

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Original OA/ID Number: 2011				
Document ID: 9800538				
Stack: V	Row: 45	Section: 4	Shelf: 4	Position: 3

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	Samuel R. Berger & Larry Stein to The President Re: Report to Congress (2 pages)	01/31/1998	P1/b(1)
001b. email	Joseph F. Bouchard to Joan S. Hunerwadel Re: Report to Congress [partial] (1 page)	01/27/1998	P6/b(6)
001c. memo	Samuel R. Berger & Larry Stein to The President Re: Report to Congress (1 page)	ca. 1/1998	P1/b(1)
001d. memo	Samuel R. Berger & Larry Stein to The President Re: Report to Congress (1 page)	ca. 1/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Records Management
([Area 51])
OA/Box Number: 2011

FOLDER TITLE:

9800538

2006-0527-F

ds218

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

~~SECRET~~
NSC/RMO PROFILE

RECORD ID: 9800538
RECEIVED: 23 JAN 98 19

TO: GINGRICH, NEWT
GORE, A

FROM: PRESIDENT

DOC DATE: 31 JAN 98
SOURCE REF:

KEYWORDS: LEGAL ISSUES

CONGRESSIONAL

PERSONS:

SUBJECT: RPT TO CONGRESS ON PRES EXEMPTION CONCERNING OPERATING LOCATION
NEAR GROOM LAKE

ACTION: PRESIDENT SGD LTRS

DUE DATE: 29 JAN 98 STATUS: C

STAFF OFFICER: BAKER

LOGREF:

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

BAKER
BOUCHARD
FICKLIN
NSC CHRON
RUDMAN
SANDALOW

COMMENTS: DISPATCHED BY THE WH EXECUTIVE CLERK

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSTTS

CLOSED BY: NSDRS

DOC 3 OF 3

DECLASSIFIED

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

~~SECRET~~

~~SECRET~~

RECORD ID: 9800538

ACTION DATA SUMMARY REPORT

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 BERGER
002 PRESIDENT
002
003

Z 98012917 FWD TO PRESIDENT FOR SIGNATURE
Z 98013112 FOR SIGNATURE
X 98020413 PRESIDENT SGD PER WH EXEC CLERK
X 98020413 PRESIDENT SGD LTRS

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

003 980131 RGINF
003 980131 GORE, A

~~SECRET~~

THE WHITE HOUSE
WASHINGTON

0539

Sandy;
a para has been
added, as you
suggested.
(10)

National Security Council
The White House

PROOFED BY: _____ LOG # 0530
 URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT ARS
 BYPASSED WW DESK: _____ DOCLOG 7 A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<u>15</u> Cosgriff	_____	_____	_____
Rice	<u>1</u>	<u>1/29</u>	_____
Davies	_____	_____	_____
Kerrick	<u>2</u>	<u>1/29</u>	<u>See Note</u>
Steinberg	<u>3</u>	_____	_____
Berger	<u>4</u>	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>5</u>	<u>1/30</u>	<u>STEIN</u>
Records Mgt. <u>→</u>	<u>6</u>	<u>TMA 2.2</u>	<u>N</u>
<u>→</u>	<u>7</u>	_____	<u>N</u>

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:

BYPASSED STEIN - COPIED 6/1/20
STAFF SEC AND CLERK FOR EXEC SEC

COMMENTS:

Report Needs to be
Submitted by Jan 31

'98 JAN 29 PM 3:19

to Congress!

Exec Sec Office has diskette yes

Log # 0530

ADDITIONAL COMMENTS

Fm (2) To SRB Date 1/29

This is a Routine
Report... Not a new
exemption...

Fm _____ To _____ Date _____

THE WHITE HOUSE
WASHINGTON

January 31, 1998

Dear Mr. Speaker:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. 6961(a), notification is hereby given that on September 26, 1997, I issued Presidential Determination No. 97-35 (copy attached) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination No. 97-35 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The Determination was not intended to imply that in the absence of a Presidential exemption RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons, but rather to eliminate any potential uncertainty arising from a district court decision in pending litigation, Kasza v. Browner (D. Nev. CV-S-94-795-PMP), the relevant appeal which, was subsequently dismissed as moot (9th Cir. Nos. 96-15535 and 96-15537; decided January 8, 1998). The Determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

Sincerely,

William J. Clinton

The Honorable Newt Gingrich
Speaker of the
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE
WASHINGTON

January 31, 1998

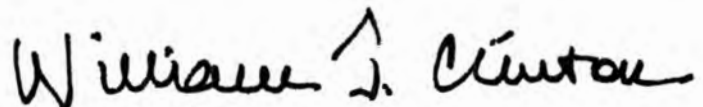
Dear Mr. President:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. 6961(a), notification is hereby given that on September 26, 1997, I issued Presidential Determination No. 97-35 (copy attached) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination No. 97-35 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The Determination was not intended to imply that in the absence of a Presidential exemption RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons, but rather to eliminate any potential uncertainty arising from a district court decision in pending litigation, Kasza v. Browner (D. Nev. CV-S-94-795-PMP), the relevant appeal which, was subsequently dismissed as moot (9th Cir. Nos. 96-15535 and 96-15537; decided January 8, 1998). The Determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

Sincerely,

A handwritten signature in dark ink, reading "William J. Clinton". The signature is written in a cursive, slightly slanted style. The first name "William" is written in a larger, more prominent script, followed by "J." and "Clinton". The signature is positioned below the word "Sincerely,".

