Department of Energy

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

April 6, 2005

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

Dear Dr. Garrison:

FINAL SITE-WIDE PROGRAMMATIC AGREEMENT FOR THE OAK RIDGE NATIONAL LABORATORY

Enclosed is the fully ratified Final Site-Wide Programmatic Agreement for the Oak Ridge National Laboratory (ORNL) on the Oak Ridge Reservation, Roane County, Tennessee. The Programmatic Agreement was approved by the Advisory Council on Historic Preservation (Council) on February 23, 2005, and acceptance and approval by the Council completes the requirements of Section 106 of the National Historic Preservation Act and the Council's regulations.

If you have any questions or need additional information, please contact me at (865) 576-0273.

Sincerely,

Gary S. Hartman

Gary S. Hartman
DOE ORO Cultural Resources
Management Coordinator

Enclosure

cc w/enclosure:
See Page 2 for cc's.

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cc w/enclosure:
Amy S. Fitzgerald, City of Oak Ridge
Angel Perkey, TDEC DOE Oversight Office
Cindy Kelly, Atomic Heritage Foundation
Connie Jones, EPA Region 4
Kerry Trammell/Norman Mulvenon, Oak Ridge Site Specific Advisory Board
John Owsley, TDEC DOE Oversight Office
Lloyd Stokes, Oak Ridge Heritage and Preservation Association
Russell Townsend, Eastern Band of Cherokee Indians, Cultural Resources/THPO
Steve Stow, American Museum of Science and Energy
Susan Gawarecki, ORR Local Oversight Committee
Tom McCulloch, Advisory Council on Historic Preservation
William J. Wilcox, Jr., Oak Ridge
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
Skip Gosling, HR-76, HQ/FORS
Donald R. Erbschloe, SC-3, HQ/FORS
Gerald Boyd, M-1, ORO
Robert Brown, M-3, ORO
Nancy Carnes, CC-10, ORO
Steve McCracken, EM-90, ORO
George Malosh, LM-10, ORO
Walter Perry, M-4, ORO
Larry Kelly, SE-30, ORO
Mark Belvin, SE-311, ORO
Katatra Day, SE-322, ORO
DOE/ORO Public Reading Room

PROGRAMMATIC AGREEMENT
AMONG
THE DEPARTMENT OF ENERGY OAK RIDGE OPERATIONS OFFICE,
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICE,
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
CONCERNING THE MANAGEMENT OF HISTORICAL AND CULTURAL PROPERTIES
AT
THE OAK RIDGE NATIONAL LABORATORY

WHEREAS, the United States Department of Energy (DOE) and its Oak Ridge Operations Office (ORO) (which includes the DOE Office of Science [SC], DOE Office of Nuclear Energy [NE], and DOE Office of Environmental Management [EM]) propose the continued operation, maintenance, research, development, waste management, decontamination/decommissioning, and restoration activities (herein referred to as Activities) at the Oak Ridge National Laboratory (ORNL) located in Anderson and Roane Counties, Tennessee, including all properties as set forth on the map attached as Figure 1 and have determined these Activities will have an effect upon Buildings 2003, 2624, 3000, 3001, 3002, 3005, 3008, 3009, 3010, 3012, 3017, 3018, 3019(A), 3019(B), 3020, 3021, 3025(E), 3025(M), 3026(C), 3026(D), 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3036, 3037, 3038, 3039, 3042, 3044, 3074, 3080, 3091, 3092, 3500, 3501, 3502, 3503, 3504, 3508, 3515, 3518, 3523, 3587, 3592, 4500N, 4501, 4505, 4507, 5500, 7001, 7002, 7503, 7700, 7701, 7702, 7703, 7704, 7751, 7813, and 7846 that are eligible for inclusion in the National Register of Historic Places (National Register), and

WHEREAS, the DOE ORO has consulted with the Advisory Council on Historic Preservation (Council) and the Tennessee State Historic Preservation Officer (SHPO) pursuant to Section 800.14 of the regulations (36 CFR Part 800) implementing Sections 106 and 110 of the National Historic Preservation Act (NHPA) (16 U.S.C. §§ 470f and 470h-2);

WHEREAS, the origins of the ORNL lie with the World War II Manhattan Project for the development of the atomic bomb, and subsequently many other significant atomic energy research, development and production activities have taken place at the ORNL and several of the scientific and highly technological facilities associated with these activities are still in existence; and

WHEREAS, archaeological resources (known and as yet unidentified) must be considered throughout all levels of review, DOE ORO has and will continue to conduct surveys on the Oak Ridge Reservation to identify and evaluate resources under its jurisdiction that may be affected by proposed undertakings and these reviews, which includes ground disturbing activities as well as surveying all properties for archaeological resources prior to lease, transfer, or sale, will be conducted in accordance with the provisions outlined in the Cultural Resource Management Plan, DOE Oak Ridge Reservation, Anderson and Roane Counties (DOE/ORO-2085, dated July 2001);

NOW, THEREFORE, the DOE ORO, the Council, and the SHPO agree that the Activities at the ORNL shall be administered in accordance with the following Programmatic Agreement (Agreement) to satisfy the DOE ORO responsibilities for compliance with Section 106 and Section 110 of the NHPA for all individual undertakings performed at the ORNL.

