National Historic Preservation Act and Executive Orders

- **NHPA Section 2:**
  - *It shall be the policy of the Federal Government … to … Administer federally-owned, administered, or controlled historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations.*
- **The *Preserve America* Executive Order was codified in 2008:**
  - *To Preserve America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties and resources owned by the Federal Government.*

General Requirements for Historic Preservation (NHPA)

- **Historic properties** under the jurisdiction or control of the agency **are to be managed and maintained** in a way that considers the **preservation of their historic**, archeological, **architectural** and cultural **values**. {110(a)(2)(B)}
- The **agency has an affirmative responsibility to** manage and **maintain** such property in a manner that takes into account the property's historic significance. In addition, the Federal agency has **an affirmative responsibility to** seek and **use historic properties to the maximum extent feasible in carrying out its activities.** {110(a)(1), 110(a)(2)(B)}
- …include costs of preservation activities of such agency under this Act as eligible project costs in all undertakings of such agency … {110(g)}

N.S. *Savannah* is a National Historic Landmark

- ***Savannah* was listed on the Federal Register in 1982; upgraded by NPS to NHL status in 1991.**
- **Section 110(f) of the NHPA applies, and states in part:**
  - *… before approval of any Federal undertaking which may directly and adversely affect any NHL, the head of the responsible Federal agency shall … undertake such planning and actions as may be necessary to minimize harm to such landmark, and shall afford the ACHP a reasonable opportunity to comment …*
  - *… the agency should consider all prudent and reasonable alternatives to avoid an adverse effect on the NHL.*

NHPA – NRC Interaction

- NRC regulations incorporate NHPA requirements; but do not contemplate facilities such as *Savannah*.
- NHPA and NRC Decommissioning objectives have different results, and must be conformed through consultation that includes the ACHP and National Park Service.
- *Savannah* is a unique facility in the NRC inspection regime; any actions related to *Savannah* are unlikely to establish precedent for commercial facilities.
- DOT is a standing Federal member of the ACHP; our actions have bearing on the Department.

Preservation of the Nuclear Power Plant

Options other than dismantling and disposal of the power plant may be reasonable and feasible to pursue given known radiological conditions.

Decommissioning by the DECON method assumes the removal of all components of the nuclear power plant. Such action can be considered an "adverse effect" under applicable historic preservation statutes and regulations.

- The power plant is not the only defining attribute of the *Savannah* as a National Historic Landmark – but it is very significant.
- Preservation of the power plant is not contemplated from a budgeting perspective – but it could be a more feasible funding scenario over the projected retention period.

Other Federally-Preserved Nuclear Facilities

There are several extent preserved nuclear facilities in the U.S.

- **USS NAUTILUS – owned, maintained and managed by the U.S. Navy.**
- **U.S. Department of Energy – Manhattan Project Preservation Initiative:**
  - X-10 Graphite Reactor, Oak Ridge, TN
  - Hanford B Reactor, Hanford, WA
  - Trinity Site
- **US DOE – Public/Private Partnerships sponsoring museums / historical foundations:**
  - Nevada Test Site / Atomic Testing Museum, Las Vegas
  - National Atomic Museum, Albuquerque, NM (Los Alamos)
  - Brookhaven Nat'l Lab, Sandia Nat'l Lab Museums

Potential Regulatory Approaches to Preservation

The Federal facilities previously described are not NRC-licensed. MARAD has identified several possible licensing methods that may be suitable for preservation.

- 10 CFR 20.1403 – terminate the license under restricted conditions;
- 10 CFR 20.1404 - terminate the license under alternate criteria; and,
- Maintain the license (indefinite SAFSTOR or licensed possession).

Preservation Alternative (PSDAR App C)

- 10 CFR 20.1403 – License Termination under Restricted Conditions.
  - Establish a residual radioactivity threshold that is ALARA (as low as reasonably achievable).
  - Make provisions for legally enforceable institutional controls to ensure:
    - Exposures do not exceed 25 mrem (0.25 mSv) per year to average members of the defined critical group.
    - As long as the controls do not impose undue burdens on the local community or other affected parties.
  - Provide the Federal licensee financial assurance statement of intent to meet the requirements of paragraph (c).

