



Department of Energy

Oak Ridge Office
P.O. Box 2001
Oak Ridge, Tennessee 37831—

April 12, 2005

Multiple Addresses

NATIONAL HISTORIC PRESERVATION ACT, SECTION 106 COMPLIANCE, FINAL MEMORANDUM OF AGREEMENT REGARDING SITE INTERPRETATION OF THE EAST TENNESSEE TECHNOLOGY PARK

Enclosed for your information is the fully ratified Memorandum of Agreement (MOA) regarding site interpretation of the East Tennessee Technology Park (formerly K-25 Site) located in Roane County, Tennessee. This MOA was developed through consideration of comments provided by the consulting parties. All written comments received from the consulting parties were considered in preparation of this MOA. The MOA was signed by the Advisory Council on Historic Preservation on March 28, 2005.

The Department of Energy appreciates the time and effort of the consulting parties in development of this MOA. If you have any questions or need additional information, please telephone me at 865-576-0273.

Sincerely,

A handwritten signature in cursive script that reads "Gary S. Hartman".

Gary S. Hartman
DOE ORO Cultural Resources
Management Coordinator

Enclosure

cc w/enclosure:
See Page 2

cc w/enclosure:

Angel Perkey, TDEC DOE Oversight Office
Cindy Kelly, Atomic Heritage Foundation
Connie Jones, EPA Region 4
Joe Valentino, Executive Director, Oak Ridge Convention & Visitors Bureau
John Owsley, TDEC DOE Oversight Office
Kerry Trammell, Oak Ridge Site Specific Advisory Board
Norman Mulvenon, Oak Ridge Site Specific Advisory Board
Russell Townsend, Eastern Band of Cherokee Indians, Cultural Resources/THPO
Steve Stow, American Museum of Science and Energy
Susan Gawarecki, ORR Local Oversight Committee
William J. Wilcox, Jr., Oak Ridge, TN 37830
Greg Eidam, BJC, Bldg. K-2527K, MS 7313
James Hall, Bldg. 5500, MS 6395, ORNL
Jennifer Dixon, Bldg. 9116, MS 8098, Y-12
Lydia Birk, BJC, Bldg. K-1316A, MS 7405
Mick Wiest, Bldg. 9116, MS 8098, Y-12
Sheila Thornton, Parallax, SE-322
Steve Goodpasture, CDM, Bldg. K-1007, MS 7240
Tony Poole, BJC, Bldg. K-1580, MS 7131
Donald R. Erbschloe, SC-3, HQ/FORS
Skip Gosling, HR-76, HQ/FORS
Gerald Boyd, M-1, ORO
Robert Brown, M-3, ORO
Walter Perry, M-4, ORO
Nancy Carnes, CC-10, ORO
Steve McCracken, EM-90, ORO
Bill Cahill, EM-911, ORO
Donna Perez, EM-911, ORO
Wendy Cain, EM-911, ORO
Larry Kelly, SE-30, ORO
Katatra Day, SE-322, ORO

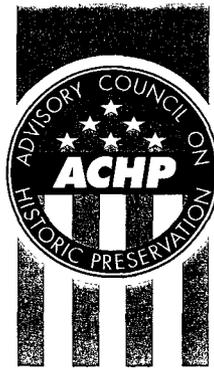
Multiple Addresses:

Dr. Joseph Garrison
Tennessee Historical Commission
Tennessee Department of Environment and Conservation
2941 Lebanon Road
Nashville, TN 37243-0442

Dr. Thomas McCulloch
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW
Suite 809
Washington, DC 20004

Dr. Amy S. Fitzgerald
City of Oak Ridge
P.O. Box 1
Oak Ridge, TN 37831-0001

Mr. Lloyd Stokes
Oak Ridge Heritage and Preservation Association
131 Orchard Lane
Oak Ridge, TN 37830



Preserving America's Heritage

MAR 28 2005

Mr. Gary S. Hartman
DOE-ORO Cultural Resources Management Coordinator
Department of Energy
Oak Ridge Office
P.O. Box 2001
Oak Ridge, TN 37831

