

DEPARTMENT OF DEFENSE**Presidential Determination on Classified Information Concerning the Air Force's Operating Location Near Groom Lake, Nevada**

AGENCY: Department of the Air Force, DoD.

ACTION: Notice

SUMMARY: Notice is hereby given that the President has exempted the United States 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 to any unauthorized persons.

FOR FURTHER INFORMATION CONTACT: Mr. W. Kipling At Lee, Jr., Deputy General Counsel (Military Affairs), Office of the Secretary of the Air Force, Washington DC 20330; telephone (703) 695-5663.

SUPPLEMENTARY INFORMATION: 42 USC Section 6961 makes each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any solid waste management facility or disposal site, or (2) engaged in any activity resulting, or which may result, in the disposal or management of solid waste or hazardous waste subject to all Federal, State, interstate, and local requirements, both substantive and procedural (including any requirement for permits or reporting or any provisions for injunctive relief and such sanctions as may be imposed by a court to enforce such relief), respecting control and abatement of solid waste or hazardous waste disposal and management in the same manner, and to the same extent, as any person is subject to such requirements, including the payment of reasonable service charges. 42 USC Section 6961 also states that the President may exempt any solid waste management facility of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so and that any exemption shall be for a period not in excess of one year.

On September 25, 1998, the President exempted 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.

Therefore, the text of the Memorandum from the President to the Secretary of the Air Force is set forth below.

Carolyn A. Lunsford,

Air Force Federal Register Liaison Officer.

Presidential Determination No. 98-36
September 25, 1998

Memorandum for the Administrator of the Environmental Protection Agency [and] 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 the 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,

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DEPARTMENT OF DEFENSE**Department of the Army****Environmental Assessment (EA) for the Disposal and Reuse of the Charles River Park Parcel, Army Materials Technology Laboratory (AMTL), Watertown, MA**

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: The Department of the Army announces today the availability of the EA and Finding of No Significant Impact (FNSI) for the disposal and reuse of the Charles River Park parcel, AMTL,

Watertown, Massachusetts. The 1988 Commission on Base Realignment and Closure established by the Defense Authorization Amendments and Base Closure and Realignment Act of 1988, Public Law 100-526, recommended the closure of AMTL. The proposed action is the disposal of property made available by the closure of AMTL.

DATES: Comments must be submitted on or before November 23, 1998.

ADDRESSES: A copy of the EA or inquiries into the FNSI may be obtained by writing to Susan Holtham, U.S. Army Corps of Engineers, New England District (ATTN: Environmental Resource Section), 696 Virginia Road, Concord, Massachusetts 01742-2571.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Holtham at (978) 318-8536 or by telefax at (978) 318-8560.

SUPPLEMENTARY INFORMATION: The EA evaluates the effects of disposal and subsequent reuse of the Charles River Park parcel which comprises approximately 11 acres. The Army will negotiate the transfer of 11 acres to the Commonwealth of Massachusetts, Metropolitan District Commission (MDC) or another owner. In 1920, the Army granted a permanent right-of-way for the parcel to the Commonwealth of Massachusetts, MDC. Through the grant, MDC assumed responsibility for care, management and police jurisdiction over the property, however, ownership remained with the Army.

Three alternative methods of disposal were analyzed: Encumbered disposal, unencumbered disposal and retention of the property in caretaker status (i.e., no action alternative). The Army's preferred alternative for disposal of the Charles River Park parcel is encumbered disposal which involves conveying the property with conditions imposed on special easements, remedial activities, historic properties, and wetlands.

The EA, which is incorporated into the FNSI, examines potential effects of the proposed action and alternatives on resource areas and areas of environmental concern: Land use, climate, air quality, geology, water resources, infrastructure, hazardous and toxic substances, biological resources, cultural resources, economic development, social and economic development, and quality of life.

The EA concludes that the disposal and subsequent reuse of the property will not have a significant impact on the human environment. Issuance of a FNSI would be appropriate. An Environmental Impact Statement is not required prior to implementation of the proposed actions.