



**Appendix A**

**Legal Basis for Cultural Resource Management**





## Appendix A

# Legal Basis for Cultural Resource Management

## INTRODUCTION

The following is an outline of federal and state laws and regulations, executive orders, and DOE directives that guide cultural resource compliance and activities on the INEEL.

All work on the INEEL, whether research, operations, or maintenance, is controlled by the Integrated Safety Management (ISM) system. ISM dictates that all work be preplanned in accordance with specific standards and procedures, depending on the nature of the work.

## LAWS, REGULATIONS, AND GUIDELINES

The federal and state laws, executive orders, regulations, and DOE directives summarized in the paragraphs to follow define and mandate the protection of cultural resources on federal land, provide guidelines for agencies and institutions in the implementation of these directives, and define the philosophical basis that underlies the Cultural Resources Management Program on the INEEL.

This summary is organized chronologically to give a sense of the development of national thought on historic protection. Several of the earlier acts have been strengthened or superseded by later legislation. Although all laws listed apply, those marked by an asterisk (\*) are the leading and most relevant to the "daily routine" of the INEEL and long-range planning by the INEEL CRM Office.

## FEDERAL LAW

### **“Antiquities Act of 1906” (PL 59-209; 16 USC 431 - 433)**

This law is the first federal statute passed to protect antiquities on federal land, protecting all historic and prehistoric cultural properties on federal lands without regard to minimum age. "Objects of antiquity" (including paleontological resources) are to be preserved, restored, maintained, and disturbed only under excavation permit. Artifacts and associated documents are to be cared for in public museums. A system is to be created to establish national historic monuments, and criminal penalties are to be assessed for violations.

Requirements of the Antiquities Act, including the permitting process, have been expanded, strengthened, and superseded by the ARPA. The ARPA definition of antiquities or cultural resources excludes paleontological remains.

### **“Historic Sites, Buildings, and Antiquities Act of 1935,” as amended (PL 74-292; 16 USC 461 - 467)**

This act sets a national policy of preserving historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States. The authority to restore and



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maintain such sites is given to the secretary of the Interior, who is also designated to oversee a National Survey of Historic Sites and Buildings (now the National Register of Historic Places), the Historic Sites Survey, the Historic American Buildings Survey (HABS), and the Historic American Engineering Record (HAER)].

### **“The Reservoir Salvage Act of 1960,” as amended (PL 86-523; 16 USC 469 - 469c)**

This act mandates the salvage and preservation of historical and archaeological data that might otherwise be lost as a result of federal dam and reservoir construction. The act provides that up to one percent of funds appropriated for a project may be authorized to recover, preserve, and protect archaeological and historical data. The act was amended and broadened by the Archaeological and Historic Protection Act of 1974.

### **\* “National Historic Preservation Act of 1966,” as amended (PL 89-665; 16 USC 470, et seq.)**

This act outlines the leadership role of the federal government in preservation of prehistoric and historic resources and promotes a policy of cooperation between federal agencies, tribes, other nations, states, and local governments. The act directs federal agencies to assume responsibility for the preservation of historic properties located on lands that they own or control (Section 110) and requires them to take into account the effects of their actions on those properties (Section 106). The act expands and formally establishes the National Register of Historic Places, providing a process by which historically important properties must be recognized and protected. The act also provides for the establishment and support of State Historic Preservation Offices, state historic preservation plans, and procedures for forming approved state and local government historic preservation programs. It creates the independent national Advisory Council on Historic Preservation to serve as counsel on historic preservation issues to the president, the Congress, and federal and state agencies. Further guidance for the National Historic Landmarks Program is also provided.

The following sections of the act are especially important to the relationship between cultural resource protection and activities on federal land.

**\*Section 106**—The Advisory Council on Historic Protection, created by NHPA, is responsible for implementing Section 106. This important section requires that federal agencies consider the potential impact of their activities on properties listed on or eligible for listing on the National Register and give the Advisory Council sufficient information and time to comment on federal activities. It provides a process to be followed for individual undertakings, emergency activities, and situations where historic properties are inadvertently discovered during an undertaking. Federal agencies can comply with Section 106 by following procedures for individual activities or by developing a programmatic agreement for large projects. The programmatic agreement is developed in consultation with the SHPO, the Advisory Council, Native Americans, and other interested groups. Federal agencies can also develop their own substitute procedures (subject to approval by the Advisory Council) or follow a state review system approved by the Advisory Council and the state.