STIPULATIONS

The DOE ORO (which includes DOE Offices of SC, NE, and EM) shall ensure that the following measures are carried out:

I. CULTURAL RESOURCES STAFF

The DOE Cultural Resources Coordinator for the Oak Ridge Reservation shall be the Point of Contact for all activities relating to this agreement document and shall be certified by the Tennessee SHPO to meet all the professional requirements of such a position.

II. RECORDATION, INTERPRETATION, AND DOCUMENTATION OF EXCESS HISTORIC PROPERTIES OF MINOR AND MODERATE HISTORICAL SIGNIFICANCE AT THE ORNL

These buildings have been determined excess to mission need and proposed for demolition. The level of interpretation has been determined using a graded approach consistent with the degree of a building's historic significance. This approach is described in Section 7.0 of the ORNL Historic Preservation Plan (HPP), which is made a part of this agreement document by reference. The goal of these interpretive efforts is to make the important functions and historical development of a building tangible and understandable once it is no longer physically extant. Buildings 2624, 3009, 3515, 3523, and 3587 have been evaluated to have minor historic significance. Record files will be developed to contain building photos, building construction drawings (if available), and a brief written physical description of the building and its historic missions. Buildings 3008, 3012, 3017, 3026(C), 3026(D), 3074, 3080, 3503, 3504, 3508, and 3592 have been evaluated to have moderate historic significance. These buildings will have a more detailed record file developed to include a collection of available building photos to document the life cycle of the building (construction through demolition), a collection of any available building maps and drawings, and a more detailed account of historic missions and activities. There will be no initiation of demolition activities before the submission of the record files to the SHPO.

III. DEVELOPMENT OF AN INTERPRETIVE PLAN FOR HISTORICAL AND CULTURAL RESOURCES OF THE ORNL

A. To preserve the unique history of the ORNL, DOE ORO shall develop and implement an Interpretive Plan for the ORNL. The goal of the Interpretive Plan is to formally establish a means through which the historical significance of the ORNL, as well as a sense of time and place of the National Register-eligible ORNL Historic District and its individual contributing properties, can be conveyed to the public. The Interpretive Plan will provide for the development and implementation of procedures, methods, and responsibilities for interpretive efforts that will explain or illustrate the historical significance of the ORNL as a whole and its individual properties to future generations. This effort will address the magnitude and speed by which the ORNL was constructed as part of the Manhattan Project, the development of ORNL as a national laboratory, and the appearance and evolution of the ORNL Historic District over the years as missions changed. The Interpretive Plan will also address the ORNL historic missions, products, and people.

B. The Interpretive Plan shall be developed in consultation with the Tennessee SHPO and the Council and will provide specific detail on the interpretive efforts to be performed for Buildings 3002, 3005, 3010, 3018, 3019(B), 3028, 3029, 3030, 3031, 3032, 3033, 3036, 3037, 3038, 3042, 4507, 7503, 7700, 7701, 7702, 7703, and 7704. These buildings have been determined excess to mission need and proposed for demolition and have been evaluated to have major historic significance. Record files developed for these buildings will have an extensive interpretive effort prepared, suitable for preservation, using video and/or CD-ROM technology as appropriate. This effort will include an attempt to develop a photo-record history of the building, a collection of available building maps and drawings, and a detailed account of historic missions and activities (including interviews with former workers if available).

C. After the ratification of the Agreement, the Interpretive Plan will be completed no later than the end of 2007. DOE ORO will provide copies of the Interpretive Plan to the SHPO and the Council to review and comment within a 30-day time period. Copies of the Interpretive Plan will also be provided to appropriate town/county authorities and local preservation organizations for review and comment. Disagreements or questions about the Interpretive Plan will be resolved by DOE ORO through consultation among the parties to this Agreement in accordance with Stipulation XI below.

IV. ORAL HISTORY PROGRAM

A. DOE ORO shall conduct an oral history program of current and former ORNL employees. The purpose of this study is to document the knowledge and experience of those who worked at the ORNL during World War II and the Cold War. The study will provide information concerning day-to-day operations of the ORNL, the use and operations of significant components and machinery, and how technological innovations occurred over time.

B. The information gathered via the oral history program will be used in interpretation efforts such as historic markers, publications, and audio/video mediums to interpret specific buildings or processes.

C. The oral history program of former and current ORNL employees will be completed by December 31, 2005.

V. MACHINERY AND EQUIPMENT SURVEY AND ASSESSMENT

A. DOE ORO shall conduct a survey to identify significant historical machinery and equipment of the ORNL. This study will document the machinery and equipment associated with the historic missions of the ORNL during World War II and the Cold War. The survey will be conducted in a manner consistent with Section 110(a)(2) of the NHPA, the Department of Interior's Guidelines for Archeology and Historic Preservation (48 FR 44716, September 29, 1983), and applicable DOE standards. The information gathered in this study will be used in the interpretation of the ORNL historic properties.

B. The machinery and equipment survey shall be conducted in consultation with the SHPO and completed by December 31, 2007. Existing information such as

photographs, drawings, descriptions, oral histories, etc., shall be used where possible and where appropriate (photographs and drawings may not be available in some situations due to security classification priorities) along with new data and material developed by investigators.

1. Objects to be identified and evaluated shall include, but not be limited to (a) machinery and equipment associated with ORNL's activities and mission associated with the Manhattan Project/World War II era and (b) machinery and equipment that is significant within the historic context of ORNL's Cold War activities and mission.

2. The machinery and equipment survey shall be conducted and performed by qualified professionals with appropriate background, education, and experience, which at a minimum will include the Secretary of the Interior's Professional Qualifications Standards (48 Federal Register 44738-9) or other standards that are deemed to be otherwise qualified by the SHPO and shall be in conformance with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation.

3. Objects identified as historically significant through the survey shall be evaluated in accordance with 36 CFR Part 800 and in consultation with the SHPO. If this evaluation determines that there are objects eligible for inclusion in the National Register, DOE ORO, in consultation with the SHPO, shall nominate individual objects to the Keeper of the National Register.

4. If DOE ORO and the SHPO do not agree on National Register eligibility, or if the Council or the National Park Service so request, DOE ORO shall request a formal determination of eligibility from the Keeper of the National Register, National Park Service, whose determination shall be final.

VI. ELIGIBLE NATIONAL LANDMARK STATUS BUILDING 3001

Building 3001, the Graphite Reactor, is one of the most prominent facilities at ORNL. The Graphite Reactor was constructed in 1943 to produce plutonium for research on the production of the world's first atomic bomb. The Graphite Reactor produced the world's first gram quantities of plutonium and later was used for the highly significant radioisotope production for medical and biological research. In 1966, the National Park Service designated Building 3001 as a National Historic Landmark for its role in the nationally significant Manhattan Project and the pioneering efforts in the production of plutonium and stabilized isotopes for research.

As described in the HPP, Building 3001 has an identified future mission need for the foreseeable future. The physical preservation and historically significant features of this building will be ensured through an active building maintenance program. Alterations to this building will be reviewed as stated below in Stipulation VII, Section 106 Review.

VII. SECTION 106 REVIEW

A. In accordance with Section 106 of the NHPA, DOE ORO shall have in place a system of review for all projects that have the potential to affect historic and archaeological resources of the ORNL. This review process includes a three-tier system of review for undertakings involving Group 1 Buildings (as described in Section 7.0 of the ORNL HPP) 3039, 3092, 3500, 3518, 4500N, 4501, 4505, 5500, 7813, 7846 and Group 2 Buildings 2003, 3000, 3019(A), 3020, 3021, 3025(E), 3025(M), 3027, 3034, 3044, 3091, 3501, 3502, 7001, 7002, and 7751. The three levels of review are: Level One – Programmatic Exclusions; Level Two – ORNL Internal Review; and Level Three – SHPO Review. These levels are detailed as follows:

1. **Level One: Programmatic Exclusions.** The following undertakings will not require review for Section 106 purposes by the SHPO because they will not have an adverse effect on ORNL historic properties. These actions will either be completed as a matter of course by the maintenance department or facility managers, or by the appropriate NHPA Coordinator. Level One activities are:

   a. **Communications and Computer Systems:** Siting, installation, modification, maintenance, repair, removal, or replacement of communications and computer systems, including telephone systems, computer and computer networks, and public address/warning systems, facsimile systems, microwave/radio systems. These actions might involve project design, procurement, and installation of communications systems or system components. Installation might include installing aboveground and belowground conduits, cable trays, support poles, manholes, and hub stations that contain distribution panels, wiring, electronics, power supplies, coaxial and fiber optic cables, and miscellaneous tie-ins to existing systems such as the Broadbrand Communication Network, barcode readers, badge readers, electronic message signs, and computers/peripheral systems (including transmitters).

   b. **Electrical Systems:** Installation, maintenance, repair, removal, modification, or replacement of plant and building electrical systems including (but not limited to) switchyards, building conduit, wiring and lighting, emergency lighting, circuits and wiring, meters, transformers, utility poles, crossarms, insulators, circuit breakers, capacitors and transmission lines.

   c. **Emergency Situations:** Activities required by emergency situations (e.g., health and safety related emergencies) as determined on a case-by-case basis, including those emergency activities in compliance with federal, state, or local regulatory requirements, including (but not limited to) Environmental Protection Act, Federal Facilities Act, Comprehensive Environmental Response Compensation and Liability Act, Resource Conservation and Recovery Act, Superfund Amendments and Reauthorization Act, Occupational Safety and

Health Act (OSHA), etc. Emergency activities that will have an effect on historic properties shall be handled in accordance with 36 CFR Part 800.12.

d. **Energy Conservation:** Include actions to conserve energy such as weather stripping, installation of interior storm windows, and addition of ceiling and wall insulation.

e. **Environmental Monitoring:** Installation, operation, maintenance, repair, replacement, or abandonment of environmental devices/stations including (but not limited to) monitoring wells and well-monitoring devices, monitoring weirs, flow meters, rain gauges, instrumentation/equipment buggies sampling devices, meteorological towers, geochemical/geophysical monitoring and survey devices, and actions necessary for conducting site monitoring and characterization activities (including but not limited to sampling water, soil, rock, flora, and fauna).

f. **Fire Protection System:** Routine installation, upgrades, replacements and/or modifications to include, but not limited to, fire doors; fire walls/barriers; fire dampers; exit lights; fire protection systems; fire alarm systems; sprinkler systems; anti-freezing devices in existing sprinkler systems, corridors, stairways; fire alarm systems; smoke detectors, including detectors that activate doors; fire hydrants and associated piping; and emergency generators.

g. **General Equipment:** Installation, direct replacement or removal of equipment or facility components. Maintenance, installation, relocation, removal and repair of equipment, facility components, and associated systems, which include, but are not limited to the following:

1. Machine shop equipment such as jib cranes, motors, valves, shredders, compressors, pumps, castors, power supplies, lathes, saws, shears, presses, welding equipment, dust collectors, dryboxes, and vent systems.

