

**FINDING OF NO SIGNIFICANT IMPACT
PROPOSED TITLE TRANSFER OF
EAST TENNESSEE TECHNOLOGY PARK LAND AND FACILITIES**

AGENCY: U.S. Department of Energy

ACTION: Finding of No Significant Impact (FONSI).

SUMMARY: The U. S. Department of Energy (DOE) has completed an Environmental Assessment (EA) Addendum (DOE/EA-1175-A) to transfer title of unneeded DOE real property located within the East Tennessee Technology Park (ETTP) to help support the accelerated cleanup of ETTP, and to continue to support economic development in the region. DOE's action is needed to help reduce the eventual cost for building demolition and to reduce or eliminate ETTP site landlord costs. This would also help to free money for reinvestment in cleanup projects to further reduce risks at the site. DOE also recognizes that transferring unneeded property can help offset economic losses resulting from continued DOE downsizing, facility closures, and workforce restructuring.

The EA Addendum and this FONSI supplement the EA and FONSI completed in 1997 (DOE/EA-1175) for the expansion of DOE's Reindustrialization Program whereby land and facilities at ETTP are leased for industrial and business uses. The EA Addendum also evaluates potential impacts resulting from transferring title of ETTP land and facilities under a modified Reindustrialization approach consistent with the Oak Ridge Performance Management Plan (PMP). The EA Addendum also addresses six additional areas of ETTP that were inadvertently not included in the 1997 EA. These areas consist of roads, grounds, and other infrastructure that have been leased for maintenance purposes (e.g., mowing) and/or utility operations.

At the time the original EA was developed, the alternative of title transfer was not a viable option because DOE had determined that ETTP land and facilities were essential to future opportunities that might include other adaptive reuses or potential missions. For this reason the alternative of title transfer was dismissed from further consideration. Since development of the 1997 EA, changes such as the DOE-issued interim final rule, "Transfer of Real Property at Defense Nuclear Facilities for Economic Development" [10 *Code of Federal Regulations (CFR)* Part 770], now enable DOE to consider title transfer for disposing unneeded real property at DOE's defense nuclear facilities for economic development purposes. With the publication of this rule, the rationale in the 1997 EA for elimination of the "sale or title transfer to a non-federal buyer" alternative is no longer valid.

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

PUBLIC AVAILABILITY: The EA Addendum may be reviewed at and copies of the documents obtained from:

U. S. Department of Energy
Information Center
475 Oak Ridge Turnpike
Oak Ridge, Tennessee 37830
Phone: (865) 241-4780

FURTHER INFORMATION ON THE NEPA PROCESS: For further information on the NEPA process, contact:

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U. S. Department of Energy
P.O. Box 2001
Oak Ridge, Tennessee 37831
Phone: (865) 576-0411

DESCRIPTION OF PROPOSED ACTION: DOE proposes to transfer ownership (title) of ETTP land and facilities to Heritage Center LLC, a subsidiary of the Community Reuse Organization of East Tennessee. The proposed action is focused on transferring title to a combination of approximately 26 ETTP facilities and land parcels. The types of buildings to be transferred include offices, warehouse/storage buildings, former process buildings, utilities (e.g., the water treatment facility, telephone buildings, and the railroad), site support facilities (e.g., the visitor control center and the fire hall), and miscellaneous facilities like the ETTP Visitor Overlook. ETTP land parcels include remediated land parcels as they become available and areas referred to as Parcel ED-4 and Parcel ED-5 (formerly Parcel 4 and Parcel 3, respectively). The six areas that were inadvertently not included in the 1997 EA could continue to be leased or portions of some of them could be transferred in the future. Transferred land and facilities would be used for various industrial and business purposes. Industrial uses would be limited to those analyzed in the 1997 EA and would be required to conform to the City of Oak Ridge Zoning Ordinance (i.e., Section 8.02, IND-2, Industrial Districts and Section 8.03, IND-3, Industrial Districts).