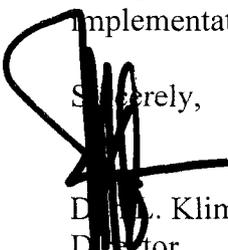
REF: Memorandum of Agreement for interpretation of the East Tennessee Technology Park,
Roane County, Tennessee

Dear Mr. Hartman:

Enclosed is the executed Memorandum of Agreement for the referenced project. By carrying out the terms of the Agreement, the Department of Energy will have fulfilled its responsibilities under Section 106 of the National Historic Preservation Act and the Council's regulations. Please forward a copy of the executed Agreement to the Tennessee State Historic Preservation Officer and other consulting parties.

We appreciate your cooperation in reaching this Agreement, and wish you success in its implementation.

Sincerely,


David L. Klima
Director
Office of Federal Agency Programs

Enclosure

AMESH
OFFICIAL FILE COPY
DOCS NO. 211984
DATE RECEIVED MAR 28 2005
FILE CODE _____

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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**MEMORANDUM OF AGREEMENT
AMONG THE U.S. DEPARTMENT OF ENERGY,
OAK RIDGE OPERATIONS OFFICE, THE
TENNESSEE STATE HISTORIC PRESERVATION OFFICE, AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
PURSUANT TO
36 CFR PART 800.6(b)(2)
REGARDING SITE INTERPRETATION OF THE
EAST TENNESSEE TECHNOLOGY PARK (ETTP)
(Formerly K-25 Site)
ON THE OAK RIDGE RESERVATION, ROANE COUNTY, TENNESSEE**

WHEREAS the U.S. Department of Energy, Oak Ridge Operations Office (DOE ORO); the Tennessee State Historic Preservation Office (SHPO); and the Advisory Council on Historic Preservation (Advisory Council) ratified a Memorandum of Agreement (MOA) on July 17, 2003, entitled "Memorandum of Agreement Among the U.S. Department of Energy, Oak Ridge Operations Office, the Tennessee State Historic Preservation Office, and the Advisory Council on Historic Preservation, Pursuant to 36 CFR Part 800.6(b)(2); and

WHEREAS DOE ORO and the Tennessee SHPO ratified an MOA on April 12, 2004, entitled "Memorandum of Agreement Between the U.S. Department of Energy, Oak Ridge Operations Office, and the Tennessee State Historic Preservation Office Pursuant to 36 CFR 800.6(b)(1)(iv) Regarding the Demolition of 108 Buildings/Structures at the East Tennessee Technology Park (ETTP) (Formerly K-25 Site) on the Oak Ridge Reservation, Roane County, Tennessee; and

WHEREAS DOE ORO has previously agreed to specific stipulations contained in these two MOAs and these stipulations shall be completed (should a conflict between past MOAs and this document occur, this document shall govern); and

WHEREAS, in consultation with the Tennessee SHPO, DOE ORO has established the ETTP site interpretation area of potential effect undertaking as defined at 36 CFR 800.16(d) to be all lands and properties located within the boundaries of the K-25 Site Main Plant and Powerhouse Historic Districts located on the Oak Ridge Reservation (ORR) in Roane County, Tennessee; and

WHEREAS the term "consulting parties to this MOA" pursuant to 36 CFR Part 800.6(c)(3) means DOE ORO, Tennessee SHPO, Advisory Council, City of Oak Ridge (COR), Oak Ridge Heritage and Preservation Association, ORR Local Oversight Committee, and Oak Ridge Site-Specific Advisory Board; signatory parties to this MOA are DOE ORO, DOE Federal Preservation Officer (FPO), the Tennessee SHPO, and the Advisory Council, each of which has authority under 36 CFR 800.7(a) to terminate the consultation process; concurring parties include the City of Oak Ridge and the Oak Ridge Heritage and Preservation Association; and