2. Inspection, monitoring, laboratory and analytical equipment such as calorimeters, temperature and humidity chambers, refrigerators, freezers, blenders, grinders, polishers, blasters, X-ray generators, diffractometers, spectrometers, spectographs, spectrophtometers, chromatographs, desintometers, lasers, microscopes, balances, process controllers, indicating/recording devices, ultrasonic and plasma generating equipment, analyzers, viscometers, and measuring equipment.

3. Control equipment such as weirs, skimmers, glove boxes, hoods, stacks, filters, filter housings, fans, exhausts, bag houses, precipitators, and scrubbers.

Note: This provision excludes equipment, machinery, or facility components which are contributing elements to a property's historical significance.

h. **Habitat Protection:** Actions in researching, protecting, restoring, or improving fish and wildlife habitat.

i. **Hazard Prevention:** Installation and maintenance required for hazard prevention, including fabrication, removal, installation, and repair of safety railings, machine guards, hand rails, guard rails, ladders, frames, and fences; installation of nonskid surfaces and anchoring floor mats; and grounding of structures and equipment.

j. **Heating and Air Conditioning Systems:** Installation, modification, and/or upgrades, maintenance, removal, repair, or replacement of heating/ventilating/air-conditioning systems and high-efficiency particulate air filters to (1) enhance workplace habitability, (2) provide for personnel safety and health enhancements (i.e., installing/improving fume hoods and associated collection and exhaust systems), and (3) ensure proper temperature control of buildings and equipment.

k. **Leasing of Property:** Leasing of historical properties when the lease would not involve, at any time, major modifications or alterations to the properties such that their historical integrity would be adversely affected.

l. **OSHA Regulations and Permit Compliance:** Installation, maintenance, repair, or replacement of equipment used in current operations designed to maintain compliance with permits and regulations of OSHA and the Americans with Disabilities Act.

m. **Non-Contributing Properties:** Operation, maintenance, or demolition involving any building or structure determined *not* to be a historic property either by consensus of DOE ORO and the SHPO or as a consequence of a Formal Determination of Eligibility by the Keeper of the National Register.

n. **Personnel Safety:** Installation or modification of personnel safety systems and devices, including (but not limited to) safety showers, eye washes, fume hoods, radiation monitoring devices, sprinkler systems, emergency exit lighting systems, emergency ingress/egress routes; protective additions to electrical equipment; personnel accountability/assembly systems and stations; improvement to walking and working surfaces or areas; fabrication and installation of platforms, rails, shields and guards; and stairway modifications and installations.

o. **Process and Laboratory Equipment:** Installation, maintenance, modification, repair, storage, relocation, removal, or replacement of process or laboratory equipment and associated systems such as

presses, rolling mills, foundry equipment, cranes, glove boxes and hoods, fans and tanks, ultrasonic cleaners, machine shop equipment, heat exchangers, ovens and furnaces, brazing and sintering equipment, cryogenic equipment, salt baths, centrifuges, bag houses and scrubbers, conveyors, motors, piping, valves, autoclaves, compressors, pumps, hydro-forms, recovery equipment, metal-forming equipment, inspection equipment, motor control centers, cyclone separators, humidifiers, vacuum pumps, molding and extruding equipment, filtration equipment, grinders, mill, and supercritical cleaning apparatus.

p. **Removal of Asbestos:** Asbestos removal and renovation activities, including cleanup, encapsulation, and removal and/or disposal of asbestos-containing materials from existing buildings and structures.

q. **Removal of Polychlorinated Biphenyl (PCB) Contaminated Items:** Removal of PCB contaminated items such as electrical transformers and capacitors, possibly requiring temporary removal of walls, ceilings, fences, power lines, or other obstacles that would prevent forklift or crane access to the item targeted for removal. Some transformers may have contaminated pads and/or soil around the base. The surrounding substrate will be sampled and, if determined to be contaminated, will be excavated and removed.

r. **Routine Activities:** Routine administrative, contractual, security, preventative maintenance, financial, or personnel activities.

s. **Routine Plant Service Activities:** Routine plant service activities to include, but not limited to: mowing and trimming of grass, shrubs, or trees; moving and assembling of furniture and equipment; snow removal; routine vegetation and erosion-control activities; janitorial and housekeeping services; small-scale use of pesticides; small-scale road, sidewalk, and parking lot repair; maintenance and repair of plant vehicles and heavy equipment; maintenance of plant safe/vaults and locks; busing and plant transportation; minor relocation of access roads; maintenance or repair of industrial machinery; maintenance, repair or installation of fencing; maintenance, repair or installation of indoor or outdoor signs; construction of scaffolding, calibration, testing, repair, and maintenance of laboratory and/or electronic equipment; corrective and preventative actions to maintain and preserve buildings, structures, and equipment in a suitable condition; and routine decontamination of tools, surfaces, and equipment.

t. **Routine Repair and Maintenance of Buildings:** Routine maintenance and repair including (but not limited to) mounting/hanging wall items, cabinet/shelf fabrication and installation, and elevator repair; repair or replacement of non-

original paint, siding or roofing; and repair or replacement of non-original doors, walls, windows.

