

Reference: RGL 86-12

Subject: NATIONAL SECURITY

Title: PERMIT APPLICATIONS FOR MILITARY PROJECTS INVOLVING PRESENCE OF NUCLEAR WEAPONS

Issued: 12/08/86 Expires: 12/31/88

Originator: DAEN-CWO-N

Description: PRESENCE OR ABSENCE OF NUCLEAR WEAPONS AT A PARTICULAR SITE IS A MATTER OF NATIONAL SECURITY NOT SUBJECT TO DISCLOSURE UNDER NEPA.

1. Several districts have received permit applications from the U.S. Navy relating to the construction of "home-porting" facilities for warships. During the review of these applications, the question arose of whether or not to address (during the public interest review) the potential presence of nuclear weapons on warships or at shore facilities. The presence or absence of nuclear weapons at a particular site or on a particular ship is a matter of national security and is not subject to disclosure or public review (see *Catholic Action of Hawaii v. Weinberger*, 454 U.S. 139 (1981)).
2. Corps districts and divisions should not address the issue of nuclear weapons during any aspect of NEPA compliance in the permit evaluation process for military construction projects. Any correspondence dealing with this issue, received during the review of the application, should be forwarded to the proponent agency for whatever response it deems appropriate.
3. This guidance expires 31 December 1988 unless sooner revised or rescinded.

FOR THE CHIEF OF ENGINEERS: