maintenance of the final remedy under the Contingent Permit.

Future response actions for offsite PCB contamination in adjacent portions of Indian Creek, Boone Creek and the Blue River attributable to historical releases on or from the KCP are assured by the requirements on NNSA contained within the AOC negotiated between the State of Missouri, NNSA and TRANSFEREE and as incorporated by reference in the Contingent Permit.

Future response actions sufficient to maintain unlimited use and unrestricted exposure designation for historical radiological contamination on BFC including the PROPERTY TO BE TRANSFERRED remain with and are assured by NNSA in the AOC.

To the extent TRANSFEREE (or other designee as agreed to by the parties in the AOC) fails to fulfill its post-transfer obligations to perform required response actions under the Contingent Permit or under the AOC, NNSA will remain obligated to ensure completion of all necessary response actions consistent with the requirements of CERCLA 120(h).

8.3.1 Response Action Assurances within the Contingent Modified Missouri Hazardous Waste Management Facility Part I Permit

The Contingent Permit for the facility requires environmental response actions to address hazardous waste including closure, post closure and corrective action requirements under Missouri State hazardous waste law and regulations. As a part of the transfer of the property, the current Modified Missouri Hazardous Waste Management Facility Part I Permit will be modified to identify TRANSFEREE as owner and operator on the portion of the PROPERTY TO BE TRANSFERRED. GSA will remain as a permittee for the remainder of the BFC property. Accordingly, continuous uninterrupted regulation under state hazardous waste laws and regulations will be maintained.

Following transfer of the PROPERTY TO BE TRANSFERRED, as outlined in the AOC, TRANSFEREE will be responsible for the Contingent Permit obligations on or related to contamination originating on the PROPERTY TO BE TRANSFERRED, including hazardous waste facility investigation and closure, post-closure care, and all corrective measures required for the SWMUs and Areas of Concern.

With the exception of NNSA Retained Obligations, including offsite PCB contamination attributable to historical releases on or from the KCP in adjacent portions of Indian Creek, Boone Creek and the Blue River, which contamination is addressed by DOE/NNSA's obligations contained within the AOC, for contamination originating on the PROPERTY TO BE TRANSFERRED and addressed in Sections 4.5 and 5.5 above, TRANSFEREE will implement corrective actions beyond the boundary of the PROPERTY TO BE TRANSFERRED if and as required by 10 CSR 25-7.264(1) incorporating 40 CFR 264.101(c).

In addition to the above, and as required by CERCLA, the Deed transferring the NNSA property will contain the CERCLA § 120(h)(3)(A)(ii)(II) and (C) covenant deferral language, providing that all necessary response actions will be taken and identifying the schedules for completion of all necessary response actions, as approved by the regulatory agency in the Contingent Permit, as detailed in the AOC. The terms of these agreements and the covenant deferral language assures that even if TRANSFEREE fails to perform required remedial actions that the United States shall implement any additional response actions necessary after the transfer date.

Further, in compliance with CERCLA § 120(h)(3)(C)(iii), when all response action necessary to protect human health and the environment with respect to any hazardous substance remaining on the PROPERTY TO BE TRANSFERRED or portion of the property on the date of transfer has been taken, the United States shall execute and deliver to the owner or owners of the PROPERTY TO BE TRANSFERRED an appropriate document containing a warranty that all required remedial action has been completed to satisfy the requirement of CERCLA § 120(h)(3)(A)(ii)(I).

8.3.2 Response Action Assurances Outside of the Contingent Modified Missouri Hazardous Waste Management Facility Part I Permit

TRANSFEREE and NNSA have negotiated and entered into an AOC with the State of Missouri which requires certain post-transfer demolition, site civil and environmental response actions at the PROPERTY TO BE TRANSFERRED and adjacent property. The AOC obligations include response actions not required by the Contingent Permit. TRANSFEREE and NNSA will be responsible for the work required under the AOC pursuant its terms.

As a part of the work under the AOC, TRANSFEREE plans to demolish all of the buildings on the property (except the building housing the groundwater treatment system) and remove all infrastructure and utilities to a depth of approximately 6 to 12 feet (depending on location) below proposed future site grades. Utilities deeper than these vertical extents will be abandoned in place pursuant to applicable federal, state, and local requirements. Subject to MoDNR requirements, most of the debris would either be used as onsite clean fill or disposed of as nonhazardous waste in the local municipal landfill or an alternative offsite landfill developed specifically for construction debris. Debris used onsite as fill has been or will be tested for contamination prior to use as fill.

Any debris that is characterized or otherwise determined to be hazardous pursuant to federal and state regulations will be disposed of as hazardous waste at a permitted hazardous waste management facility. It is anticipated that such waste will consist primarily of soils and other materials impacted with elevated concentrations of PCBs, chlorinated solvents, petroleum hydrocarbons and heavy metals from affected areas at the BFC.

The demolition phase will provide an opportunity for the direct removal of certain contaminated soil, and destruction or control of some contaminants. Building demolition, additional remediation and site re-grading will result in an increased number of acres of previously developed land becoming vacant and ready for new development.

In accordance with the AOC and as referenced in Sections 4.5 and 5.5, in accordance with the Contingent Permit after conveyance of the PROPERTY TO BE TRANSFERRED NNSA shall nonetheless provide the financial assurance and be obligated to execute all corrective measures now or hereafter required under the Contingent Permit with respect to PCB contamination of Indian Creek, Boone Creek and the Blue River originating from the PROPERTY TO BE TRANSFERRED caused by historical releases of PCBs on, at or from the PROPERTY TO BE TRANSFERRED. Such corrective measures shall include, but not limited to, sediment and fish monitoring and warning signage, and any future corrective measures that may be required by the Department of Natural Resources.

DOE/NNSA has also retained all responsibilities for response actions should any additional historical Radiological Material associated with the BFC be discovered during site demolition or any time thereafter.

8.4 Financial Assurance

The financial assurance mechanism being utilized for the transfer on the PROPERTY TO BE TRANSFERRED to assure funding for completion of the response action post transfer is an appropriation by the federal government of funds sufficient to cover all of TRANSFEREE's post transfer closure, post closure, corrective action, and other remedial obligations under both the Contingent Permit and other obligations as referenced in Paragraph 8.3.1 and 8.3.2 including TRANSFEREE's obligations under the AOC. The funds from this appropriation (the "BFC Remedial Fund") will be retained by the federal government, and made available to TRANSFEREE to be used to fund the response action as agreed to in the AOC. The BFC Remedial Fund is equivalent to a trust fund under the RCRA Subpart H regulations and would be billed against by the designated transferee entity obligated and performing the TRANSFEREE's post transfer closure, post closure, corrective action, and other response action obligations as provided for under the terms of the AOC.

Funds in the BFC Remedial Fund will be available to be accessed in any year in which response action work is performed and/or invoiced. Periodic reporting by TRANSFEREE on the progress of the response action activity, site costs and expenditures, and the status of the BFC Remedial Fund is required by the transfer transaction documents as described in the AOC and the Contingent Permit. These requirements include regular submission of work progress reporting, as well as annual response action budgeting and a reconciliation of expenditures against the response action budgets and the balance of the BFC Remedial Fund.

As detailed in the transaction documents, in the event TRANSFEREE fails to perform, the financial assurance provided by the BFC Remedial Fund would become available to NNSA and MoDNR for completion of TRANSFEREE's post transfer closure, post closure, corrective action, and other remedial obligations as set forth in the AOC, Paragraphs 8.3.1 and 8.3.2 herein, and the Contingent Permit.

8.5 Assurance NNSA Will Submit a Budget Request to the OMB

The NNSA, through the DOE, will submit a budget request, or requests, to the Director of the Office of Management and Budget that, if appropriated, will adequately fund the BFC Remedial Fund and agreed upon schedule for investigation and completion of all TRANSFEREE's necessary response actions consistent with the AOC and requirements of CERCLA 120(h). Annual appropriations from and after Year 1 to cover Long-Term Operation, Maintenance, and Monitoring (LTOM&M) Costs and Post-Closure Care will be funded through future budget requests. The actual amount available for such activities is subject to congressional authorization and appropriation.

8.6 NNSA Approach to Future Environmental Protection

The NNSA intends to take certain steps to structure the transfer of the PROPERTY TO BE TRANSFERRED to foster protection of human health and the environment and the eventual

remediation of the PROPERTY TO BE TRANSFERRED, all of which will be determined by the requirements of the transaction documents and the Contingent Permit. These steps include:

- Inclusion of deed restrictions and environmental protection provisions in the Deed for the PROPERTY TO BE TRANSFERRED. These are discussed in Section 8.1.
- Up-front funding of the BFC Remedial Fund and response actions for the PROPERTY TO BE TRANSFERRED.
- Additional reliance upon the Contingent Modified Missouri Hazardous Waste Management Facility Part I Permit, zoning ordinances, and land use restrictions recorded in covenant as discussed in Section 9 below.
- The protections and land use controls discussed in Section 9 below will be applicable to the PROPERTY TO BE TRANSFERRED.
- Execution of the Administrative Order on Consent.

9. ENVIRONMENTAL PROTECTION PROVISIONS AND LAND USE CONTROLS

During and following response actions at the property, TRANSFEREE, MoDNR, and EPA will implement or insure implementation of land use controls to assure that the PROPERTY TO BE TRANSFERRED's use is consistent with the nature and extent of the contaminants present.

These controls will consist of four independently enforced mechanisms, providing redundant protections for human health and the environment. These mechanisms are:

- Contingent Modified Missouri Hazardous Waste Management Facility Part I Permit;
- Missouri Environmental Covenant containing Activity and Use Limitations;
- Deed Restrictions with Environmental Protection Provisions, and
- Kansas City, Missouri Zoning Ordinances.