Note: Original doors and windows and exterior paint should be replaced in-kind or with appropriate substitutes.

u. **Security Systems:** Installation, maintenance, modification, removal, and repair of security systems, such as computer security, detection, monitoring, surveillance, and alarm systems including doors, walls, barriers, barricades, cameras, monitors, and shields.

v. **Steam Condensate and Chemical Treatment Systems of Buildings:** Modification to steam/condensate systems, including (but not limited to) repair or replacement of associated piping, pumps, and condensers to maintain system integrity; extension of systems to accommodate new construction or building modification; and repair of any associated chemical treatment systems.

Note: This provision excludes the removal of above-ground steam, condensate and other chemical treatment systems that are contributing elements to a property's historical significance.

w. **Supplied Air, Gases, and Liquid Piping Distribution Systems:** Maintenance, repair, modification, relocation, and installation of distribution systems to include but not limited to nitrogen, argon, helium, oxygen, propane, natural gas, and cryogenic piping system, as well as equipment for gas cylinders.

Note: This provision excludes the removal of above-ground supplied air, gases, and liquid piping distribution systems that are contributing elements to a property's historical significance.

x. **Training, Planning, and Tests:** Training exercises; emergency preparedness planning; various tests and demonstrations including (but not limited to) transport packaging tests for radioactive/hazardous material, tank car tests, research and development demonstrations, and small-scale pilot demonstrations.

y. **Water Systems:** Siting, installation, maintenance, repair, removal, and operation of plant water systems including (but not limited to) water wells, cooling water systems, potable and process water systems, storm sewers, demineralizer, wastewater treatment systems, plant drainage, fire protection systems, and plumbing.

z. **Waste Treatment, Storage and Disposal Activities:** Operation and maintenance of waste treatment, storage, and disposal facilities; maintenance of landfills; spill cleanup activities;

maintenance, repair or replacement of liquid retention tanks, dikes, and piping; and maintenance or repair of lagoons and small basins.

2. **Level Two: Internal Review.** The following undertakings will be reviewed within ORNL by the appropriate NHPA Coordinator, and/or DOE ORO, and/or the ORO Cultural Resources Management Coordinator. These undertakings will not require further review by the SHPO or the Council provided that the internal review of these undertakings is based upon information adequate to identify and evaluate affected historic properties and that DOE ORO has determined that these undertakings will either be no effect or no adverse effect based upon the Criteria of Effect and Adverse Effect enumerated in 36 CFR Part 800.5. Level Two activities are:

    a. **Repair and Maintenance of Buildings:** Many of ORNL's historic properties have been altered with replacement doors, windows, roofs, etc. Where original architectural elements remain, necessary replacement or repair would be of in-kind materials and designs. All future repair or replacement of original exterior doors, exterior windows, exterior paint, roofing, siding, or any other character-defining elements of a historic property would be reviewed to ensure that in-kind material, size, dimension, color, texture, finish, and construction and fabrication detail are used. These activities should be done in accordance with the Secretary of Interior's Standards for Rehabilitation.

    b. **Repair and Modification of Buildings Interiors:** Some of ORNL's historic buildings retain their original design and configuration, and many interiors have been remodeled into offices or other needed space. All proposed repair or modification to interiors would be reviewed to ensure that such modifications do not effect or adversely affect any intact character defining elements of the historic interiors.

    c. **Mothballing of Facilities:** Actions involving the disconnection of utility services such as water, steam, telecommunications, and electrical power after it has been determined that continued operation of such systems will not be needed for safety or for the control of hazardous materials. The specific needs of the structure would be assessed to effectively mothball the structure per the National Park Service Preservation Brief on "Mothballing Historic Properties."

    d. **Steam Condensate and Chemical Treatment Systems of Buildings of Major Production Facilities:** The conduits and piping systems associated with ORNL's processing and research facilities reflect the site's historic configuration and operation. Some of these systems may be associated with ORNL's Cold War or World War II activities. Modifications to steam/condensate systems associated with major production facilities, including (but not limited to) repair or replacement of associated piping, pumps,

and condensers and repair of any associated chemical treatment systems should be reviewed to ensure that such modification does not adversely affect the exterior or character-defining elements of the interiors of historic properties.

e. **New Construction Projects:** All new construction would be reviewed to ensure proposed designs are compatible with existing adjacent historic properties and would not have an adverse affect to the historic properties.

f. **Sale or Transfer of Property:** Sale or transfer of historical properties when the sale or transfer includes deed stipulations requiring that management of the properties is conducted in compliance with the NHPA and undertakings involving modification, alteration, or destruction of the properties would be coordinated with the SHPO and/or the Council.