The authority for executing title transfers is Sect. 161(g) of the Atomic Energy Act of 1954. Additionally, the process described in the DOE-issued interim final rule (10 *CFR* Part 770) would be followed, including compliance with the requirements of Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and the Federal Facility Agreement. In accordance with the modified Reindustrialization approach described in the Oak Ridge PMP, if the title to a facility is transferred prior to the scheduled deactivation date, then the facility remains in place. However, if the title is not transferred prior to the scheduled deactivation date, then the facility would enter the decontamination and demolition program. Once the title is transferred, the eventual cost for building demolition would be the responsibility of the new owner instead of DOE. DOE would retain responsibility for addressing any legacy contamination that is discovered. The buildings that would be transferred would be released from radiological restrictions under DOE Order 5400.5.

Appropriate restrictions would be included in the Quitclaim Deed to provide for environmental protection and to ensure that activities by the new owner(s) do not adversely affect any sensitive resources (e.g., cultural resources). If the new owner or any of its successors, transferees, or assigns fails to abide by the provisions of the Quitclaim Deed, then DOE would be able to seek enforcement in Federal District Court.

ALTERNATIVES: No alternatives in addition to the proposed action were considered in the EA Addendum. For purposes of comparison, the no action alternative is essentially the same as the one in the 1997 EA (i.e., continued environmental restoration, waste management, decontamination and decommissioning, and eventual closure of the site). However, now this alternative would occur in accordance with the Oak Ridge PMP.

ENVIRONMENTAL IMPACTS: Potential environmental impacts that could result from the proposed title transfer of ETTP land and facilities were evaluated for the following: land and facility use, air quality, water resources, ecological resources, cultural resources, socioeconomics, utilities, noise, and health and safety. Potential impacts identified were compared with the results of the analysis conducted for the 1997 EA.

Potential impacts to land and facility use, threatened and endangered (T&E) species, cultural resources, socioeconomics, utilities, and health and safety were further analyzed in the EA Addendum, either because of changes that have occurred since completing the 1997 EA, or because impacts could result from the proposed action. Cumulative impacts on land use, socioeconomics, and transportation were also assessed. For the other resources (e.g., geology and soils, air quality, water resources, and noise) it was determined that the analysis conducted for the 1997 EA is still sufficient and that additional or different impacts to those resources were unlikely to result from the proposed title transfers.

The total amount of land that would actually be transferred is unknown at this time. However, for analysis purposes about 1600 acres of ETTP property are assumed for eventual title transfer. Of this, approximately 30% of the 1600 acres (i.e., 500 acres) is assumed to be suitable for development purposes. This amount includes the approximately 100 acres associated with the 26 target facilities, another 100 acres for Parcels ED-4 and ED-5, and about 70 additional acres. The remainder of the 500 acres would include areas of remediated land within ETTP that have not yet been identified. The analysis also assumes that the remaining acreage would not be suitable for development because of various constraints (e.g., wetlands and floodplains, land with greater than 15% slope, utilities, residual contamination, etc.).

The uses of title-transferred facilities will be limited to those analyzed in the 1997 EA. Some facilities will essentially remain unchanged (e.g., offices) while others may undergo modifications. It is assumed that new facilities are likely to be constructed on any transferred land parcels including areas that will be remediated. Areas located within a floodplain, or with wetlands or other sensitive resources, or containing waste disposal areas will be excluded from title transfer.

No impacts to any T&E species are expected from the title transfer of ETTP land and facilities. No listed species are known to occur within the developed areas of ETTP. Because of the previously disturbed nature of the vacant land parcels that could potentially be transferred and their proximity to the developed industrial areas, it is also unlikely that any listed species are present. DOE completed a Biological Assessment for the proposed action and the U.S. Fish and Wildlife Service has concurred with DOE's conclusion that no federally listed species are likely to be adversely impacted as a result of the title transfer.