9.1 Missouri Hazardous Waste Management Facility Part I Permit

The PROPERTY TO BE TRANSFERRED is currently regulated by the existing Modified Missouri Hazardous Waste Management Facility Part I Permit. The Contingent Permit requires that the facility owners and operators implement security procedures to prevent unauthorized access and use of Hazardous Waste Management Units, SWMUs, and Areas of Concern. These provisions may include requirements for fencing and signage, security patrols, and non-disturbance of engineering controls such as caps and covers on portions of the PROPERTY TO BE TRANSFERRED. The permit will also require the permittees to develop programs designed to protect workers, visitors, and the surrounding environment. These programs may include but are not limited to: training of personnel, the use of personal protective equipment, instituting emergency response procedures, procedures for sampling, testing, and managing wastes/contaminated environmental media, groundwater monitoring, storm water runoff controls, and assuring proper transportation of wastes/contaminated environmental media.

Currently, the existing Modified Missouri Hazardous Waste Management Facility Part I Permit includes both the PROPERTY TO BE TRANSFERRED as well as other property located at the BFC which will not be transferred to TRANSFEREE. In addition to determining the standards and regulating portions of the response action on the BFC property, the Contingent Permit and the associated regulations at 10 CSR 25-7.270(1) incorporating 40 CFR 270.42, specifies the procedures that must be followed to obtain MoDNR's approval to remove uncontaminated and remediated areas of the property from the jurisdiction of the permit.

9.2. Missouri Environmental Covenants Act, Activity and Use Limitations

As set forth in this Section 9, an Environmental Covenant will be entered into concerning the PROPERTY TO BE TRANSFERRED pursuant to the Missouri Environmental Covenants Act, Sections 260.1000 through 260.1039, RSMo. The primary focus of the covenant is to restrict any use of contaminated property such that its use does not pose a threat to human health or the environment. This will be accomplished through a combination of direct land use controls on the property and local zoning restrictions to similarly control use of the property.

9.3. Deed Restrictions and Environmental Protection Provisions

On the basis of the above information and other environmental studies and reports, and in consideration of the intended use of PROPERTY TO BE TRANSFERRED, certain terms and conditions are required for the proposed transfer. These terms and conditions are set forth in the attached CERCLA Covenant, access provisions and other Deed notices and the environmental protection provisions. The covenants, access provisions, and Deed restrictions for the PROPERTY TO BE TRANSFERRED are discussed throughout this FOSET.

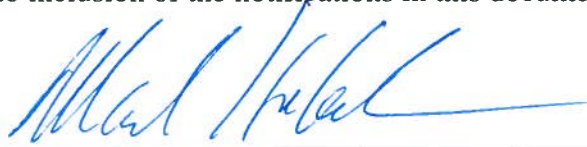
9.4 Zoning Ordinance

The BFC is on a highly developed site zoned for manufacturing/heavy industry under the Kansas City Zoning and Development Code. TRANSFEREE intends to redevelop the PROPERTY TO BE TRANSFERRED as an urban redevelopment district for commercial/industrial use within applicable zoning and covenant restrictions as required by the Deed Covenants.

10. FINDING OF SUITABILITY FOR EARLY TRANSFER DECLARATION

Based on the above information, I conclude that all NNSA requirements to reach a finding

of suitability for early transfer of PROPERTY TO BE TRANSFERRED have been met. Based on the policies and assurances provided, the proposed use of PROPERTY TO BE TRANSFERRED for the uses identified herein satisfies all regulatory requirements and is consistent with protection of human health and the environment, subject to inclusion of the notifications in this document.



Mark L. Holecek
Site Manager, Kansas City Field Office
National Nuclear Security Administration
U.S. Department of Energy

Figure 1: The Bannister Federal Complex

Excess property available for transfer west of railroad tracks

USMC Data Center to be retained by GSA east of railroad tracks



- 1 SWMU UNDERGROUND TANK FARM
- 2 SWMU TCE STILL LOCATION
- 3 SWMU WASTE TRANSFER SPILL AREA
- 4 SWMU CLASSIFIED WASTE TRENCHES
- 5 SWMU NORTH LAGOON
- 6 SWMU OLD PONDS
- 7 SWMU NORTH LAGOON TRENCH AREA
- 8 SWMU OUTFALL 001 RACEWAY
- 9 SWMU BLDG. 57 ACID & ALKALINE TANKS
- 10 SWMU WASTE OIL TANK UNDER PLATING BLDG.
- 11 SWMU SUBSTATION 18 N. OF PLATING BLDG.
- 12 SWMU DEPARTMENT 26 OUTSIDE
- 13 SWMU SOUTH LAGOON
- 14 SWMU OLD 002 OUTFALL
- 15 SWMU NEW 002 OUTFALL
- 16 SWMU SALES BUILDING
- 17 SWMU BUILDING 54
- 18 SWMU NORTH LOT
- 19 SWMU BUILDING 16 UNDERGROUND PITS (PCBS)
- 20 SWMU ABANDONED FUEL LINES
- 21 SWMU FUEL OIL TANK UNLOADING AREA
- 22 SWMU EAST OF OIL STORAGE TANKS, UNDERGROUND TANK FARM, AND BLDG. 15, EXTENDING TO LAGOONS
- 23 SWMU PCBs AND HYDRAULIC OIL SPILLS IN OPEN AREA
- 24 SWMU WASTEWATER DUMPING WEST OF BUILDING 16
- 25 SWMU SPILL OF CUTTING OIL AND COOLANTS NEAR LOT 187-L OUTSIDE DIKED AREA
- 26 SWMU SPILL OF CAUSTIC WASTEWATER NORTH OF MANUFACTURING SUPPORT BUILDING
- 27 SWMU DUMPING OF PCB CONTAMINATED WASTEWATER WEST OF LAGOONS

- 28 SWMU SPILL OF PLATING ACID FROM TRUCK (EAST HALF OF BARREL LOT)
- 29 SWMU SOUTHEAST PARKING LOT
- 30 SWMU DEPARTMENT 27 - OUTSIDE
- 31 SWMU DEPARTMENT 26 - INSIDE
- 32 SWMU DEPARTMENT 27 - INSIDE
- 33 SWMU OIL HOUSE
- 34 SWMU SANITARY SEWER PUMP STATION
- 35 SWMU EAST BOILERHOUSE
- 36 SWMU MAINT. VEHICLE REPAIR SHOP SUMP
- 37 SWMU ABANDONED SUMP
- 38 SWMU REPORTED BURIED DRUM SITE
- 39 SWMU DEPARTMENT 95
- 40 SWMU FORMER CHIP HANDLING BUILDING
- 41 SWMU DEPT. 20 DEGREASER PIT
- 42 SWMU 95TH TERRACE
- 43 SWMU TEST CELL TANKS
- 44 SWMU FORMER LANDFILL
- 45 SWMU BUILDING 50

■ TCE CONTAMINATION IN SOIL
■ TPH CONTAMINATION IN SOIL
■ PCB CONTAMINATION IN SOIL
■ PCB AND TCE CONTAMINATION IN SOIL

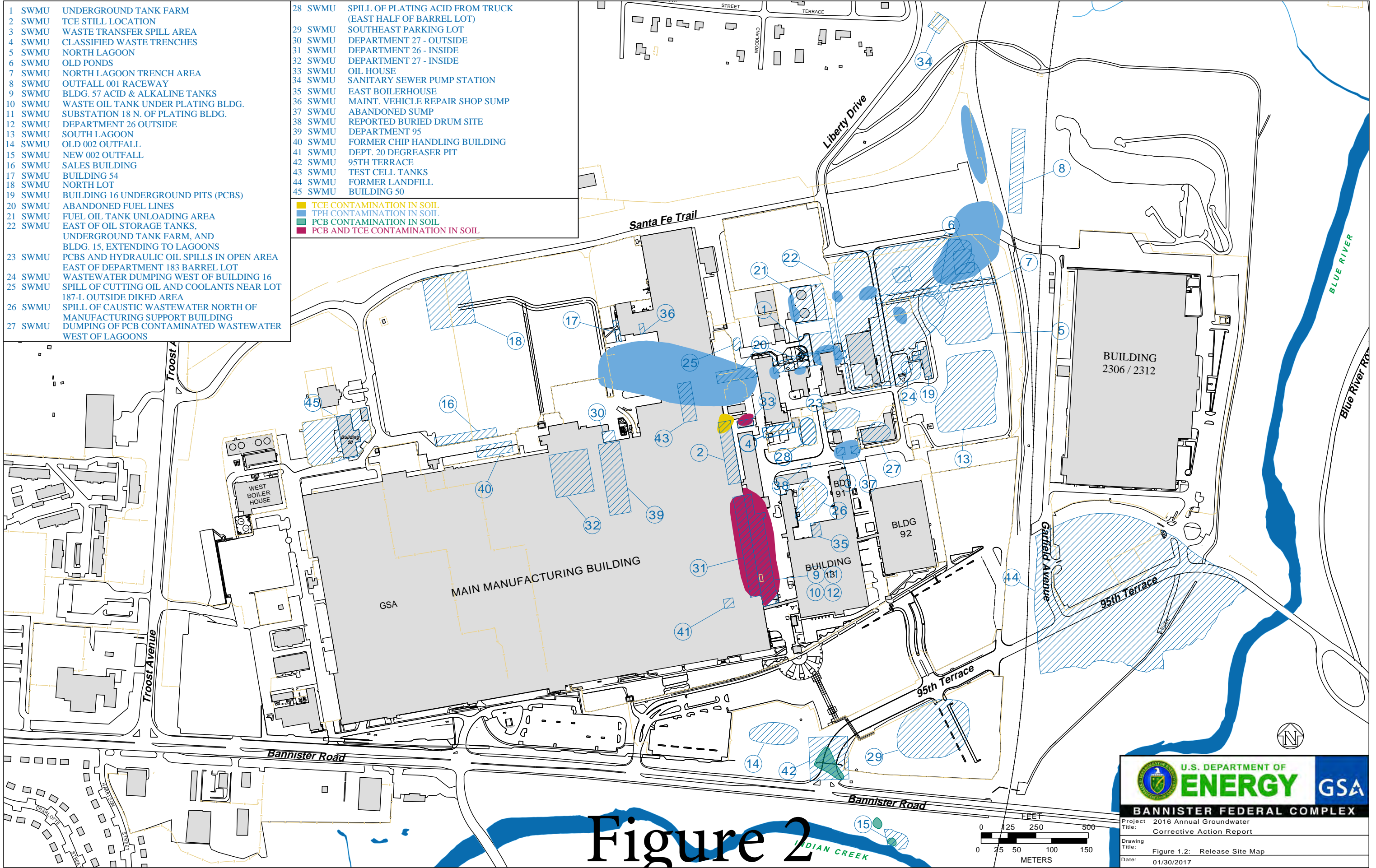


Figure 2

U.S. DEPARTMENT OF ENERGY

GSA

BANNISTER FEDERAL COMPLEX

Project: 2016 Annual Groundwater
 Title: Corrective Action Report
 Drawing: Figure 1.2: Release Site Map
 Date: 01/30/2017

Groundwater Contaminant Plumes

Contour Interval 2ft.

- Total VOCs mdl to 50 µg/L
- Total VOCs 50 to 1,000 µg/L
- Total VOCs 1,000 to 10,000 µg/L
- Total VOCs 10,000 to 100,000 µg/L
- Total VOCs > 100,000

Well Legend:

- In-Service Monitoring Well Location
- In-Service Monitoring Well Location (for static water-level measurement only)
- In-Service Pumping Well Location
- In-Service Bedrock Well Location