3. **Level Three: SHPO Review.** The following undertakings will be reviewed by the SHPO. These activities include those that have the potential to have adverse effects on the integrity of historic properties and which may require mitigation. Undertakings that will require the review of the SHPO are:

a. **Demolition of Contributing Buildings to the Proposed ORNL Historic District:** The demolition of any contributing building to the ORNL Historic District or any individual building or structure identified as eligible for the National Register, other than those identified in this document, the ORNL HPP (Section 7.0), or for which a formal agreement has previously been reached.

i. Should DOE ORO determine that in order to carry out its operations or development at the ORNL, that it would be necessary to demolish historic properties, the SHPO would be notified and consulted to determine whether the operation or development undertaking referent to the proposed demolition of the historic property could be avoided or minimized. Subsequent to this consultation, the SHPO shall respond within fifteen (15) working days as to its finding.

ii. If the SHPO concurs in writing that the undertaking in question cannot be avoided or minimized, the appropriate Cultural Resource Coordinator will prepare the appropriate documentation for transmittal to the SHPO. Documentation will be developed and prepared per the graded approach described in Section 7.0 of the ORNL HPP.

iii. If the SHPO disagrees in writing that the undertaking in question cannot be avoided or minimized, DOE ORO shall forward all documentation relevant to the dispute to the Council and initiate consultation pursuant to 36 CFR Section 800.6.

b. **Major Modifications to Contributing Buildings in the ORNL Historic District or to Individual National Register-Eligible Buildings or Structures:** Undertakings such as building repainting, or major modifications, repair or replacement of original doors, windows, roofing, or other architectural element that is not in-kind referent to the material, design, size, color, or fabrication. Modification of historic properties that has been reviewed by DOE ORO and has been determined to have adverse effects to historic properties.

c. **New Construction:** The construction of new buildings that has been reviewed by DOE ORO and has been determined to have adverse effects to adjacent historic properties.

B. For any undertakings proposed for the ORNL that are not classified in the three levels outlined above, the appropriate NHPA Coordinator shall proceed with the Section 106 review of the undertaking under regulations enumerated in 36 CFR Part 800.5 through Part 800.7.

C. Archeological surveys will be ongoing as dictated by proposed construction/disturbance activities in previously undisturbed areas and will be conducted in a manner to allow for consultation and coordination with the SHPO.

VIII. MANAGEMENT AND PLANNING

A. DOE ORO (SC, NE, and EM), shall integrate the management of historic and archaeological resources at the ORNL for which they are responsible into overall mission management and planning. This will ensure that long-range plans for the ORNL will incorporate preservation concerns and principles for ORNL historic properties.

B. DOE ORO shall review the HPP for the ORNL in consultation with the SHPO and the Council every five years and update as necessary. Of particular importance is a review of the procedures for historic property management to ensure that the process is working effectively and efficiently. When goals have been achieved, new goals or priorities may be adopted. Any changes or major rehabilitation work to historic resources should also be noted. These updates do not have to result in a comprehensive rewrite of the existing HPP. Instead, these updates can consist of attachments or appendices to the original plan.

i. Updates of the HPP shall be endorsed by all DOE entities that have responsibility for historic properties at the ORNL. The plan and later updates

should also be reviewed by the SHPO for their concurrence with the recommendations for historic property management and procedural review.

ii. The HPP will be used in preparation of other master planning documents for the ORNL.

iii. The HPP should be reviewed and updated, if necessary, no later than December 31, 2009.

C. Key personnel responsible for the care and management of historic properties at the ORNL will be trained in the interpretation and application of cultural resource laws and regulations.

IX. ARCHAEOLOGY

A. When a ground disturbance activity is proposed in a previously undisturbed area, and an archeological survey (that has been reviewed and accepted by the SHPO) has determined that no National Register included or eligible archeological properties will be affected by the proposed activity, DOE ORO may proceed with the project with no further review by either the SHPO or the Council.

B. When a ground disturbance activity is proposed in a previously undisturbed area where there has been no archeological survey reviewed and accepted by the SHPO, DOE ORO shall contact the SHPO to determine whether an archeological survey is warranted prior to initiation of the activity.

C. When a ground disturbance activity is proposed in an area where previous ground disturbance activities have occurred, DOE ORO may proceed with the activity without consulting the SHPO or the Council regarding the need for an archeological survey so long as the depth and the extent of new disturbance does not exceed the depth and extent of previous disturbances.

D. If archeological properties are located by a survey, the DOE ORO shall consult with the SHPO to determine the property's National Register eligibility; if found to be eligible, DOE ORO shall further consult with the SHPO to determine appropriate measures that might avoid, reduce, or mitigate the activity's effects to the site.

E. If the SHPO and DOE ORO agree to measures that will result in no adverse effect to the archeological property (as determined by applying the Criteria of Effect and Adverse Effect, 36 CFR Part 800.5), such activities need <u>not</u> be reviewed by the Council. However, DOE ORO shall retain all project documentation for possible review by the Council.

X. AGREEMENT REVIEW

A. Any party to this Agreement may request a review of the terms of this Agreement in the event the need arises. If revisions are needed, the parties will consult to make such revisions in a manner consistent with 36 CFR Part 800.14.