The Honorable Albert Gore, Jr.
President of the Senate
Washington, D.C. 20510

THE WHITE HOUSE
WASHINGTON

September 26, 1997

Presidential Determination
No. 97-35

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

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

February 2, 1998

TEXT OF A LETTER FROM THE PRESIDENT
TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
AND THE PRESIDENT OF THE SENATE

January 31, 1998

Dear Mr. Speaker: (Dear Mr. President:)

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. 6961(a), notification is hereby given that on September 26, 1997, I issued Presidential Determination No. 97-35 (copy attached) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination No. 97-35 exempted the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The Determination was not intended to imply that in the absence of a Presidential exemption RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons, but rather to eliminate any potential uncertainty arising from a district court decision in pending litigation, Kasza v. Browner (D. Nev. CV-S-94-795-PMP), the relevant appeal which, was subsequently dismissed as moot (9th Cir. Nos. 96-15535 and 96-15537; decided January 8, 1998). The Determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

Sincerely,

WILLIAM J. CLINTON

#

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	Samuel R. Berger & Larry Stein to The President Re: Report to Congress (2 pages)	01/31/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Records Management
([Area 51])
OA/Box Number: 2011

FOLDER TITLE:

9800538

2006-0527-F
ds218

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]



DEPUTY SECRETARY OF DEFENSE

1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010



JAN 27 1998

0645
0538

MEMORANDUM FOR THE PRESIDENT
THROUGH THE NATIONAL SECURITY ADVISOR

SUBJECT: Congressional Notification of Presidential Exemption under Section 6001(a) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6961(a).

I recommend you provide the enclosed report to Congress pursuant to section 6001(a) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. § 6961(a).

Section 6001(a) requires that you "report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with [your] reason for granting each such exemption." You granted such an exemption on September 26, 1997, in Presidential Determination 97-35, which protects classified information concerning the Air Force's operating location near Groom Lake, Nevada, from public disclosure. The enclosed report provides notice to Congress of the exemption.

The EPA Office of General Counsel and the Department of Justice Environment and Natural Resources Division have reviewed the report and concur with the Department of Defense that this report should be provided.

Attachment:
a/s

JAN 28 11:13

January 29, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

FROM:

JAMES BAKER *JB*

SUBJECT:

Report to Congress on Presidential Exemption
Concerning the Operating Location Near Groom Lake *usual*
issue

Under the Resource Conservation and Recovery Act (RCRA), the President is required to report each January to the Congress all exemptions granted during the previous year and the reasons for doing so. This is the third such report during this Administration. The language is consistent with earlier reports with the addition of language noting the 9th Circuit's January 8 ruling that the litigation giving rise to the President's exercise of the exemption is moot.

The 9th Circuit upheld the validity and scope of the President's exemption, but declined to address the Government's argument that an exemption is not required because criminal statutes already preclude disclosure of classified information.

The report should be submitted to Congress no later than January 31.

Concurrence by: *JB for* Joe Bouchard, Mara Rudman and David Sandalow

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

Tab I Memorandum for the President

Tab A Letter to Speaker of the House

Tab B Letter to President of the Senate

Tab II Incoming Correspondence

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001b. email	Joseph F. Bouchard to Joan S. Hunerwadel Re: Report to Congress [partial] (1 page)	01/27/1998	P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Records Management
([Area 51])
OA/Box Number: 2011

FOLDER TITLE:

9800538

2006-0527-F
ds218

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Hunerwadel, Joan S.

From: Bouchard, Joseph F.
Sent: Tuesday, January 27, 1998 7:31 AM
To: Hunerwadel, Joan S.
Subject: RE: Report to Congress re Groom Lake [UNCLASSIFIED]

I clear for Defense Policy.

(b)(6)

[00/b]

Joe Bouchard

-----Original Message-----

From: Hunerwadel, Joan S.
Sent: Monday, January 26, 1998 8:31 PM
To: Bouchard, Joseph F.; Rudman, Mara E.; Sandalow, David B.
Subject: Report to Congress re Groom Lake [UNCLASSIFIED]

Could we please have your clearance on the attached report to Congress no later than OOB Wednesday, 28 January
This has to be submitted to Congress no later than January 31. David, Jamie said you would be clearing for CEQ as well.

Thanks for your help.