Cattails

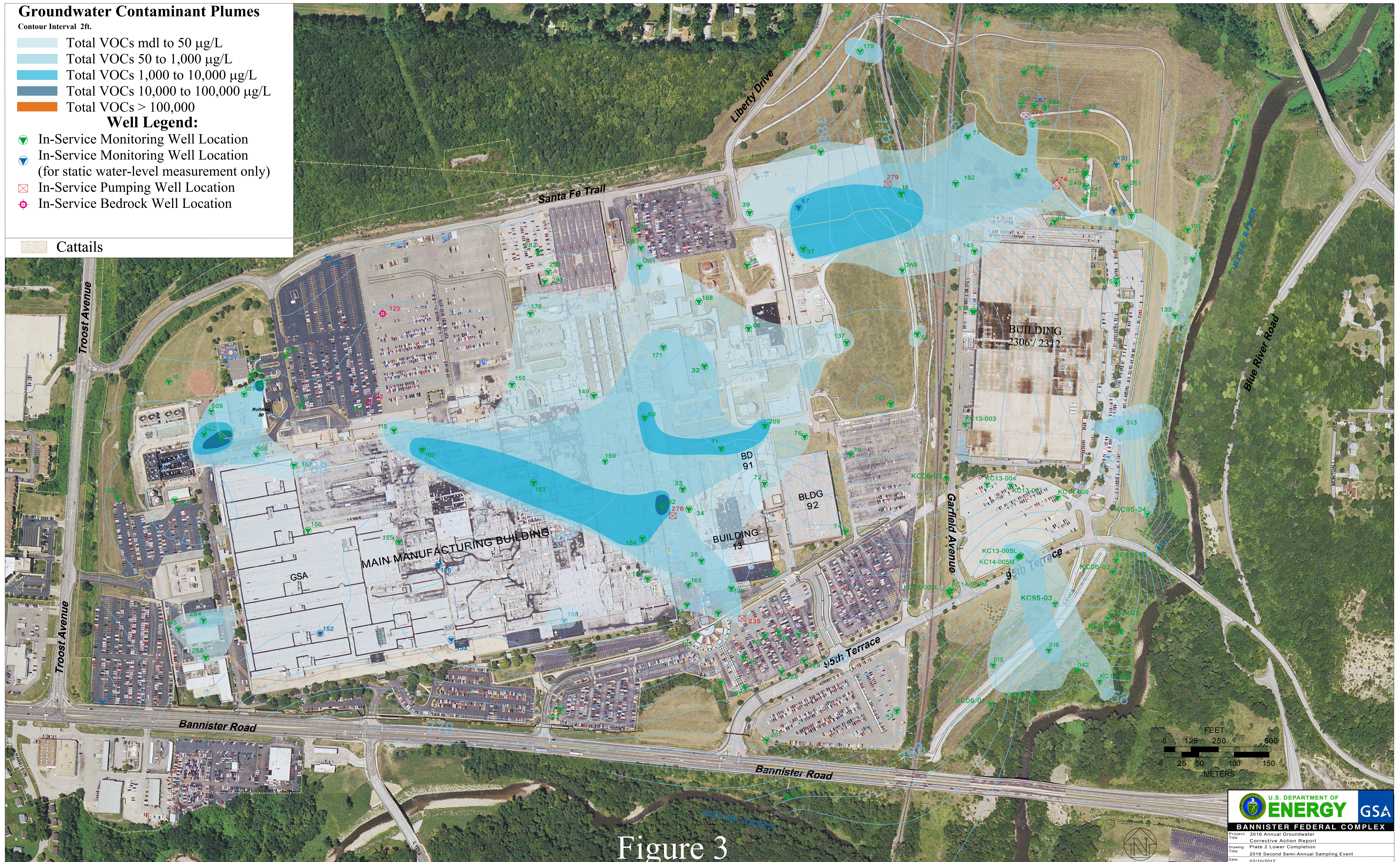


Figure 3

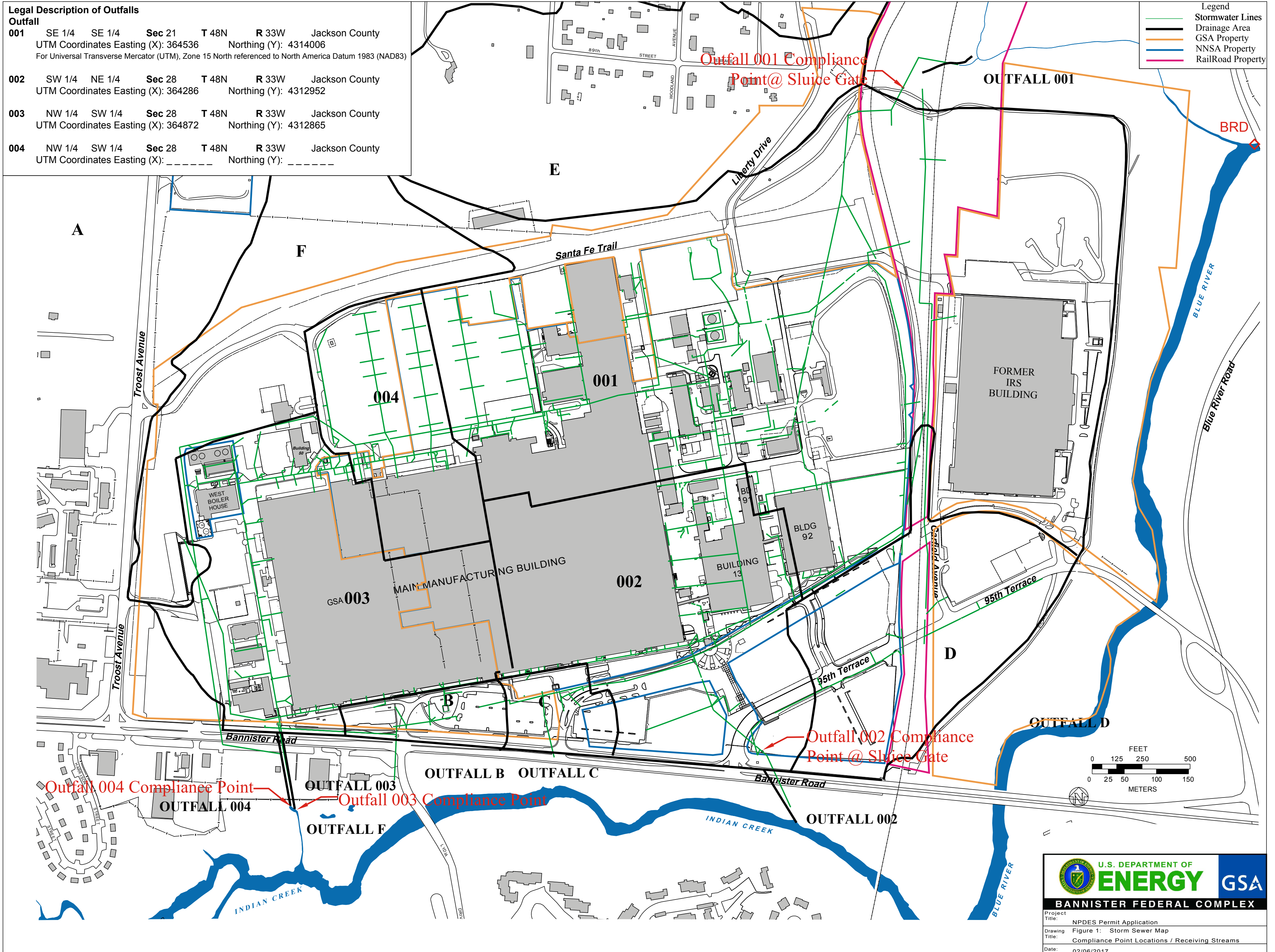


Figure 4

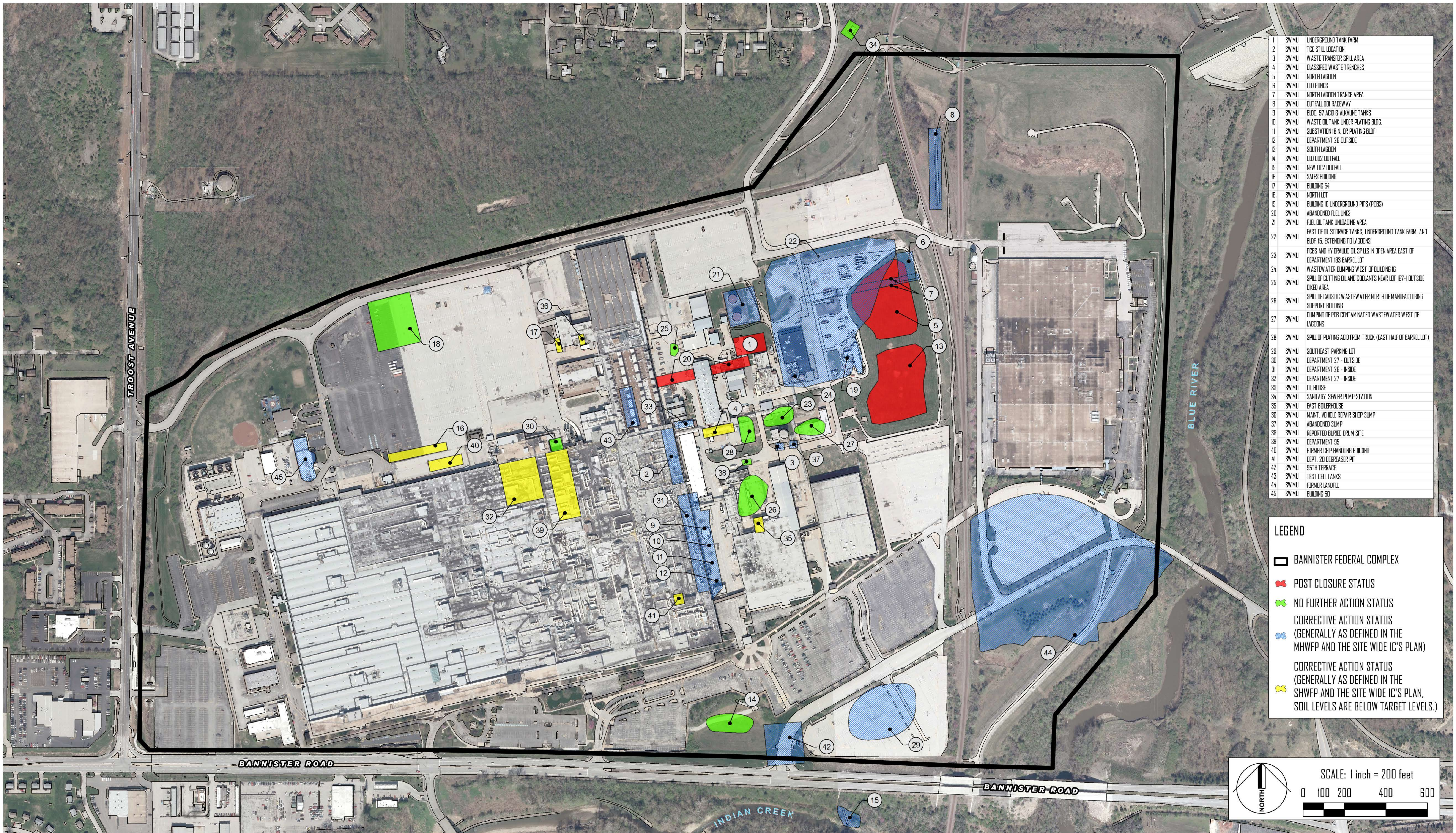


Figure 5: SOLID WASTE MANAGEMENT UNITS AND AREAS OF CONCERN//DATE 2014-09-16

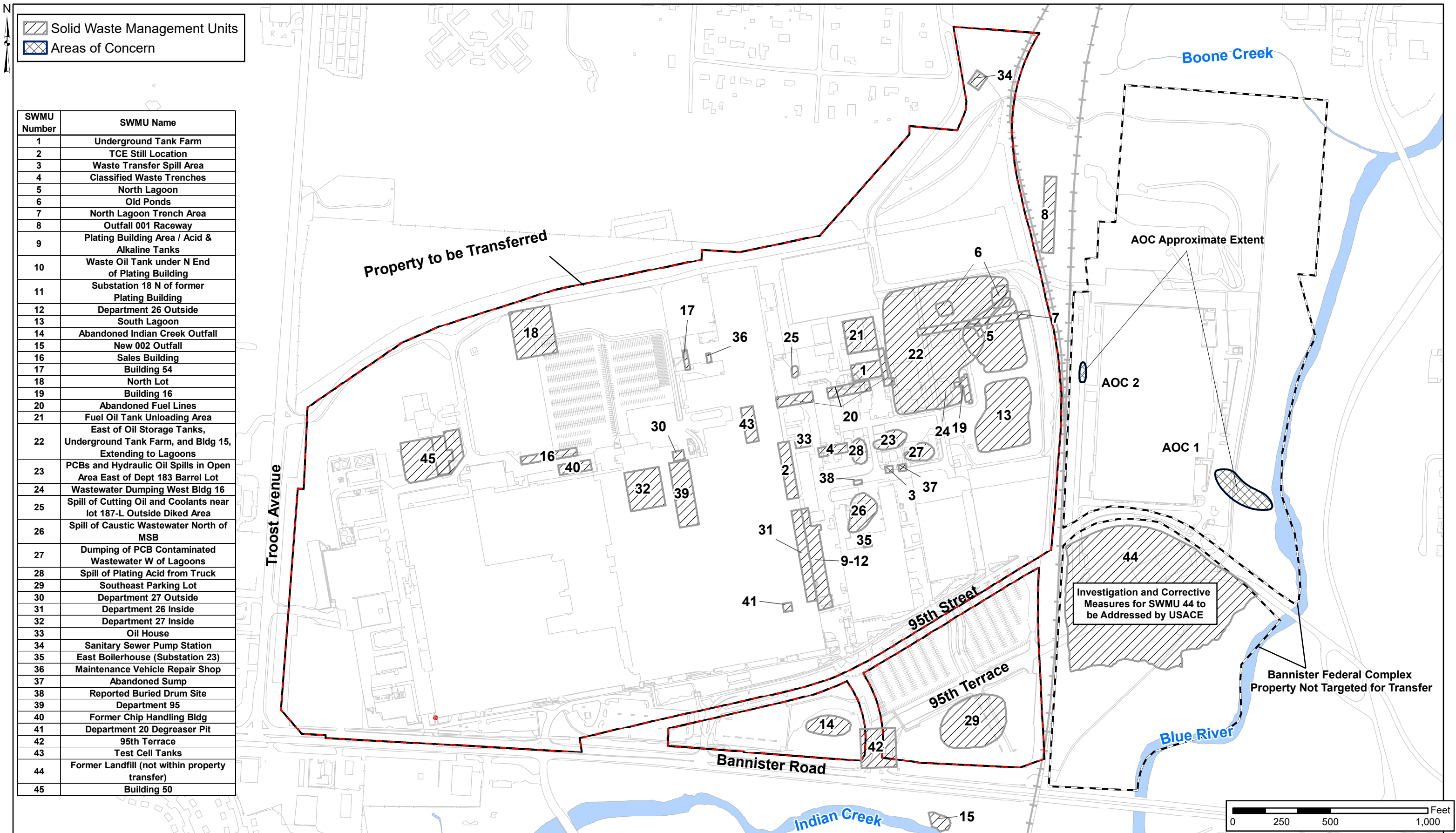


Figure 1 Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs)

FOSET List of Referenced Documents

The following list of documents were referenced in this FOSET and are listed here alphabetically. These documents will be maintained as part of the administrative record regarding this matter.

1. Administrative Order on Consent for a Portion of the Bannister Federal Complex, State of Missouri, US Department of Energy, and Bannister Transformation & Development LLC, September, 2017
