

U.S. Department of Energy

Oak Ridge Operations

ORO O 450 Chapter III

DATE: 9-30-96

SUBJECT: CULTURAL RESOURCES MANAGEMENT PROGRAM

1. PURPOSE. This Chapter assigns responsibility and accountability and provides administrative and/or contractual guidance for cultural resources management (CRM) to Oak Ridge Operations (ORO) and Lockheed Martin Energy Systems, Inc. and Lockheed Martin Energy Research Corporation. Nothing in this issuance changes any requirements contained in any DOE Order.
2. CANCELLATION. This Chapter cancels and replaces ORIG 5477.X1, CULTURAL RESOURCES MANAGEMENT PROGRAM, dated May 9, 1995.
3. APPLICABILITY. The provisions of this Chapter apply to ORO Principal Staff, management and operating contractors, and other contractors as determined by the Contracting Officers' Representatives (COR).
4. RESPONSIBILITIES.
 - a. Manager.
 - (1) Grants exceptions to National Historic Preservation Act (NHPA) requirements in the event of an imminent threat to national security and reports thereon to Headquarters.
 - (2) Signs all programmatic agreements between ORO, the Advisory Council on Historic Preservation (Council), and State Historic Preservation Officer (SHPO) in Tennessee, Kentucky, and Ohio.
 - b. Program Assistant Managers shall ensure implementation of the Cultural Resources Management Plan (CRMP) within their area(s) of responsibility.
 - c. Director, Technical Support Division.
 - (1) Designates a Cultural Resources Management Coordinator (CRMC) who performs the following functions:
 - (a) Monitors ORO compliance with CRM requirements and evaluates contractor compliance as requested by the COR.
 - (b) Maintains a central file of ORO cultural resources documentation.
 - (c) Reviews National Environmental Policy Act (NEPA) and Comprehensive Environmental, Response, Compensation, and Liability Act (CERCLA) documentation for compliance with CRMP requirements.

- (d) Coordinates ORO submissions of nominations for the National Register of Historic Places (the National Register) as explained in 36 CFR 60.9, Nomination of Federal Agencies.
- (e) Provides ORO project reviews and information as needed by the SHPO and Council for compliance with Section 106 of the NHPA.
- (2) Signs Memoranda of Agreement with the Council and the SHPOs in Tennessee, Ohio, and Kentucky.
- (3) Approves, on behalf of ORO, CRMPs developed by Lockheed Martin Energy Systems and Lockheed Martin Energy Research.
- d. Contracting Officers' Representatives.
 - (1) Coordinate and monitor contractor implementation of the CRMP.
 - (2) Ensure integration of documentation from/for the Cultural Resources Survey, SHPO coordination, project planning, NEPA, and CERCLA.
 - (3) With assistance from the CRMC, conduct periodic inspections of ORO undertakings and survey sites to monitor effectiveness of the CRMP.
- 5. REQUIREMENTS AND PROCEDURES. None.
- 6. REFERENCES.
 - a. National Historic Preservation Act (NHPA) of 1966 (PL 89-665), as amended. Establishes the National Register, creates the Council, and provides funds for preservation. Requires Federal agencies to evaluate the effect of proposed undertakings on historic sites under their ownership and to allow the Council a reasonable opportunity to comment on these actions.
 - b. National Environmental Policy Act of 1969 (PL 91-190). Requires Federal agencies to consider the environmental effects, including those on cultural resources, in the decision-making process.
 - c. Executive Order 11593 (1971). Requires Federal agencies to identify and nominate appropriate sites under their ownership for inclusion in the National Register and to submit procedures to the Department of Interior and the Council.
 - d. Archaeological and Historic Preservation Act of 1974 (PL 93-291). Extends the Archaeological Recovery Act to all projects with Federal involvement and authorizes 1 percent of project funding for recovery of archeological data.

- e. American Indian Religious Freedom Act of 1978 (PL 95-341). Directs Federal agencies to act in such a way as to protect and preserve the access of Native American people to sacred lands and their rights to worship in their traditional manner.
- f. Archaeological Resources Protection Act (ARPA) of 1979 (PL 96-95), as amended. Directs the Secretaries of the Interior, Agriculture, and Defense and the Chairman of the Tennessee Valley Authority to promulgate uniform regulations to carry out the purposes of ARPA. Such regulations appear in 18 CFR Part 1312, 32 CFR Part 229, 36 CFR Part 296, and 43 CFR Part 7.
- g. The Native American Graves Protection and Repatriation Act of 1990. Establishes a means for Native American organizations to request the reparation of human remains and other cultural items held by the Federal agencies or Federally-funded organizations. Contains provisions for ownership and control of Native American remains and cultural items removed or discovered, and establishes penalties for illegal trafficking of Native American remains and cultural items.
- h. Memorandum, R.F. Pelletier, EH-231, to Distribution, subject: Management of Cultural Resources at Department of Energy Facilities, dated February 23, 1990. Informs all DOE facilities and programs of the requirements for complying with the various executive orders, statutes, and regulations governing the management of cultural resources.
- i. Implementing Regulations.
 - (1) 36 CFR 60 - National Register of Historic Places.
 - (2) 36 CFR 63 - Determination of Eligibility for Inclusion in the National Register of Historic Places.
 - (3) 36 CFR 65 - National Historic Landmarks Program.
 - (4) 36 CFR 78 - Waiver of Federal Agency Responsibilities Under Section 110 of the NHPA.
 - (5) 36 CFR 800 - Protection of Historic and Cultural Properties.
 - (6) 43 CFR 7 - Protection of Archaeological Resources.
 - (7) 36 CFR Part 79 - Curation of Federally Owned and Administered Archaeological Resources.
- j. Programmatic Agreement Among the Department of Energy Oak Ridge Operations Office, the State of Tennessee Historic Preservation Officer, and the Advisory Council on Historic Preservation Concerning Management of Historical and Cultural Properties at the Oak Ridge Reservation (hereinafter referred to as the Programmatic Agreement). Agreement for

administration of activities at the Oak Ridge Reservation to satisfy ORO's responsibilities for compliance with Section 106 and Section 110 of the NHPA.

7. DEFINITIONS.

- a. Advisory Council on Historic Preservation. Established by the NHPA of 1966, it produces guidance documents for avoiding and mitigating adverse effects on historic properties, and promulgates regulations for Federal agency compliance with the NHPA.
- b. Archaeological Resource. Any material remains of past human life or activities that is at least 100 years old and is of archaeological interest.
- c. Cultural Resources. For the purposes of the ORO Cultural Resources Survey and Management Plan, includes structures less than 50 years old that are of historic importance; objects and structures that are representative of American folklife traditions as defined by the American Folklife Preservation Act (PL 94-201); and Manhattan Project and Cold War scientific facilities.
- d. Cultural Resources Management Plan. A plan, developed in consultation with State Historic Preservation Officers, to formally establish and document the means by which consideration of historic and cultural resources are integrated into the decision-making process for ORO activities. (See Section I of the Programmatic Agreement.)
- e. Cultural Resources Survey. A survey conducted to identify significant historical properties located within the ORR. (See Section II of the Programmatic Agreement.)
- f. Historic Property. Properties containing archaeological or cultural resources or that meet the National Register criteria for evaluation (36 CFR 60.4).
- g. National Register of Historic Places. The list of districts, sites, buildings, structures, and objects significant to American history, architecture, archaeology, engineering, and culture maintained by the Secretary of Interior.
- h. State Historic Preservation Officer. An official appointed by a Governor or designated by statute, pursuant of Section 101(b) of the NHPA, to administer a state historic preservation program.

8. CONTRACTOR REQUIREMENTS DOCUMENT. See Contractor Requirements Document, Attachment 1 of this Chapter.

9. ATTACHMENTS.

Attachment 1 - Contractor Requirements Document.

CONTRACTOR REQUIREMENTS DOCUMENT

Contractors that are identified in paragraph 3 of this Chapter shall accomplish the following:

1. Upon request of the COR, develop a CRMP for the ORR and the Portsmouth and Paducah sites that conforms to the requirements of Section I of the Programmatic Agreement. The CRMP will include a Cultural Resources Survey and Inventory that is conducted in accordance with Section II of the Programmatic Agreement.
2. Include funding requests for CRMP considerations in all proposed projects.