B. The Council and the SHPO may monitor activities carried out pursuant to this Agreement, and the Council will review such activities if so requested. DOE ORO (which includes SC, NE, and EM) will cooperate with the Council and the SHPO in carrying out their monitoring and review responsibilities.

C. Any party to this Agreement may terminate it by providing 60 days notice to the other parties providing that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, DOE ORO will comply with 36 CFR Parts 800.4 through 800.7 with regard to all individual undertakings for activities at the ORNL.

D. If DOE ORO identifies a funding shortfall and foresees the inability to comply with any of the stipulations outlined in this Agreement, DOE ORO will notify all parties to this Agreement to pursue appropriate resolutions.

XI. DISPUTE RESOLUTION

The DOE ORO and the SHPO shall jointly attempt to resolve any disagreement arising from implementation of this Agreement. If the DOE ORO determines that the disagreement cannot be resolved, the party shall request the further comments of the Council in accordance with 36 CFR Part 800.7. Any Council comment provided in response will be considered by the DOE ORO in accordance with 36 CFR Part 800.7(c)(4), with reference only to the subject of the dispute. The responsibility of DOE ORO to carry out all other actions under this Agreement are not the subject of dispute and will remain unchanged.

Execution and implementation of this Agreement evidences that DOE ORO has satisfied its Sections 106 and 110 responsibilities for all individual undertakings related to the Activities of the ORNL.

DEPARTMENT OF ENERGY OAK RIDGE OPERATIONS OFFICE

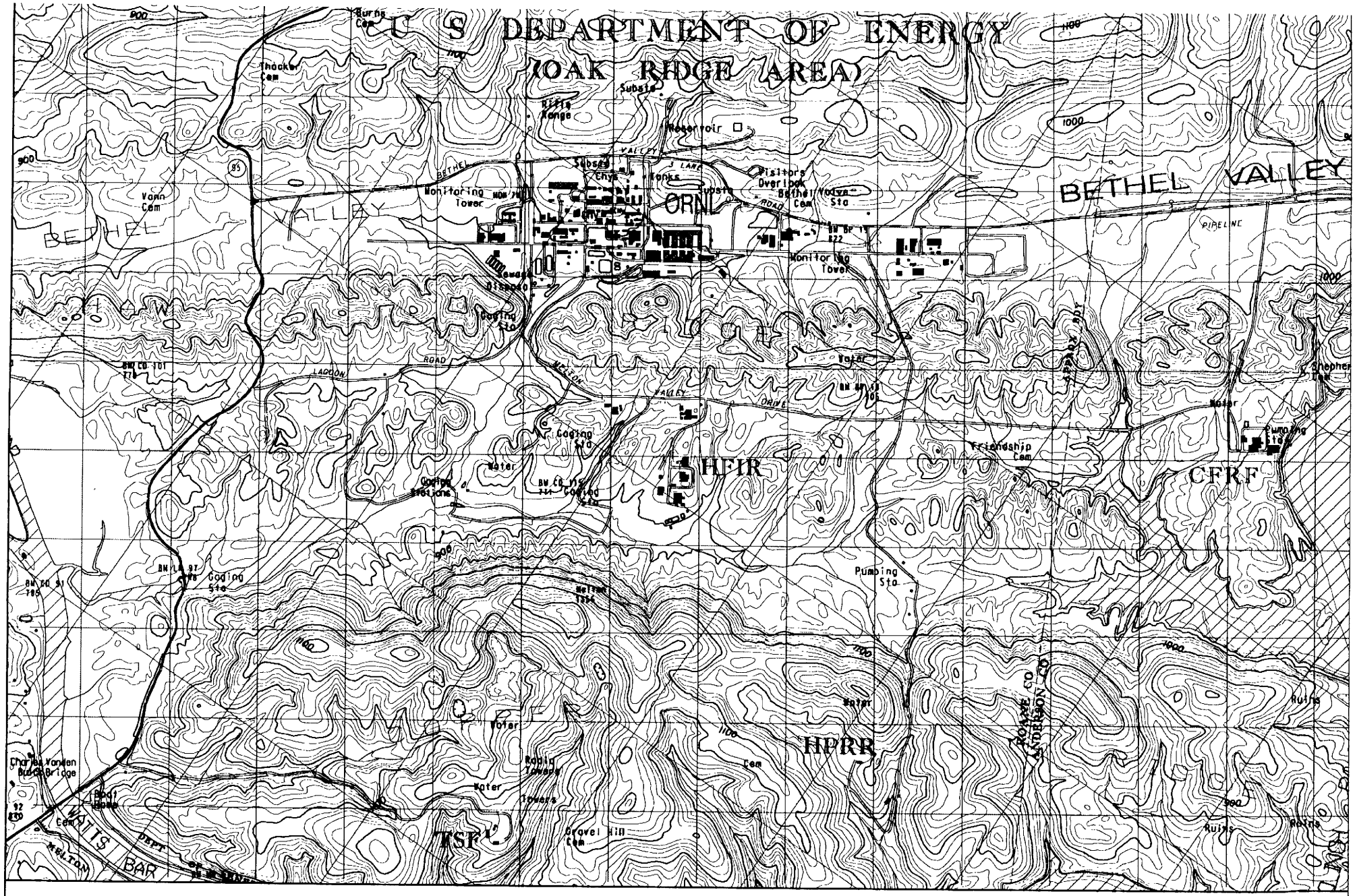
By: Gerald Boyd Date: 12/15/04

TENNESSEE HISTORIC PRESERVATION OFFICER

By: Herbert L. Harper /DM Date: 1/15/05

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John M. Fowler Date: 2/23/05



ORNL AREA
(FROM S-16-A MAP)

Prepared by Mapping Services Branch, Tennessee Valley Authority, for U.S. Department of Energy. Compiled by TVA in 1985 by photogrammetric methods using aerial photographs taken 1984. Map field checked by TVA, 1985. Springs not field checked.