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Basic compliance with Section 106 involves the following process:

1. **Initiation of the section 106 process.** In this initial step, federal agencies must establish the undertaking, identify the appropriate SHPO or Tribal Historic Preservation Office and other consulting parties, and make plans to involve the public. The federal agency official coordinates the steps of the section 106 process with the overall planning schedule for the undertaking and with any reviews required under other authorities such as the National Environmental Policy Act, the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, and the Archaeological Resources Protection Act.
2. **Identification of historic properties.** If the undertaking under consideration has the potential to impact historic properties, a second step in the Section 106 process is initiated. At this time, the federal agency must gather information and determine and document the area of potential effect for the undertaking. Next, steps must be taken to identify any historic properties within the area of potential effect and apply the National Register criteria to determine if any of the properties present are eligible for listing on the register.
3. **Assessment of adverse effects.** If eligible or potentially eligible historic properties are present within the area of potential effect for the undertaking, the federal agency must consult with the SHPO, impacted Tribal Historic Preservation Office(s), and any Indian tribe that attaches religious and cultural significance to identified historic properties to determine if they will be adversely affected. The federal agency must also consider any views concerning such effects that have been provided by consulting parties and the public.
4. **Resolution of adverse effects.** If an adverse effect is determined as a result of the undertaking, the federal agency must continue consultation with the SHPO, impacted Tribal Historic Preservation Office(s), other consulting parties, and the public to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on historic properties. Continued consultation results in notification to the Advisory Council and development of a formal memorandum of agreement that outlines measures that will be taken to protect significant properties.

*\*Section 110*—This section of the act directs federal agencies to establish programs to locate, evaluate, and nominate eligible historic properties under their jurisdiction to the NRHP. The 1992 amendments strengthen the NHPA by requiring each federal agency to establish a historic preservation program to meet these goals. This requirement is important because it stresses that federal agencies must take an active role in the preservation and management of all significant cultural resources under their jurisdiction, not only those that happen to fall within the path of construction or modification projects.

*\*Section 112*—This section, added by the 1992 amendments to the NHPA, requires that federal agency and contractor individuals conducting historic preservation activities meet certain professional qualifications and that their activities under the NHPA meet certain standards.

*\*Section 304*—This section directs federal agencies to "withhold from disclosure to the public, information relating to the location or character of historic resources whenever the head of the agency or the Secretary determines that the disclosure of such information may create a substantial risk of harm, theft, or destruction to such resources or to the area or place where such resources are located." This

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section is also used to protect sensitive information related to historic properties that is provided by traditional cultural leaders.

### **“Federal Collections Act of 1966” (PL 89-508)**

Historic and prehistoric sites have been clearly defined as resources under the Antiquities Act, the ARPA, and the NHPA, and, as such, their deliberate or inadvertent destruction or disturbance constitutes damage to public property. The Federal Collections Act requires that agencies attempt to collect for damages arising from activities on federal land, including claims resulting from unauthorized or illegal activities that damage or destroy cultural resources; professional archaeological appraisal is required to translate site damage into monetary terms and evidentiary basis for court cases.

### **\* “National Environmental Policy Act of 1969,” as amended (PL 91-190; 42 USC 4321 and 4331 - 4335)**

This act outlines the federal policy of general environmental protection by requiring information gathering, planning, and assessment in advance of projects or actions that occur on federal land or are federally licensed or funded. It requires the use of natural and social sciences in planning and decision-making with regard to project impacts on the environment, and protective provisions are extended to important historic, cultural, and natural aspects of our national heritage. Federal agencies must prepare detailed statements (EISs, EAs) outlining the scope, environmental impacts of, and alternatives to the action planned, and allow for and consider public comments. The NHPA provides direction for integrating NEPA and NHPA Section 106 requirements. (Categorical exclusions under NEPA do not apply under the NHPA.)

