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MANHATTAN PROJECT NATIONAL HISTORICAL PARK STUDY ACT

MAY 20, 2004.—Ordered to be printed

Mr. DOMENICI, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany S. 1687]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1687) to direct the Secretary of the Interior, to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Manhattan Project National Historical Park Study Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STUDY.—The term “study” means the study authorized by section 3(a).

(3) STUDY AREA.—

(A) IN GENERAL.—The term “study area” means the historically significant sites associated with the Manhattan Project.

(B) INCLUSIONS.—The term “study area” includes—

(i) Los Alamos National Laboratory and townsite in the State of New Mexico;

(ii) the Hanford Site in the State of Washington; and

(iii) Oak Ridge Reservation in the State of Tennessee.

SEC. 3. SPECIAL RESOURCE STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall conduct a special resource study of the study area to assess the national

significance, suitability, and feasibility of designating 1 or more sites within the study area as a unit of the National Park System in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(2) ADMINISTRATION.—In conducting the study, the Secretary shall—

(A) consult with interested Federal, State, tribal, and local officials, representatives of organizations, and members of the public;

(B) evaluate, in coordination with the Secretary of Energy, the compatibility of designating 1 or more sites within the study area as a unit of the National Park System with maintaining the security, productivity, and management goals of the Department of Energy and public health and safety; and

(C) consider research in existence on the date of enactment of this Act by the Department of Energy on the historical significance and feasibility of preserving and interpreting the various sites and structures in the study area.

(b) REPORT.—Not later than 2 years after the date on which funds are made available to carry out the study, the Secretary shall submit to Congress a report that describes the findings of the study and the conclusions and recommendations of the Secretary.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

PURPOSE OF THE MEASURE

As ordered reported, the purpose of S. 1687 is to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System.

BACKGROUND AND NEED

The Manhattan Project was a top-secret program implemented during World War II which was designed to beat Nazi Germany to the construction of the first nuclear bomb. The results of the three year, multi-million dollar Manhattan Project transformed the world of science and technology and ultimately ushered in the modern information age.

The project was carried out in four primary locations including Oak Ridge, Tennessee, where the first uranium enrichment facilities and pilot scale nuclear reactor were built; Hanford, Washington, the location of the first large-scale reactor for producing plutonium; Los Alamos, New Mexico, where the first atomic bombs were designed and built; and the Trinity Site, New Mexico, where the first nuclear device was detonated.

Three of these sites have been designated as National Historic Landmarks and all are included on the National Register of Historic Places. A panel of experts convened by the Advisory Council on Historic Preservation reported in 2001 that the development and use of the atomic bomb during World War II has been called “the single most significant event of the 20th century.” The Advisory Council recommended that the sites of the Manhattan Project be formally established as a collective unit and be administered for preservation, commemoration and public interpretation in cooperation with the National Park Service.

As ordered reported, S. 1687 directs the Secretary of the Interior to conduct a feasibility study of historically significant sites associated with the Manhattan Project for inclusion as a unit of the National Park System. The purpose of the study is to evaluate the compatibility of designating one or more of these sites as a national historical park. Additionally, the study will evaluate the compat-

ibility of such a designation with maintaining the security, productivity and management goals of the Department of Energy.

LEGISLATIVE HISTORY

S. 1687 was introduced by Senators Bingaman, Cantwell, and Murray on September 30, 2003. Senators Domenici and Alexander are cosponsors. A companion bill, H.R. 3207, was introduced by Representative Hastings on September 30, 2003.

The Subcommittee on National Parks held a hearing on S. 1687 on March 9, 2004. At the business meeting on April 28, 2004, the Senate Energy and Natural Resources Committee ordered S. 1687 favorably reported with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on April 28, 2004, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 1687, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 1687, the Committee adopted an amendment in the nature of a substitute. The substitute amendment makes several clarifying changes, removes the statement of findings, eliminates the Trinity Site in New Mexico from the list of sites specifically included in the study area, and increases the time allowed the Secretary of the Interior to produce the report to Congress from one year to two. The amendment is described in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the “Manhattan Project National Historical Park Study Act”.

Section 2 defines terms used in the Act.

