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Original OA/ID Number: 3269				
Document ID: 9806405				
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UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9806405
RECEIVED: 17 SEP 98 14

CHRON FILE

TO: BROWNER, C
PETERS, F W

FROM: PRESIDENT

DOC DATE: 25 SEP 98
SOURCE REF:

KEYWORDS: LEGAL ISSUES
PD

ACCESS

PERSONS:

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

ACTION: PRESIDENT SGD PD 98-36

DUE DATE: 23 SEP 98 STATUS: C

STAFF OFFICER: BAKER

LOGREF: 9507055 9507092

FILES: WH

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

BAKER

NSC CHRON

COMMENTS: _____

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OPENED BY: NSJWF

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DOC 4 OF 4

UNCLASSIFIED

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ACTION DATA SUMMARY REPORT

RECORD ID: 9806405

DOC ACTION OFFICER

001 BAKER
002 BERGER
003 PRESIDENT
004

CAO ASSIGNED ACTION REQUIRED

Z 98091714 PREPARE MEMO FOR BERGER
Z 98092413 FWD TO PRESIDENT FOR SIGNATURE
Z 98092413 FOR SIGNATURE
X 98092809 PRESIDENT SGD PD 98-36

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

003 980924
003 980924
004 980925 BROWNER, C
004 980925 PETERS, F W
004 980925
004 980925

DISPATCH FOR INFO

VICE PRESIDENT
WH CHIEF OF STAFF
KENNEY, K
CONROY, R
DUSAULT, P
SAUNDERS, T

UNCLASSIFIED

National Security Council
The White House

PROOFED BY: _____

LOG # 6405

URGENT NOT PROOFED: _____

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BYPASSED WW DESK: _____

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	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<i>h</i> Cosgriff	_____	_____	_____
Rice	<u>1</u>	<u>@9/23</u>	_____
Davies	_____	_____	_____
Kerrick	_____	_____	_____
Steinberg	<u>2</u>	<u>[Signature]</u>	_____
Berger	<u>3</u>	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>3</u>	_____	<u>D</u>
Records Mgt.	_____	_____	_____
_____	_____	_____	_____

A = Action

I = Information

D = Dispatch

R = Retain

N = No Further Action

CC:

198 SEP 25 04:17
COMMENTS:

*Need signed by 9/25
Groom Lake*

Exec Sec Office has diskette isp

THE WHITE HOUSE

WASHINGTON

September 25, 1998

Presidential Determination
No. 98-36

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.

William J. Clinton

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

6405

September 23, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

FROM: JAMES E. BAKER *JB*

SUBJECT: Continuation of RCRA Exemption for Operating
Location Near Groom Lake

Since 1995, the President has exempted the "Operating Location near Groom Lake" from the public disclosure requirements of the Resource Conversation Recovery Act in order to protect national security information. By statute, the exemption is effective for one year, unless renewed.

With the concurrence of EPA and Justice, the Deputy Secretary of Defense is recommending that the President renew the exemption. Katie McGinty concurs as well. As with last year's exemption, the continuation expressly notes that it is not intended to limit the applicability or enforcement of any requirement of law applicable to the facility except those concerning the disclosure of classified information. To ensure continued protection of classified information the **President should sign the attached exemption by September 25.**

In response to questions from the President, you requested that Defense, CIA and Energy review certain questions with respect to the Operating Location. A summary of this review was sent to the President in August, and is presently with John Podesta. Execution of this determination would not prejudice the President's satisfaction with this review.

Concurrence by: *JB*
Joe Bouchard and David Sandalow

RECOMMENDATION

That you sign the attached memorandum to the President.

Attachments

Tab I Memorandum for the President
Tab A Presidential Determination
Tab B Incoming Correspondence

ADVANCE
COPY - from NSC

THE WHITE HOUSE
WASHINGTON

ACTION

'98 SEP 23 PM 1:14

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL R. BERGER

SUBJECT: Presidential Determination on RCRA Exemption for
the Operating Location at Groom Lake

Purpose

To continue to exempt the Air Force from public disclosure requirements concerning the inspection and inventory of hazardous waste at the Air Force "operating location near Groom Lake."

Background

Since 1995, you have issued an exemption under the Resource Conservation and Recovery Act (RCRA) protecting from disclosure classified information concerning an Air Force location near Groom Lake, Nevada. By statute, the exemption is effective for one year, unless renewed. As a result, the attached exemption should be **signed by September 25**. The exemption was necessitated by litigation over RCRA compliance at the facility. While ruling that the information in question was appropriately classified, the Federal district court ruled that under RCRA classified information could only be protected from public disclosure pursuant to a Presidential exemption. On appeal, the circuit court declined to reach this issue and, consequently, an exemption continues to be required.

Deputy Secretary of Defense Hamre and Acting Secretary of the Air Force Peters recommend that you renew the exemption to provide continued protection for national security information. EPA Administrator Browner and Department of Justice, Environmental and Natural Resources Division, concur in this recommendation as does Katie McGinty. As with last year's exemption, the attached document is worded to exempt the location only from disclosure requirements and not from applicable environmental standards.

cc: Vice President
Chief of Staff

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RECEIVED: 17 SEP 98 14

TO: PRESIDENT
BERGER

FROM: HAMRE, J

DOC DATE: 15 SEP 98
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KEYWORDS: LEGAL ISSUES
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PERSONS:

SUBJECT: RENEWAL OF PRES EXEMPTION - RCRA - FOR CLASSIFIED INFO RE GROOM LAKE

ACTION: PREPARE MEMO FOR BERGER

DUE DATE: 23 SEP 98 STATUS: S

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DOC 1 OF 1

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