### **"Protection and Enhancement of the Cultural Environment," 1971 (EO 11593)**

This Executive Order formally designates the federal government as the leader in preserving, restoring, and maintaining the historic and cultural environment of the nation and gives federal agencies the responsibility for locating, inventorying, and nominating to the NRHP those sites that qualify. It also urges caution by federal agencies that, while this inventory and nomination process is going on, eligible properties are not transferred or altered. The primary philosophy and requirements of this order were incorporated into the NHPA 1980 amendments.

### **“Archaeological and Historic Preservation Act of 1974,” as amended (PL 93-291; 16 USC 469 - 469c)**

This act, also known as the Archeological Recovery Act, amends the Reservoir Salvage Act by expanding its provisions to any federal ground-disturbing program or activity, or project requiring a federal license. It provides federal agencies with justification for expenditures to mitigate impacts on historic properties that contain scientific, prehistoric, historic, or archaeological data.

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**“American Folklife Preservation Act of 1976”  
(PL 94-201; 20 USC 2101 - 2107)**

Within the Library of Congress, an American Folklife Center is established to preserve and present American folklife. It is a matter of concern to the federal government to encourage and support American folklife.

**\* “The American Indian Religious Freedom Act,” 1978  
(PL 95-341; 42 USC 1996)**

This act reaffirms Native American religious freedom rights under the First Amendment and sets U.S. policy to protect and preserve the inherent and constitutional right of American Indians to believe, express, and exercise their traditional religions. The act prompts federal agencies to avoid interfering with access to sacred locations and traditional resources that are integral to the practice of native religions and directs them to consult with interested Native American groups and leaders to develop and implement policies and procedures to aid in protection and preservation of cultural and spiritual traditions and sites. The act is not implemented by any regulations.

**\* “Archaeological Resources Protection Act,” 1979, as amended  
(PL 96-95; 16 USC 470aa et seq.)**

This act establishes definitions, permit requirements, and criminal and civil penalties, among other provisions, to strengthen the basic tenets of the Antiquities Act of 1906. Felony-level penalties are established for the unauthorized excavation, removal, damage, alteration, or defacement of any archaeological resource more than 100 years of age and located on public lands or American Indian lands. The act also prohibits the sale, purchase, exchange, transportation, receipt, or offering of any archaeological resource obtained in violation of any provision of the act. Finally, the act fosters increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data.

**\* “Federal Cave Resources Protection Act of 1988” (PL 100-691)**

The stated purpose of this act is "...to secure, protect, and preserve significant caves on Federal lands for the perpetual use, enjoyment, and benefit of all people...to foster increased cooperation and exchange of information between governmental authorities and those who utilize caves located on Federal lands for scientific, education, or recreational purposes..." The Federal Cave Resources Protection Act does not specifically address archaeological resources, but cave sites would benefit from this protection. Regulations have not yet been published.

**\* “Native American Grave Protection and Repatriation Act of 1990,”  
as amended (PL 101-601; 25 USC 3001 et seq.)**

This act provides for the determination of custody, protection, and repatriation of Native American human remains, associated and unassociated funerary objects, sacred objects, and objects of cultural

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patrimony in existing federal collections and establishes criminal penalties for trafficking in human remains or cultural objects. Procedures are also provided for developing permits for excavation of such remains in consultation with appropriate Native American representatives as well as for handling such remains when they are unexpectedly discovered during federal activities.

### **\* “Indian Sacred Sites,” 1996 (EO 13007)**

Under this broad Executive Order, federal agencies with land management responsibilities must, to the extent practicable and permitted by law, and in keeping with essential agency functions, accommodate access to and ceremonial use of American Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies must also maintain the confidentiality of sacred sites.

### **\* “Consultation and Coordination with Indian Tribal Governments,” 2000 (EO 13175)**

This Executive Order reaffirms the unique legal relationship between the United States and American Indian tribal governments. It stresses that federal agencies establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, strengthen the United States government-to-government relationships with Indian tribes, and reduce the imposition of unfunded mandates upon Indian tribes.