WHEREAS DOE ORO pursuant to 36 CFR 800.4(c) and in consultation with the Tennessee SHPO has reassessed the National Register of Historic Places (National Register) eligibility for the ETTP and has determined that ninety-nine buildings/structures and associated appurtenances are contributing properties to the K-25 Site Main Plant and Powerhouse Historic Districts and that eleven buildings/structures (including the K-25 and K-27 Buildings) and associated appurtenances are eligible for inclusion in the National Register; and

WHEREAS DOE ORO has determined that the decontamination, decommissioning, and demolition of these properties at the ETTP will have an adverse effect on the historical character of these structures as well as on the K-25 Site Main Plant and Powerhouse Historic Districts, and has consulted with the Advisory Council and the Tennessee SHPO pursuant to Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470, and its implemented regulations (36 CFR Part 800) to resolve any adverse effects of site interpretation at the ETTP; and

WHEREAS DOE ORO with participation of all consulting parties to this MOA and the DOE FPO has identified and agreed upon the best and most cost-effective mitigation to permanently commemorate, interpret, and preserve the significance of the ETTP (former K-25 Site) as being the use of the North End of the K-25 Building (North End), and shall proceed with demolition of the remaining scientific and technological facilities; and

WHEREAS, after consultation with the consulting parties of this MOA, the eight buildings (Buildings K-1002, K-1003, K-1008-C, K-1019-5A, K-1021, , K-601, K-1024, and K-1101) listed in the April 12, 2004, MOA have been reevaluated and agreement reached that these eight buildings are not necessary for interpretation of the K-25 Site and can be demolished by DOE ORO; and

WHEREAS the Manhattan Project National Historic Park Study Act was signed into law on October 18, 2004; and when funded a two-year study will be conducted by the U.S. Department of Interior (DOI) to determine whether the historic sites of the Manhattan Project in Oak Ridge, Hanford, and Los Alamos should be included and protected in the National Park System; and DOE ORO shall work with the DOI to assist with this two-year study and provide support as needed; and

WHEREAS the Secretary of Energy has directed the Office of History and Heritage Resources at DOE Headquarters to conduct a National Museum Study which will include the American Museum of Science and Energy (AMSE); and

WHEREAS DOE currently owns AMSE but may transfer ownership of the facility in the future, DOE shall, in the event of such a transfer, offer the subsequent owner the opportunity to become an invited signatory to this MOA, and further shall offer such subsequent owner the right of first refusal to historic artifacts recovered from the ETTP and to be kept in Oak Ridge, with the exception of equipment and artifacts which DOE wishes to retain and/or use to interpret the former K-25 Site; and

WHEREAS historic artifacts recovered from the ETTP Site are the property of the Federal Government and must be curated in accordance with the requirements of 36 CFR Part 79; and

WHEREAS DOE ORO and the consulting parties have agreed upon a process to identify historical significant artifacts at the ETTP, and this process has been documented in consultation meeting minutes; and

WHEREAS AMSE has the lead role in overseeing DOE Oak Ridge Reservation (ORR) oral history interviews (including contractor and community), and AMSE will serve as the central point of contact for conducting DOE ORR oral history interviews and may serve as the potential repository for tapes and transcripts of ORR oral histories; and

WHEREAS DOE ORO intends to use the provision of this MOA to address applicable requirements of Section 110(b) of NHPA, 16 U.S.C. § 470h-2(b).

NOW, THEREFORE, DOE ORO, the Tennessee SHPO, and the Advisory Council agree upon execution of this MOA and upon the decision by DOE ORO, to proceed with demolition of Buildings K-25 (with the exception of the North End as stated below) and K-27, and the remaining 108 Buildings/Structures located at the ETTP (with the exception of K-1028-45, also known as Portal 4); DOE ORO shall ensure that the following stipulations shall be implemented in order to take into account the effects of the undertaking on these historic properties.