2. Bannister Federal Complex Demolition Plan: Demolition Work Plan prepared by Brandenburg dated January 2016 and Bannister Federal Complex Abatement and Demolition Plan Supplements prepared by E W Wells Group LLC, March 7, 2017
3. Bannister Federal Complex Property Legal Description, March 6, 2016
4. Bannister Federal Complex—CenterPoint Due Diligence Investigation Site Infrastructure and Design Development Narrative prepared by Olsson Associates/Lutjen, September 13, 2016
5. Bannister Transformation and Development LLC First Responder Radiation Rapid Response Plan for the Bannister Federal Complex Redevelopment Project, Auxier & Associates, Inc., September, 2017
6. Corrective Measures Report Bannister Federal Complex prepared by S.S. Papadopoulos & Associates, Inc., December, 2016
7. Covenant Deferral Request letter, September, 2017
8. Contingent Modified Missouri Hazardous Waste Management Facility Part I Permit
9. Deed Covenant, Access Provisions and Land Use Restrictions
10. Description of Current Conditions Report, U.S. Department of Energy and General Services Administration, May, 2016, as amended
11. Due Diligence Site Investigation, S.S. Papadopoulos & Associates, April, 2017
12. Environmental Assessment for the Transfer of the Kansas City Plant, Kansas City, Missouri (DOE/EA-1947), May, 2013
13. Final Report Conversion of Existing Radiologic Data to Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) Format Report No. P(14)241_KCP MARSSIM Report, February 28, 2017
14. Finding of No Significant Impact (FONSI), May 1, 2013

15. Indian Creek/Blue River Fate and Transport Study Final Report, February, 2016
16. Missouri State Operating Permit, MO-0004863, October 1, 2012
17. Quit Claim Deed (Draft), August 15, 2017
18. Radiological Rapid Response Plan Demolition and Remediation Program for the Bannister Federal Complex, Kansas City, MO, PermaFix Environmental Services, September, 2017
19. Release of the Bannister Federal Complex under DOE Order 458.1, NNSA Memo, February 7, 2017
20. Response to Comments Summary, July 14, 2017
21. Revised Finding of No Significant Impact (FONSI), NNSA, August 30, 2016
22. Schedule of Activities, Bannister Transformation & Development, September, 2017
23. Tower Site RSL Assessment, S.S. Papadopoulos & Associates, July 11, 2017
24. Unlimited Use/Unrestricted Exposure Determination for Uranium at the Bannister Federal Complex, MoDNR, April 26, 2017
25. Wastewater Discharge Permit, Kansas City Water Services, December 1, 2016