

### Title 3—The President

Presidential Determination No. 2003–39 of September 16, 2003

#### **Classified Information Concerning the Air Force’s Operating Location Near Groom Lake, Nevada**

*Memorandum for the Administrator of the Environmental Protection Agency [and] the Secretary of the Air Force*

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 the 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**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, September 16, 2003.*

#### **Order of September 17, 2003**

#### **Designation Under Executive Order 12958**

Consistent with the provisions of section 1.3 of Executive Order 12958 of April 17, 1995, as amended, entitled “Classified National Security Information,” I hereby designate the Director of the Office of Science and Technology Policy to classify information originally as “Top Secret.”

Any delegation of this authority shall be in accordance with section 1.3(c) of Executive Order 12958, as amended.

This order shall be published in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, September 17, 2003.*