STIPULATIONS

DOE ORO shall ensure the following measures are carried out:

Phase 1 (short-term actions by DOE ORO)

1. The north-end of the "U"-shaped K-25 Building (footprint of approximately 135,000 sq ft) will be retained. The roof will be replaced and the transite sealed sufficient to ensure integrity. Original equipment in the building will be dispositioned and managed as follows:
 - a. The cell housings for a total of eight converter cells located adjacent to Withdrawal Alley 13A (four on each side) will remain;
 - b. All motors and compressors (with connecting shafts) located along Withdrawal Alley 13A will remain in place along with railings, steps and other original elements of the operational configuration so as to provide for an authentic visual representation of a typical cell floor withdrawal alley during operational times;

- c. All converters, process gas piping and instrumentation lines etc (including those contained within the eight cell housings that are located adjacent to Withdrawal Alley 13A), other motors and compressors, and cell housings located in the north-end building will be removed and disposed of accordingly; and
 - d. The equipment to remain in the north-end as described above will be retained until November 2006 to allow sufficient time to evaluate the possibility of retaining a portion of this original equipment for historic preservation purposes. Experience gained from decontamination and decommissioning work in the legs of the K-25 "U"-shaped building will be used to evaluate the feasibility and cost-effectiveness of decontaminating north-end equipment for potential future interpretation. DOE plans to conduct periodic status meetings on this experience, as appropriate, with community parties working on north-end historic preservation.
2. Conduct an inventory of equipment missing from the K303-9 and K303-10 areas of the operating floor in the north-end of the K-25 Building, and evaluate the feasibility and cost-effectiveness of replacement of missing equipment.
 3. Retain approximately the upper 10' of the interior walls of the legs of the "U", filling the lower portion and planting grass; and provide a handrail with lighting as needed for safety. The walls shall be made available for use by others to portray the history of Oak Ridge which may include, but not necessarily be limited to, painting murals along these walls. DOE or the appropriate managing entity shall review and approve all suggested interpretations before they are applied to the interpretive walls.
 4. Visual indicators will be provided at each corner of the former K-25 Building footprint to represent the original height of the structure.
 5. One example of each of the four sizes of diffuser/converter shells and their compressors will be retained (not decontaminated or declassified).
 6. DOE ORO is committed to selecting and salvaging those portions of the "Roosevelt Cell" and associated equipment that are necessary to illustrate and convey the gaseous diffusion process at K-25. DOE will preserve the Roosevelt Cell and associated equipment for possible future display and interpretation, whether in situ or in a museum setting, pending resolution of security and contamination issues (no funding currently exists for decontamination or declassification of this equipment).
 7. Artifacts identified as useful for interpretation either at the ETTP site or other locations will be retained. AMSE will have first right of refusal on all artifacts with the exception of equipment and artifacts which DOE wishes to retain and/or use to interpret the former K-25 Site.
 8. Portal 4, also known as K-1028-45, will be retained.

9. Evaluate the feasibility of retaining a portion of one, or if possible both, of the low chimneys of the USN Boiler Station on the peninsula that are the sole remnants of the S-50 Plant.
10. Oral histories for the ETPP site being overseen by AMSE will incorporate histories from people representative of the entire site, including interviews with former property owners, construction workers, etc., if available.

Phase 2 (long-term future actions by DOE ORO)

11. To bring DOE ORR efforts together and have a coordinated path forward on the commemoration of the Manhattan Project, DOE ORO shall develop a Manhattan Project Strategic Plan which will evaluate the ORR Manhattan Project "Signature Facilities" (K-25 Building, Y-12 Beta 3 Calutron "Racetrack", and Oak Ridge National Laboratory [ORNL] Graphite Reactor); provide recommendations for interpreting the ORR Manhattan Project sites, including plans for historic resources interpretation at the ETPP Site (former K-25 Site); and provide a documented strategy for DOE to manage the ORR "Signature Facilities" and other important historic properties from the Manhattan Project era.
12. DOE ORO will work with the Department of Interior to nominate the footprint of the K-25 Building for National Historic Register Landmark Status, in coordination with the COR and ORHPA.