Preservation Alternative (PSDAR App C)

MARAD

- 10 CFR 20.1404 – License Termination under Alternate Criteria.
  - Similar to the restricted release criteria under 10 CFR 20.1403, except that the provisions for financial assurances and enforceability are not included.
- Maintenance of license/license renewal
  - Establish license terms and conditions of a new or renewed license.
  - They may be similar to the restricted conditions of 10 CFR 20.1403.
  - This option may require rulemaking by NRC or a an amendment to the Atomic Energy Act.

Rationales for Preservation in-lieu-of Decommissioning

Maintenance and Stewardship of a Federally-owned National Historic Landmark is an obligation of the owning agency under the National Historic Preservation Act (of 1966, as amended).

- Preservation is consistent with recent Presidential Executive Orders that have recently been codified (Save America's Treasures and Preserve America)
- Preservation is consistent with the vision, mission and purpose of *Atoms for Peace* and the *Savannah* project.

Preservation in-lieu-of Decommissioning - 2

Preservation for the purposes of cost-avoidance is not justifiable.

- In-Situ decommissioning is not appropriate for a waterborne vessel;
- Future disposal of the ship requires controlled and regulated dismantling of the nuclear power plant, whether licensed or not.

a briefing service of the
Federal Preservation Institute
National Park Service
February 2007

FEDERAL STEWARDSHIP OF NATIONAL HISTORIC LANDMARKS

One-Third of Federal Landmarks were Documented More Than Forty Years Ago

What are National Historic Landmarks?

National Historic Landmarks are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States. Since 1960 fewer than 2,500 historic places have been granted this national distinction. Excluding the 74 properties managed by the National Park Service, other federal agencies are stewards to 204 designated Landmarks. While the Department of Defense protects nearly 80 Landmarks, most Departments control fewer than five nationally significant properties.

What is the standard for federal stewardship at National Historic Landmarks?

The National Historic Preservation Act requires, in Section 110, that Federal Preservation Officers exercise a "higher standard" of care when considering undertakings that may directly and adversely affect National Historic Landmarks. This means that Federal Preservation Officers must ensure that agency planning activities "consider all prudent and feasible alternatives" to actions that will damage National Historic Landmarks. In addition, agencies must, "to the maximum extent possible," plan to "minimize harm" to designated Landmarks.

How can Federal Preservation Officers protect designated Landmarks from agency impacts?

Federal actions that have the potential to adversely effect National Historic Landmarks are assigned additional historic preservation review to ensure that these nationally significant places are given due consideration. The Federal Preservation Officer must ensure that the Advisory Council on Historic Preservation and the Secretary of the Interior are provided opportunities to consult on the proposed adverse undertaking. The Advisory Council maintains comprehensive records regarding consultation on federal agency adverse effects on National Historic Landmarks. Since 1960 the Secretary of the Interior has withdrawn the designation of 27 National Historic Landmarks—of which only four appear to have resulted from federal undertakings. Developing a federal project that impacts a National Historic Landmark to the extent that compromises its physical integrity is contrary to the intent of the National Historic Preservation Act and should be avoided. Establishing and monitoring the implementation of higher standards for considering impact of federal undertakings on National Historic Landmarks is one hallmark of an effective federal historic preservation program.

What is the physical condition of federally-owned National Historic Landmarks?

Every two years the National Park Service surveys the condition of National Historic Landmarks and reports on their condition. Federal Preservation Officers should work with the National Park Service to ensure that information maintained on the National Historic Landmarks web site (www.cr.nps.gov/nhl)

Facts for Feds is a service of:
Federal Preservation Institute, National Park Service,
1849 C St., NW (2254), Washington, D.C. 20240
www.fpi.historicpreservation.gov
fpi@nps.gov ~~~ 202-354-6999

accurately depicts the condition of Landmarks under their stewardship. The National Park Service characterized the condition of Landmarks as being either:

- **Lost:** The Landmark has lost its integrity. Designation should be withdrawn.
- **Emergency:** The Landmark has suffered recent catastrophic damage that requires immediate intervention to preserve the resource and prevent withdrawal of designation.
- **Threatened:** The Landmark has suffered or is in imminent danger of suffering a severe loss of integrity.
- **Watch:** The Landmark faces impending actions or circumstances that likely will cause a loss of integrity.
- **Satisfactory:** The Landmark faces no known threats.