### **“Preserve America,” 2003 (EO 13287)**

Federal agencies have a responsibility to provide a leadership role in preserving America’s heritage. Federal agencies must manage the cultural resources under their jurisdiction as assets to their departments and missions while contributing to the vitality and economic well-being of the nation’s communities and fostering a broader appreciation for the development of the United States and its underlying values. This Executive Order directs federal agencies to maximize efforts to integrate the policies, procedures, and practices of the National Historic Preservation Act. It directs them to promote the preservation of irreplaceable cultural resources by advancing the protection and continued use of their historic properties and pursuing partnerships with state and local governments, Indian tribes, and the private sector.

## **REGULATIONS**

Regulations are promulgated, adopted, and then published in the Code of Federal Regulations (CFR) to direct the implementation of laws. The following CFR citations are most pertinent to cultural resource management.

### **“Leases and Exchanges of Historic Property” (36 CFR 18)**

This regulation governs the historic property leasing and exchange provisions of the National Historic Preservation Act.



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## **“National Register of Historic Places” (36 CFR 60)**

This regulation addresses nominations by federal, state, and local agencies as well as revision of nominations and removal of properties from the National Register.

### **\* “Procedures for Approved State and Local Government Historic Preservation Programs” (36 CFR 61)**

- This regulation establishes standards for the approval and operation of state historic preservation programs, requires the State Historic Preservation Office to conduct statewide surveys of cultural properties, prepare and implement state preservation plans, and cooperate with federal agencies in Section 106 compliance. Professional qualification standards are also established, ensuring credibility in the practice of historic preservation at all levels and ensuring a consistent level of expertise is applied nationally to the identification, evaluation, registration, documentation, treatment, and interpretation of archaeological and other cultural resources.

### **\* “Determinations of Eligibility for Inclusion in the National Register of Historic Places” (36 CFR 63)**

This regulation sets forth a process and specific criteria for determining if properties are eligible for nomination to the National Register.

## **“National Historic Landmark Program” (36 CFR 65)**

This regulation establishes criteria and procedures for identifying properties of national significance and designating them as national historic landmarks. Processes for revising landmark boundaries and/or removing landmark designations are also included.

## **“Standards for Rehabilitation” (36 CFR 67)**

This regulation establishes procedures and standards whereby owners or holders of long-term leases for historic buildings may obtain certifications to gain federal tax credits for appropriate rehabilitation. Tax deductions for owners who donate interests in cultural resources for preservation purposes are also described.

### **\* “Standards for the Treatment of Historic Properties” (36 CFR 68)**

This regulation contains the standards for historic preservation projects including acquisition, protection, stabilization, preservation, rehabilitation, restoration, and reconstruction. These standards form the basis of the federal preservation program.

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**\* “Curation of Federally Owned and Administered Archaeological Collections” (36 CFR 79)**

This regulation provides standards and guidelines to be followed by federal agencies in preserving and providing adequate long-term curatorial services for archaeological collections of prehistoric and historic artifacts and associated records that are recovered under the NHPA, ARPA, and other antiquities laws.

**\* “Protection of Historic and Cultural Properties” (36 CFR 800)**

This regulation includes guidelines of the Advisory Council on Historic Preservation to implement Sections 1 through 6 of the NHPA, as amended, and presidential directives issued pursuant thereto.

**\* “Preservation of American Antiquities” (43 CFR 3)**

This regulation establishes procedures to be followed for permitting the excavation or collection of prehistoric and historic objects on federal lands.

**\* “Protection of Archaeological Resources Uniform and Supplemental Regulations” (43 CFR 7 Subparts A and B)**

This regulation provides definitions, standards, and procedures for federal land managers to protect archaeological resources and provides further guidance on permitting procedures and penalties.

**\*Native American Graves Protection and Repatriation Act: Final Rule (43 CFR 10)**

This regulation establishes a systematic process for determining the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to certain Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony with which they are affiliated.

**DEPARTMENT OF ENERGY DIRECTIVES**

Cultural resource management direction and guidance specific to DOE is set forth in policy, departmental orders, and memoranda, as well as memoranda from individual field offices. DOE also issues periodic cultural resource management information briefings, including the following topics: National Historic Preservation Act, State and Tribal Historic Preservation Officers, Managing Cultural Resources That May Contain Residual Radioactive Material, Historic Preservation and the DOE Historian, Archaeological Resources Protection Act, and Native American Graves Protection and Repatriation Act.