Section 3(a)(1) directs the Secretary of the Interior (Secretary), in consultation with the Secretary of Energy, to conduct a special resource study to assess the national significance, suitability and feasibility of designating the various historic sites and structures of the study area as a unit of the National Park System.

Paragraph (2)(A) directs the Secretary to consult with interested Federal, State, tribal, and local officials, organizations and members of the public.

Subparagraph (B) directs the Secretary to evaluate the compatibility of designating one or more parts of the study area as a unit of the National Park System, with maintaining security, productivity and management goals of the Department of Energy and the Department of Defense, as well as public health and safety.

Subparagraph (C) directs the Secretary to consider the Department of Energy’s existing research on the historical significance of the various sites within the study area, as well as the feasibility of preserving and interpreting them.

Subsection (b) requires the Secretary to submit a report to Congress documenting the findings, conclusions and recommendations

of the study, not later than two years after funds have been made available.

Section 4 authorizes the appropriation of such sums as are necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1687.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1687.

EXECUTIVE COMMUNICATIONS

The Committee on Energy and Natural Resources requested legislative reports setting forth Executive agency recommendations on S. 1687 from the Department of the Interior and the Office of Management and Budget on March 1, 2004, and from the Department of Defense and the Department of Energy on March 2, 2004. These reports had not been received when this report was filed. The testimony provided by the Department of the Interior at the Subcommittee hearing on S. 1687 follows:

STATEMENT OF P. DANIEL SMITH, SPECIAL ASSISTANT TO THE DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department's views on S. 1687, to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System.

The Department does not oppose S. 1687, if amended as described in this testimony. This study would provide an opportunity to determine appropriate ways to preserve and interpret resources associated with the Manhattan Project, through which the United States developed the atomic bomb during World War II. While we agree that it is wholly appropriate to study ways to preserve the sites where the nuclear age began, we are concerned about the feasibility for management of these sites by the National Park Service (NPS), as the sites involve extremely large facili-

ties with tremendous potential costs of maintenance and possible issues about safety in some of the buildings. In light of the President's commitment to devote more resources to addressing the backlog of deferred maintenance in existing units of the National Park System, we have made an effort to curtail taking on new responsibilities. For this reason, we believe that the study should focus on evaluating alternatives for preservation and interpretation including what, if any, role might best be played by the NPS or other partners. We would suggest that S. 1687 be amended to specify that the study concentrate on those options, and we would be happy to work with the committee to develop an amendment for that purpose.

The NPS is in various stages of progress on 34 studies previously authorized by Congress, 23 of which are being funded through the special resource study budget. We completed five studies in FY 2003, and we expect to complete about nine in FY 2004. Our highest priority is to complete these pending studies, though we expect to start newly authorized studies as soon as funds are made available. Given the type of facilities involved, the study authorized by S. 1687 is anticipated to cost more than most studies, which average around \$250,000. We estimate that this study would cost between \$500,000 and \$750,000 assuming that we could rely on available data, including environmental evaluations, to make initial determinations about the structural condition of the facilities and the status of potential hazardous materials.

S. 1687 directs the Secretary of the Interior to conduct a special resource study on the Manhattan Project sites in accordance with the law governing these studies, section 8(c) of Public Law 91-383, except for the provision that calls for the study to be completed in three years after funding is made available. Section 4(b) of S. 1687 requires the study to be completed in one year. We would recommend that this section be amended to provide the usual three years for completing the study.

The study area designated by S. 1687 includes: (1) Los Alamos National Laboratory and the town of Los Alamos in New Mexico; (2) the Trinity Site on the White Sands Missile Range, also in New Mexico; (3) the Hanford Site in Washington; (4) Oak Ridge Laboratory in Tennessee; and (5) other significant sites relating to the Manhattan Project determined by the Secretary. The four sites named in the bill are generally viewed as the most important sites related to the Manhattan Project and are the areas in which the National Park Service would focus the study, but we think it is appropriate to include the flexibility to study other areas as well.