How good is the quality of information regarding National Historic Landmarks?

Documentation of the significance and physical description of each National Historic Landmark can be found in the original nomination form. This form is often the primary document used by federal agencies in making historic preservation decisions about Landmarks. It is also the official baseline for evaluating changes to the integrity of a Landmark since its designation. Although many additional studies may have been completed on individual Landmarks as part of ongoing management activities, this information has generally not been comprehensively incorporated into the property's designation documents.

More than one-third of the National Historic Landmarks under federal stewardships were designated prior to the enactment of the National Historic Preservation Act in 1966! In addition, eighty percent of federal Landmarks were designated more than 20 years ago, and thus, the quality and accuracy of the descriptive information contained on these nominations is dated. Moreover, the documentation of these nationally significant places can reflect out-of-date trends and perspectives of historical interpretation.

National Historic Landmark Designations

1960-1966	1967-1976	1977-1986	1987-1996	1997-2006
73	39	51	32	9
36%	19%	25%	16%	4%

Given their legal mandate to provide a higher standard of care for National Historic Landmarks, Federal Preservation Officers should consider updating older National Historic Landmark nominations as a high priority for their historic preservation programs. Only with comprehensive and accurate information, can federal stewards meet their responsibilities to ensure the appropriate treatment of these nationally significant historic properties.

For more information, send an email to NPS_fpi@nps.gov or call 202-354-6999.
Federal Preservation Institute, National Park Service, 1849 C St., NW (2254), Washington, D.C. 20240

National Park Service
U.S. Department of the Interior

2 243 - Statement by the President Concerning the First Nuclear-Powered Merchant Ship.

October 15, 1956

Available from World Wide Web: http://www.presidency.ucsb.edu/ws/?pid=10642

I HAVE TODAY directed the Atomic Energy Commission and the Department of Commerce to proceed as rapidly as possible with the design and construction of the first nuclear-powered merchant ship, in accordance with provisions of Public Law 848.

This is a project in which I long have had a deep interest. When I advanced the idea of a nuclear-powered merchant vessel in April of 1955, I stated that the ship "will demonstrate to people everywhere this peacetime use of atomic energy, harnessed for the improvement of human living."

We have had a nuclear-powered warship since the launching of the submarine "Nautilus" in January 1954. Merchant ship propulsion, however, is as yet unrealized--although it is one of the most promising applications of nuclear energy. Atomic merchant ships will be able to operate on longer runs at higher sustained speeds. They will be able to carry more cargo on long voyages than conventional ships because of the saving in fuel space. They will need less time in port, since they will operate for long periods without refueling.

This new vessel will be a floating laboratory, providing indispensable information for the further application of atomic energy in the field of ocean transportation. The reactor itself will be a definite step forward in nuclear propulsion. I am confident that the ship will be the forerunner of atomic merchant and passenger fleets which one day will unite the nations of the world in peaceful trade.

I should like to emphasize that the ship's reactor design will not be secret. The reactor will be built on an unclassified basis. It will be possible for engineers not only of our own country, but of other nations, to view the nuclear power plant and see at first hand this demonstration of the great promise of atomic energy for human betterment.

Attached to this statement is a letter from the Secretary of Commerce and the Chairman of the Atomic Energy Commission which contains a description of the ship.

The Atomic Energy Commission will furnish the reactor and be responsible for its installation. The Maritime Administration, Department of Commerce, will be responsible for the design and construction of the ship.

Note: The letter referred to by the President describes the ship as a combination passenger-cargo carrier tended for about 100 passengers and 12,000 cargo deadweight ton capacity, with a service speed of 21 knots. The reactor would be "a 20,000 horsepower pressurized water reactor of advanced design."