Polyconic Projection. 10,000 - foot grid ticks based on Tennessee coordinate system. 5,000 - meter Universal Transverse Mercator Grid ticks. Zone 16, shown in blue. 5,000 - foot Oak Ridge Administrative Grid shown in red. 1927 North American Datum

CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

This document has been reviewed by a Y-12 ADC/UCNI RO and has been determined to be UNCLASSIFIED and contains no UNCI. This review does not constitute clearance for public release. This document must be reviewed by the Y-12 Technical Information office prior to public release.

Name: STEVE SHULTS

Date: 10/28/04

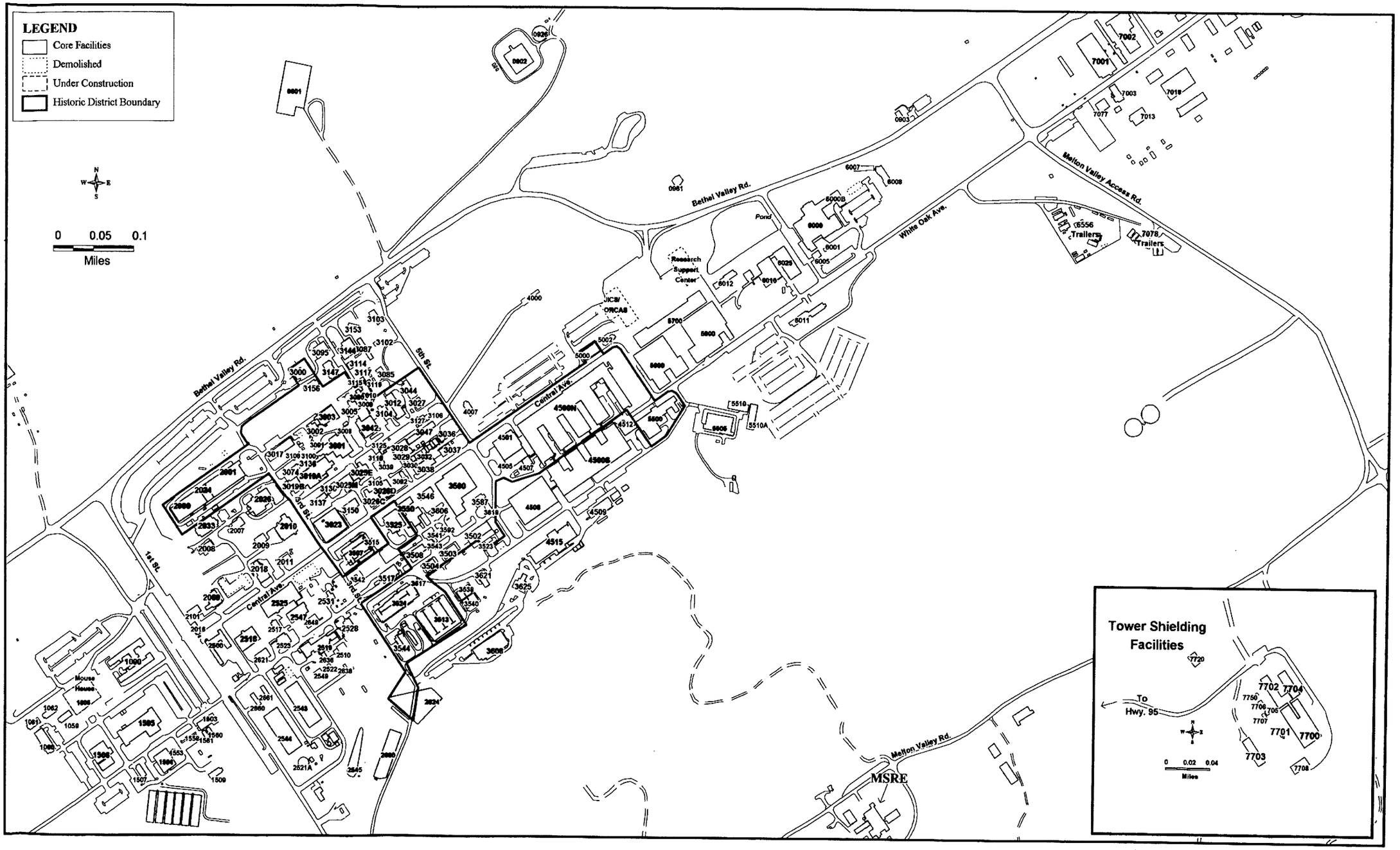


Figure 1: Site Plan of ORNL Complex with the Historic District outlined in green.