Operating from December, 1942 until September, 1945, the Manhattan Project was a \$2.2 billion effort that employed 130,000 workers at its peak, but was kept largely out of public view. Like so many of the national mobilization efforts of American industry and agriculture that led to the Allied victory in World War II, the Manhattan

Project illustrates how the federal government worked with the private sector to carry out basic and applied scientific research at a scale unheard of before the war. This nationwide project had significant results B shortening the war and averting an invasion of Japanese home islands. The introduction of nuclear weaponry to our nation's arsenal changed forever world history and has been recognized as one of the most important events of the twentieth century.

If directed by Congress and if funds are made available, a NPS special resource study would build upon the efforts of the Department of Energy (DOE) and its preservation partners, including the Atomic Heritage Foundation and the President's Advisory Council on Historic Preservation, which have already identified the most significant sites associated with the Manhattan Project.

In 1999, recognizing the significance of the Manhattan Project sites, DOE prepared a study that identified eight "Signature Facilities" as being the most important places for understanding the development of nuclear weapons at the end of World War II. Seven of the eight facilities are within the four study areas specifically named in S. 1687. The eight facilities are:

- Metallurgical Laboratory, University of Chicago (Chemistry Building and CP-1 site). In August 1942, "Met Lab" isolated the first weighable amount of plutonium. The Chemistry Building is now a National Historic Landmark. On December 2, 1942, CP-1 (Fermi's "pile" at Stagg Field) produced the first self-sustaining nuclear reaction.

- X-10 Graphite Reactor, Oak Ridge. Built in 1943, this facility was designed as the pilot for the Hanford production reactors. It produced the first significant amounts of plutonium. It is a National Historic Landmark.

- K-25 Gaseous Diffusion Process Building, Oak Ridge. Completed in 1945, this U-shaped building measures half a mile by 1,000 feet. Gaseous diffusion was one of three isotope separations processes that provided uranium-235 for the Hiroshima weapon ("Little Boy"). Gaseous diffusion was the only uranium enrichment process used during the Cold War.

- Y-12 Beta-3 Racetracks, Oak Ridge. This facility produced uranium-235 for the Hiroshima weapon. It is the only surviving production-level electromagnetic isotope separations facility in the United States.

- B Reactor, Hanford. Completed in 1944, this was the world's first large-scale plutonium production reactor. It produced plutonium for the Trinity device, the Nagasaki weapon ("Fat Man"), and Cold War weapons. It is a National Historic Mechanical Engineering Landmark.

- Chemical Separations Building (T Plant), Hanford. Completed in 1944-45, this plant separated plutonium out of production reactor fuel rods. It is a massive canyon-like structure that stands 800 feet long, 65 feet wide, and 80 feet high.

- V-Site Assembly Building, Los Alamos. This building is among the last remaining Manhattan Project buildings at Los Alamos. The trinity device and later weapons were assembled here. Other buildings at this site were destroyed by the Cerro Grande fire in 2000.

- Trinity Site, Alamogordo. The July 16, 1945 test at this site began the atomic age. The site is now part of White Sands Missile Range, owned by the Department of Defense. It is a National Historic Landmark.

In 2001, DOE partnered with the President's Advisory Council on Historic Preservation to conduct a survey of these eight facilities (all but two are under DOE ownership) and to make recommendations regarding their preservation. The panel of experts who participated in the study determined that each of the sites qualify not only for National Historic Landmark status, but also as World Heritage sites.

In 2001, through Public Law 107-66, Congress directed DOE to prepare a preservation plan for the Manhattan Project. The FY 2004 Energy and Water Appropriations Act provided \$1 million to DOE to support preservation of the Manhattan Project sites. Last fall, DOE awarded the Atomic Heritage Foundation a grant to produce a report on how to best preserve the history of the Manhattan Project so that the public and future generations can better understand what the Manhattan Project was, its legacy, and lessons for today. The report will address: (1) the Manhattan Project buildings, artifacts, and other aspects of the history that should be preserved; (2) the estimated costs of restoration, preservation and long-term stewardship of these properties, and (3) what roles federal, state, and local government agencies, nonprofits, the private sector and others might play in preservation and stewardship. An interim report was presented to Congress in September 2003.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions you or other members of the subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1687 as ordered reported.