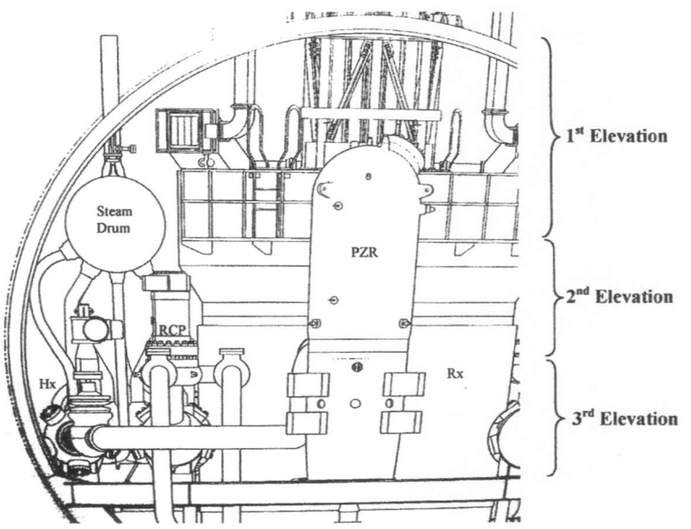
N.S. Savannah Radiological Survey

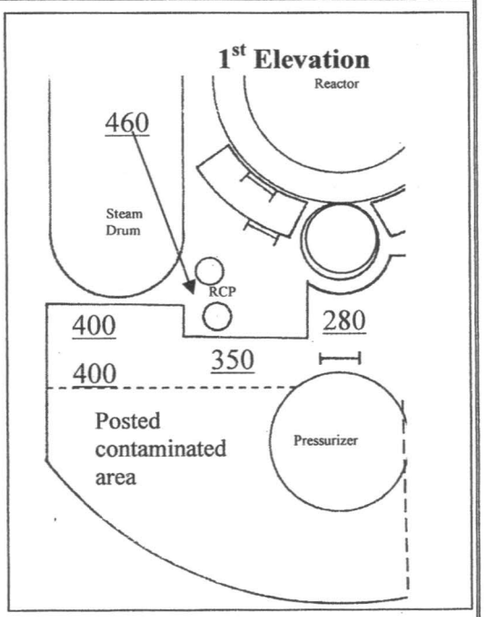
Date: 4/7/2010	Location: CV FWD Starboard side
By: Douglas Roberson	Survey Number: NSS-10-4

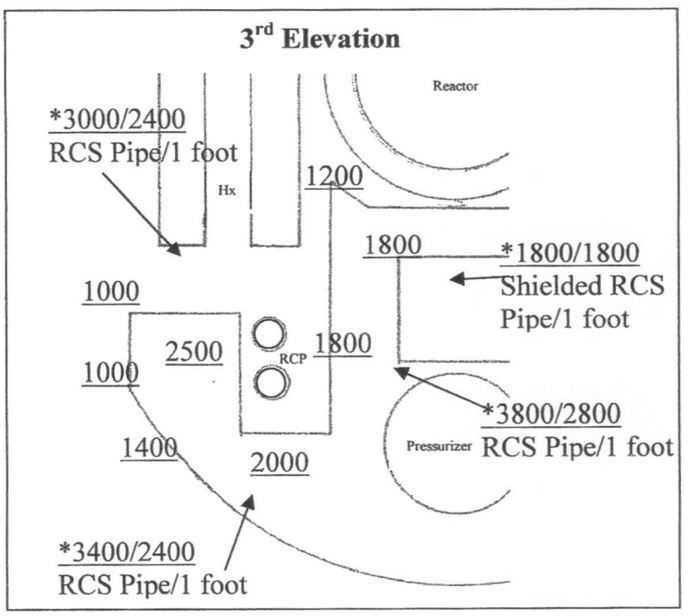
Reviewed by (RSO/Designee) / Date: Paynter 07 Apr 2010