<< File: 0538ag.doc >> << File: 0538bc.doc >> << File: 0538ng.doc >> << File: 0538sb.doc >>

Hunerwadel, Joan S.

From: Sandalow, David B.
Sent: Wednesday, January 28, 1998 10:32 AM
To: Hunerwadel, Joan S.; Bouchard, Joseph F.; Rudman, Mara E.
Subject: RE: Report to Congress re Groom Lake [UNCLASSIFIED]

I clear (for NSC/Environment and CEQ).

-----Original Message-----

From: Hunerwadel, Joan S.
Sent: Monday, January 26, 1998 8:31 PM
To: Bouchard, Joseph F.; Rudman, Mara E.; Sandalow, David B.
Subject: Report to Congress re Groom Lake [UNCLASSIFIED]

Could we please have your clearance on the attached report to Congress no later than OOB Wednesday, 28 January. This has to be submitted to Congress no later than January 31. David, Jamie said you would be clearing for CEQ as well.

Thanks for your help.

<< File: 0538ag.doc >> << File: 0538bc.doc >> << File: 0538ng.doc >> << File: 0538sb.doc >>

Hunerwadel, Joan S.

From: Rudman, Mara E.
Sent: Tuesday, January 27, 1998 8:37 PM
To: Hunerwadel, Joan S.
Cc: Bouchard, Joseph F.; Sandalow, David B.; @LEGISLAT - Legislative Affairs
Subject: RE: Report to Congress re Groom Lake [UNCLASSIFIED]

We're fine with it.

-----Original Message-----

From: Hunerwadel, Joan S.
Sent: Monday, January 26, 1998 8:31 PM
To: Bouchard, Joseph F.; Rudman, Mara E.; Sandalow, David B.
Subject: Report to Congress re Groom Lake [UNCLASSIFIED]

Could we please have your clearance on the attached report to Congress no later than OOB Wednesday, 28 January. This has to be submitted to Congress no later than January 31. David, Jamie said you would be clearing for CEQ as well.

Thanks for your help.

<< File: 0538ag.doc >> << File: 0538bc.doc >> << File: 0538ng.doc >> << File: 0538sb.doc >>

Hunerwadel, Joan S.

From: Sandalow, David B.
Sent: Wednesday, January 28, 1998 10:32 AM
To: Hunerwadel, Joan S.; Bouchard, Joseph F.; Rudman, Mara E.
Subject: RE: Report to Congress re Groom Lake [UNCLASSIFIED]

I clear (for NSC/Environment and CEQ).

-----Original Message-----

From: Hunerwadel, Joan S.
Sent: Monday, January 26, 1998 8:31 PM
To: Bouchard, Joseph F.; Rudman, Mara E.; Sandalow, David B.
Subject: Report to Congress re Groom Lake [UNCLASSIFIED]

Could we please have your clearance on the attached report to Congress no later than OOB Wednesday, 28 January. This has to be submitted to Congress no later than January 31. David, Jamie said you would be clearing for CEQ as well.

Thanks for your help.

<< File: 0538ag.doc >> << File: 0538bc.doc >> << File: 0538ng.doc >> << File: 0538sb.doc >>

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001c. memo	Samuel R. Berger & Larry Stein to The President Re: Report to Congress (1 page)	ca. 1/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Records Management
([Area 51])
OA/Box Number: 2011

FOLDER TITLE:

9800538

2006-0527-F
ds218

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001d. memo	Samuel R. Berger & Larry Stein to The President Re: Report to Congress (1 page)	ca. 1/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Records Management
([Area 51])
OA/Box Number: 2011

FOLDER TITLE:

9800538

2006-0527-F
ds218

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

THE WHITE HOUSE
WASHINGTON

Dear Mr. President:

Consistent with section 6001(a) of the Resource Conservation and Recovery Act (RCRA) (the "Act"), as amended, 42 U.S.C. § 6961(a), notification is hereby given that on September 26, 1997, I issued Presidential Determination 97-35 (copy attached) and thereby exercised the authority to grant certain exemptions under section 6001(a) of the Act.

Presidential Determination No. 97-35 exempted the United States Air Force's operating location near Groom Lake, Nevada from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons. Information concerning activities at the operating location near Groom Lake has been properly determined to be classified, and its disclosure would be harmful to national security. Continued protection of this information is, therefore, in the paramount interest of the United States.

The Determination was not intended to imply that in the absence of a Presidential exemption RCRA or any other provision of law permits or requires the disclosure of classified information to unauthorized persons, but rather to eliminate any potential uncertainty arising from a district court decision in pending litigation, Kasza v. Browner (D. Nev. CV-S-94-795-PMP), the relevant appeal from which was subsequently dismissed as moot (9th Cir. Nos. 96-15535 and 96-15537; decided January 8, 1998). The Determination also was not intended to limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake except those provisions, if any, that would require the disclosure of classified information.

Sincerely,

The Honorable Albert Gore, Jr.
President of the Senate
Washington, D.C. 20515

Enclosure