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NSC/RMO PROFILE

RECORD ID: 9706476
RECEIVED: 24 SEP 97 13

TO: PRESIDENT

FROM: HAMBRE, JOHN

DOC DATE: 20 SEP 97
SOURCE REF:

KEYWORDS: DEFENSE POLICY
LEGAL ISSUES
PD

MILITARY BASES
ENVIRONMENT

PERSONS:

SUBJECT: DRAFT PD ON CLASSIFIED INFO CONCERNING AIR FORCE OPERATING LOCATION
NEAR GROOM LAKE NEVADA

ACTION: SEE 9706404 FOR FURTHER ACTION

DUE DATE: 30 SEP 97 STATUS: C

STAFF OFFICER: SEATON

LOGREF: 9700471 9700698

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSSWD

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DOC 1 OF 1

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DECLASSIFIED
E.O. 12958, As Amended,
White House Guidelines, August 28, 1997
By DM5 NARA, Date 5/17/07

~~CONFIDENTIAL~~
ACTION DATA SUMMARY REPORT

RECORD ID: 9706476

DOC ACTION OFFICER

001 SEATON
001 OMB
001

CAO ASSIGNED ACTION REQUIRED

X 97092413 PREPARE MEMO FOR BERGER
Z 97092418 COMMENTS/CONCURRENCE
X 97093014 SEE 9706404 FOR FURTHER ACTION

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By mm NARA, Date 5/17/07

Presidential Determination
No. _____

MEMORANDUM FOR THE ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY
THE SECRETARY OF THE AIR FORCE

SUBJECT: Presidential Determination on Classified Information
Concerning the Air Force's Operating Location Near Groom
Lake, Nevada

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada (the subject of litigation in Kasza v. Browner (D. Nev. CV-S-94-795-PMP) and Frost v. Perry (D. Nev. CV-S-94-714-PMP)) from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Resource Conservation and Recovery Act (RCRA) or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.

The Secretary of the Air Force is authorized and directed to publish this determination in the Federal Register.



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010



20 SEP 1997

MEMORANDUM FOR PRESIDENT CLINTON
THROUGH: MR. BERGER

SUBJECT: Classified Information Concerning the Air Force's Operating Location
Near Groom Lake, Nevada

On September 28, 1996, you issued an exemption under the Resource Conservation and Recovery Act (RCRA) protecting from disclosure classified information concerning an Air Force operating location near Groom Lake, Nevada. By statute, the exemption is effective for one year, unless renewed. The exemption was necessitated by a Federal district court ruling that held that classified information could not be withheld from public disclosure under RCRA absent such an exemption. That ruling is now being appealed. In the meantime, and for reasons addressed in the attached memorandum from Secretary Widnall, I concur in her request and recommendation that you renew the exemption to provide continued protection for the full one-year statutory period while the matter is on appeal.

I note that EPA Administrator Browner and the Justice Department's Environment and Natural Resources Division concur in this recommendation.

Attachment:
SECAF Memo

SEP 24 11:42

SEP 24 11:42

NATIONAL SECURITY COUNCIL

ID 9706476

REFERRAL

DATE: 24 SEP 97

MEMORANDUM FOR: OMB

10002

DOCUMENT DESCRIPTION:

TO: PRESIDENT

SOURCE: HAMBRE, JOHN

DATE: 20 SEP 97

SUBJ: DRAFT PD ON CLASSIFIED INFO CONCERNING AIR FORCE OPERATING LOCATION
NEAR GROOM LAKE NEVADA

REQUIRED ACTION: COMMENTS/CONCURRENCE

DUE DATE: 27 SEP 97

COMMENT:

FOR


JOHN W. FICKLIN

NSC RECORDS MANAGEMENT OFFICE

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FOR INFO
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*No action required - Legal already
handled this under log # 6404.*

*J. B. Seaton
9/25/97*

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