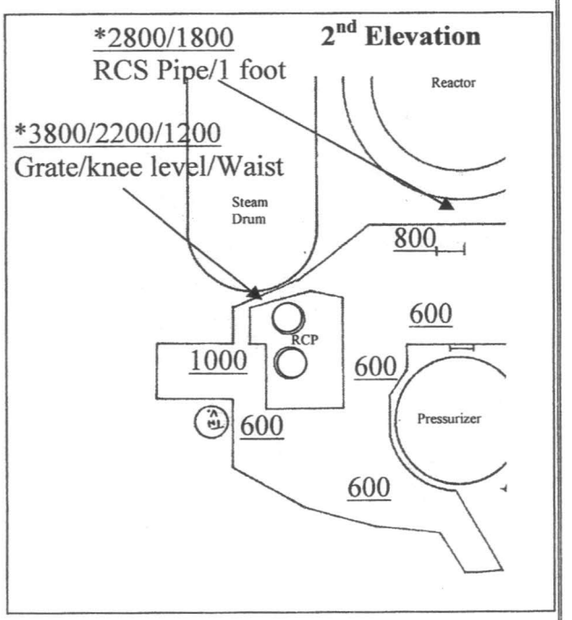
Instrument	Serial Number	Cal Due Date
Ludlum 19	115888	11/30/2010
NA		

Comments: Readings are in uR/hr unless otherwise noted
= waist level dose rates
* = contact dose rates
(#) = smear locations
Mda = NA dpm
Frisker Background = NA cpm









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Nuclear Ship SAVANNAH

Plan

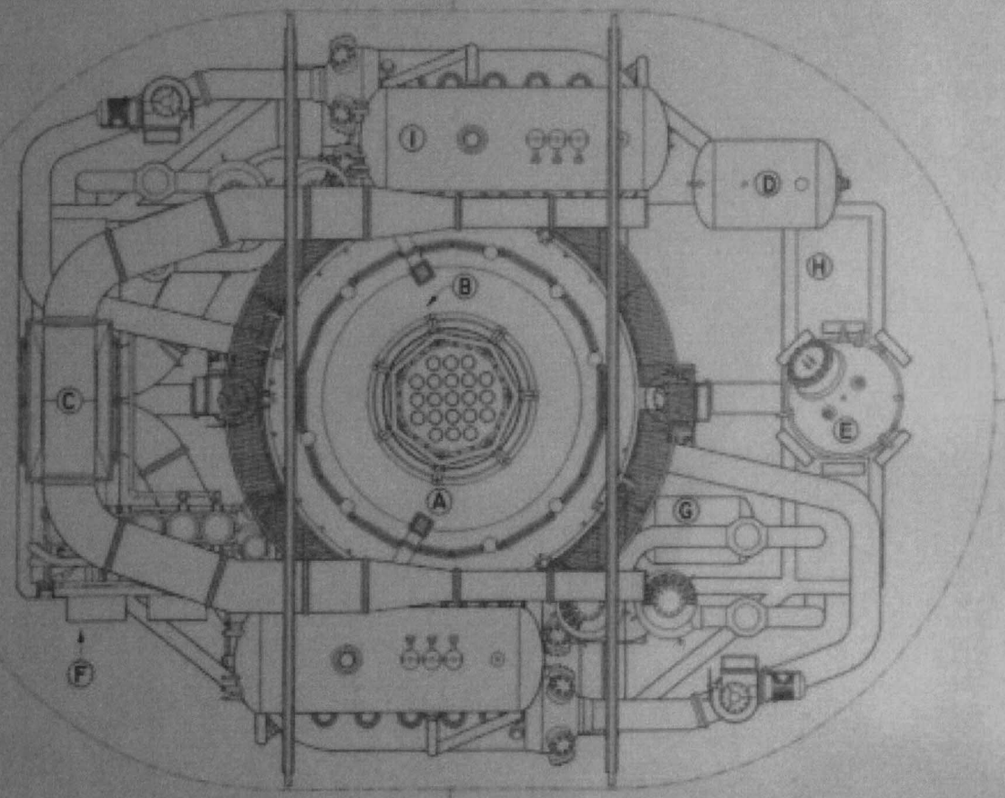
KEY	
A	REACTOR
B	CONTROL RODS
C	COOLING-UNIT
D	EFFLUENT CONDENSING TANK
E	PRESSURIZER
F	LET-DOWN COOLERS
G	CONTAINMENT DRAIN TANK
H	STRUCTURAL STEEL
I	STEAM DRUM & HEAT EXCHANGER

PORT

"A"

AFT

"B"



FORWARD

"B"

"A"