Phase 3 (long-term/future actions by either DOE ORO or DOE Headquarters)

13. Once the National Park Service has completed its study as to whether the property should be managed by the National Park Service or a decision is reached by DOE to allow management by an outside entity (e.g., private foundation), the property could be transferred out of DOE ownership. In such an event, the property shall be protected pursuant to Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470, and its implemented regulations (36 CFR Part 800) and the historic resources interpretation plan.
14. Resolving Objections
 - a. Once the operational phase of this project has begun, should the SHPO or the Advisory Council object to activities relative to this project and pursuant to this MOA, the DOE ORO shall consult with the objecting signatory party to resolve the objection. All actions or facilities under this MOA that are not the subject of the objection shall remain unchanged.
 - b. If DOE ORO determines that the objection cannot be resolved, DOE ORO shall forward all documentation relevant to the dispute to the Advisory Council. Within 45 days of receipt of this documentation, the Advisory Council will either

- i. Provide DOE ORO with recommendations which DOE ORO will take into account when reaching a final decision regarding the dispute; or
 - ii. Notify DOE ORO that it will comment pursuant to 36 CFR 800.7(c), and proceed to comment. Any such comment will be taken into account by DOE ORO in accordance with 36 CFR 800.7(c)(4) when reaching a final decision regarding the dispute.
- c. Should the Advisory Council not exercise one of the above options within 45 days after receipt of all pertinent documentation, DOE ORO may assume the Advisory Council's concurrence in its proposed response to the objection.

15. Administrative Stipulations

- a. Alterations to Project Documents. DOE ORO shall not alter any plan, scope of service, or other document that has been reviewed and commented on pursuant to this MOA, except to finalize the documents commented on in the draft, without first affording the SHPO and the Advisory Council the opportunity to review the proposed change(s) and determine whether it shall require this MOA to be amended. If either of the above parties determine that an amendment is needed, the parties of the MOA shall consult in accordance with 36 CFR 800.6(c)(7) to consider such an amendment. All consulting parties shall be afforded the opportunity to review, comment, and participate in the MOA amendment process.
- b. Amendments. Either of the other signatory parties to this MOA may propose to DOE ORO that the MOA be amended, whereupon DOE ORO shall consult with all other parties to this MOA to consider such an amendment; 36 CFR 800.6(c)(7) shall govern the execution of any such amendment.
- c. Termination.

If DOE ORO determines that it cannot implement the terms of this MOA, or either of the other signatory parties determines the MOA is not being properly implemented, the objecting party may propose to the other parties to this MOA that it be terminated.

- ii. The party proposing to terminate this MOA shall notify all consulting parties to this MOA explaining the reasons for termination and affording them at least 30 days to consult and seek alternatives to termination.

Should such consultation fail and the MOA be terminated, DOE ORO shall either consult in accordance with 36 CFR 800.6(a) to develop a new MOA or request the comments of the Council pursuant to 36 CFR 800.7(c).

Execution of this MOA, by the DOE ORO, and the other signatory parties and implementation of its terms serve as evidence that DOE ORO has afforded the SHPO and the other consulting parties an opportunity to comment on the site interpretation of

the ETTP in which ninety-nine buildings/structures are contributing properties to the K-25 Site and Powerhouse Historic Districts and eleven buildings/structures are eligible for inclusion in the National Register and that DOE has taken into account the effects of this project on these historic properties.

DEPARTMENT OF ENERGY

By: *Gerald Boyd* Date: *3/7/05*
Agency Official for Purpose of Section 106

DOE FEDERAL PRESERVATION OFFICER

By: *[Signature]* Date: *3/8/05*

TENNESSEE STATE HISTORIC PRESERVATION OFFICER

By: *Herbert L. Bryan, DSHPO* Date: *3/17/05*

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: *[Signature]* Date: *3/28/05*

CONCUR:

CITY OF OAK RIDGE

By: *Dawn Bradshaw* Date: *3-7-2005*

OAK RIDGE HERITAGE AND PRESERVATION ASSOCIATION

By: *Kathleen Moore* Date: *3-7-2005*