No impacts to any known archaeological or historical resources located within ETTP are expected to result from the proposed action. To ensure that the potential effects of each title transfer are thoroughly considered, consultation will be conducted with the Tennessee State Historic Preservation Officer (SHPO) on a proposal-by-proposal basis for those resources that are listed in or eligible for inclusion in the National Register of Historic Places (NRHP). The deed between DOE and the new property owner(s) will also require that if an unanticipated discovery of cultural materials (e.g., human remains, pottery, bottles, weapon projectiles, and tools) or sites is made during any development activities, all ground-disturbing activities in the vicinity of the discovery will be halted immediately. The property owner will be responsible for contacting the SHPO and the Eastern Band of Cherokee Indians Tribal Historic Preservation Officer to initiate and complete consultation prior to any further disturbance of the discovery-site area. As long as these conditions are met, the Tennessee SHPO concurs that the proposed action will not adversely affect any listed properties on the NRHP.

It was determined that the majority of the bounding socioeconomic impact analysis conducted for the 1997 EA is still valid for the proposed action of title transfer. The socioeconomic impacts of title transfer are expected to be minimal. The demographic, employment, and income impacts are essentially unchanged. No environmental justice impacts are expected, since the locations of minority and low-income populations remain unchanged. Little if any net in-migration is expected as a result of the proposed action. Therefore, little or no impact on demand for housing or other public services (e.g., schools, utilities, and police and fire protection) is anticipated. The potential net change in revenue to the City of

Oak Ridge and Roane County would be the tax collected on the land and facilities sold to for-profit organizations, minus any lost revenues from discontinued payments-in-lieu-of-tax.

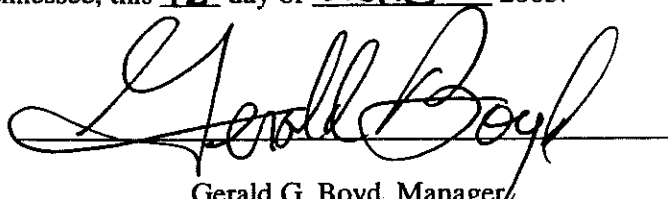
The existing ETTP Water Treatment Plant (K-1515) is proposed to be transferred and can continue to provide service to the remaining facilities. Transferred facilities would also tie into other existing and new utility infrastructure (i.e., electrical, gas, communications, and sewer). Some new utility infrastructure construction is expected in order to provide utility service to new facilities that may be built. Other upgrades and modifications may also be needed. The City of Oak Ridge is currently designing a new package wastewater treatment plant for Rarity Ridge, which will serve that development. The City is also constructing a new, elevated water tank and associated water infrastructure to serve the Rarity Ridge development from the neighboring public water supplies of the Cumberland Utility District and the City of Kingston. It is possible that these systems could also be configured to accommodate future development located at the Heritage Center. Installation of utility improvements consistent with ETTP plans and coordinated (as applicable) with the City of Oak Ridge would be expected to occur.

Health and safety impacts under the proposed action are expected to be similar to those addressed in the 1997 EA. It is expected that commercial businesses and industries would have occupational hazards, emissions, and effluents common to other industrial sites. These businesses and industries would be required to follow appropriate environmental regulations and obtain applicable permits that are intended to protect human health and the environment.

Because ETTP facilities are currently being leased for commercial and industrial development, the proposed transfer of title will not have a large incremental impact on the environment (including air quality, water quality, cultural resources, and biodiversity) when added to the other past, present, and reasonably foreseeable future actions on and in the vicinity of the Oak Ridge Reservation.

DETERMINATION: Based on the findings of this EA Addendum and after careful consideration of all public and agency comments, DOE has determined that the proposed title transfer of ETTP land and facilities does not constitute a major federal action that would significantly affect the quality of the human environment within the context of NEPA. Therefore, preparation of an EIS is not required.

Issued at Oak Ridge, Tennessee, this 18th day of June 2003.

A handwritten signature in black ink, appearing to read "Gerald G. Boyd", written over a horizontal line.

Gerald G. Boyd, Manager
U.S. Department of Energy
Oak Ridge Operations