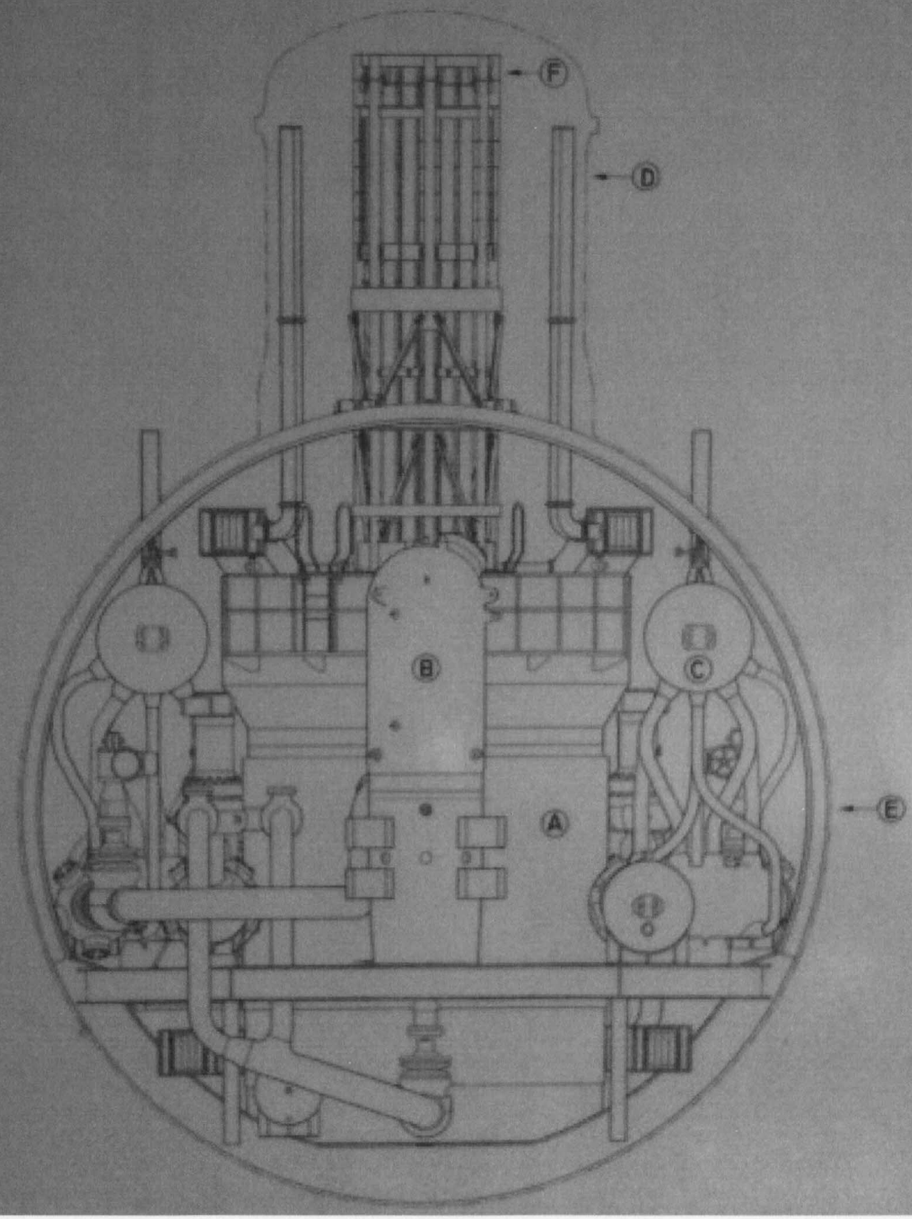
STARBOARD

SCALE 1/2" = 1'0"

Nuclear Ship SAVANNAH

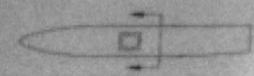
Forward Elevation

KEY	
A	REACTOR
B	PRESSURIZER
C	STEAM DRUM & HEAT EXCHANGER
D	COOLING-UNIT
E	STRUCTURAL STEEL
F	CONTROL RODS



PORT

STARBOARD



SCALE 1/8" = 1'-0" FEET