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**\* “Department of Energy Management of Cultural Resources,” 2001,  
(DOE P 141.1)**

The purpose of this policy is to ensure that DOE maintains a program that reflects the spirit and intent of cultural resource legal mandates. Two specific goals are:

1. “To ensure that Department of Energy (DOE) programs and field elements integrate cultural resources management into their missions and activities and
2. To raise the level of awareness within DOE concerning the importance of the Department’s cultural resource-related legal and trust responsibilities.”

**\* “American Indian Policy,” 1992, as revised in 1998 (DOE O 1230.2)**

This order provides direction to all departmental officials, staff, and contractors regarding fulfillment of trust obligations and other responsibilities arising from departmental actions that may potentially impact American Indian and Alaska Native traditional, cultural, and religious values and practices; natural or cultural resources; and treaty and other federally recognized and reserved rights.

**\* “Management of Cultural Resources at Department of Energy Facilities,” 1990, as revised in 2001 (DOE Memorandum)**

The purpose of this memorandum is to inform all DOE facilities and programs of the requirements for complying with the various executive orders, statutes, and implementing regulations governing the management of cultural resources. Included are basic definitions for cultural resources and outlines of consultation requirements with regard to cultural resource compliance and cultural resource preservation planning as required by NHPA. This memorandum also orders the development of facility- and program-specific cultural resource management plans.

**“Managing Cultural Resources that may Contain Residual Radioactive Material,” August 1999 (DOE Information Brief)**

The issue of radiologically contaminated Native American human remains and other artifacts impacts relatively few federal agencies. However, as a result of historical operations in support of our national defense and other mission-essential activities, this issue is of particular importance to DOE. Although no radiologically contaminated remains have been identified, if such an event were to occur, the processes set forth in DOE Order 5440.5, “Radiation Protection of the Public and the Environment,” should be used to ensure radiological protection responsibilities are accomplished.

**“Management of Cultural Resources on the INEL,” October 12, 1990  
(DOE Idaho Management Directive)**

This directive from A. A. Pitrolo, manager, DOE Idaho, represents DOE Idaho’s response to DOE memorandum, “Management of Cultural Resources at Department of Energy Facilities.” The Idaho-



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specific memorandum initiates development and implementation of a cultural resource management plan for the INEEL and commits to rigorous compliance with cultural resource legislation.

## **STATE OF IDAHO**

On the INEEL site, as on other federal reserves, federal statutes supersede existing state legislation pertaining to cultural resources. However, both sets of statutes are complementary and state acts have corollaries at the federal level.

### **“Idaho Historic Preservation Act,” Idaho Code, Chapter 41 (I.C. 67:4113-4129)**

This act establishes protection of archaeological and vertebrate paleontological resources on public (state) lands in Idaho. It provides for the permitting of qualified individuals or institutions to excavate, and establishes penalties for violation of the code. It is superseded by federal law on the INEEL site.

### **“Burial Act,” Idaho Code, Chapter 70 (I.C. 18:7027-7028)**

Desecration of human burials on public (state) lands is prohibited and penalties are established for unlawful removal of human remains.

### **“Protection of Graves,” Idaho Code, Chapter 5, Title 27**

This law defines permitted activities and establishes guidelines for the legal removal of human remains from Idaho gravesites by qualified archaeologists or law enforcement personnel. Consultation with and written permission of the State Historical Society director and the appropriate tribe is required in cases involving Native American burials. Human remains and associated items from these gravesites must be reinterred in an area approved by the tribe.

### **“Idaho Cave Protection Act,” Idaho Code, Chapter 70, Title 18, Section 7035**

It is unlawful to damage caves or their features or contents through vandalism or removal; permission is possible for legitimate entry and collection. The act applies to federal, state, or private caves or their resources. It includes cave features, plants and animals, and archaeological materials. Violation of the act is considered a trespass and malicious injury to property misdemeanor.

## **INEEL IMPLEMENTING DOCUMENTS**

The environmental philosophy of BBWI is presented in PS-1, “INEEL Policies,” and summarizes the INEEL commitment to environmental stewardship. The INEEL environmental program is further described in the program description document PDD-1012, “Environmental Management System.” All work done on the INEEL is controlled by specific company procedures, standards, and guidelines. Work preplanning (depending on the nature of the work) is directed by documents such as standard STD-101, “Integrated Work Control Process,” and by management control procedures MCP-3562, “Hazard



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Identification, Analysis and Control of Operational Activities,” or MCP-3571, “Independent Hazard Review.” While work is being performed, numerous procedures are adhered to, with MCP-553, “Stop Work Authority,” as one of primary importance to cultural resources.

### **PS-1, “INEEL Policies”**

As stated by Bill Shipp, then president of BBWI, “Our INEEL Policies and Standards of Performance represent some of our most important commitments to our customers and ourselves.” Within the INEEL policies is the commitment to the environment, safety, and health, which states, “All operations at the INEEL are performed in a safe manner that is compliant and protective of human health and the environment.”

### **PDD-1012, “Environmental Management System”**

The Environmental Management System at the INEEL is designed to integrate environmental protection, environmental compliance, pollution prevention, and continual improvement into work planning and execution throughout all work areas as a function of the Integrated Safety Management System. The Environmental Management System applies to all company organizations that implement environmental requirements or that have activities, products, or services that have the potential to impact the air, water, land, natural resources, historic or cultural resources, vegetation, wildlife, or surrounding population. Company line management is responsible for communicating relevant environmental requirements and environmental hazards to employees and subcontractors through appropriate company documents.

### **\*STD-101, “Integrated Work Control Process”**

The Integrated Work Control Process is the method by which the Integrated Safety Management System, enhanced work planning, and Voluntary Protection Program are implemented for maintenance and construction work activities. STD-101 provides a single process by which all maintenance and construction work on the Idaho National Engineering and Environmental Laboratory is performed, and by which all work is screened for hazards. References are provided for other regulatory requirements (such as environmental compliance) applicable to work performed on the INEEL.

### **\*MCP-3562, “Hazard Identification, Analysis and Control of Operational Activities”**

This MCP describes the process for performing hazard identification, analysis, and control for operational activities (all non-maintenance and non-construction activities). This procedure provides the method by which the following functions of the Integrated Safety Management System are achieved: identify the hazards, analyze the hazards, identify standards and requirements, identify controls to prevent or mitigate hazards, and establish safety controls. An exhaustive list of potential work tasks is contained in this document. This list facilitates which department or subject matter expert must be contacted prior to each specific task or activity. Operational activities requiring environmental checklists are identified within this document, and departmental contacts given.

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## **\*MCP-3571, “Independent Hazard Review”**

This procedure describes the activities necessary to ensure that research and development work is conducted in accordance with all applicable environmental, safety, health, and quality requirements.

## **\*MCP-553, “Stop Work Authority”**

Every INEEL employee is granted the authority to stop work if any unsafe condition, at risk behavior, or environmental or quality deficiency is noted. In practical terms, if cultural resources are noted in the course of work, the employee should stop work and contact the INEEL CRM Office.

## **MCP-2725, “Fieldwork at the INEEL”**

This procedure outlines activities necessary to conduct fieldwork on the INEEL in a safe manner.

## **\*MCP-3480, “Environmental Instructions for Facilities, Processes, Materials and Equipment”**

This MCP provides instructions for performing environmental planning, compliance, and protection activities during the course of conducting work. It is used in conjunction with other appropriate instructions (e.g., operations, maintenance, construction, and safety and health procedures), as well as environmental permits.

## **MCP-2860, “Building/Facility Transition”**

This procedure implements the standardized requirements for transitioning a DOE Idaho facility from active to inactive status or vice versa. It defines responsibilities, processes, and definitions for determining building characteristics such as size, condition, and contamination levels. The product from this activity is a “Facility Condition Report” that is deployed to guide transition. Program managers are specifically directed to “Determine if any of the process equipment remaining in the facility has historical significance, and if so, who will remove it.” Finally, MCP-2860 directs program managers to consider long-term stewardship matters including “...the protection of cultural and ecological resources within areas of stewardship responsibility.”

## **MCP-2477, “Utilization and Disposal of Real Property”**

MCP-2477 describes the process whereby DOE Idaho real property is transferred, donated, sold, or destroyed. Any of the first three options can include either arrangements with either internal (DOE) or external (other agencies, private parties, or organizations) entities.