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FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
memo	From Blumenthal to The President (3 pp.) re: White House Security	3/7/79	A

FILE LOCATION
 Carter Presidential Papers- Staff Offices, Office of the Staff Sec.- Pres. Handwriting File
 [Not Submitted-3/7/79-DF] BOX 122

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ID 790909

THE WHITE HOUSE

WASHINGTON

MCI
Stanton/Smy
nc?

DATE: 07 MAR 79

FOR ACTION: CHAIRMAN CAMPBELL *attached*
BOB LIPSHUTZ *concur*

STU EIZENSTAT
JIM MCINYTRE *attached*

INFO ONLY: THE VICE PRESIDENT

JERRY RAFSHOON

JACK WATSON

ANNE WEXLER

SUBJECT: MARSHALL MEMO RE FEDERAL WORKPLACE SAFETY AND HEALTH

+++++
+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +
+ BY: 1200 PM FRIDAY 09 MAR 79 +
+++++

ACTION REQUESTED:

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

Hold
OMB is reviewing
E
proposed
5/18/79 -
Tom Clark

THE WHITE HOUSE
WASHINGTON

Mamm/Past -

Pls send S. Lagunas
another copy of this
memo.

Thanks,
L. Bay

	FOR STAFFING
	FOR INFORMATION
	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND
	NO DEADLINE
	LAST DAY FOR ACTION

FOR ACTION
FYI

<input checked="" type="checkbox"/>	VICE PRESIDENT
<input checked="" type="checkbox"/>	JORDAN
<input checked="" type="checkbox"/>	EIZENSTAT
<input type="checkbox"/>	KRAFT
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<input type="checkbox"/>	BROWN
<input type="checkbox"/>	CALIFANO
<input type="checkbox"/>	HARRIS
<input type="checkbox"/>	KREPS
<input type="checkbox"/>	MARSHALL
<input type="checkbox"/>	SCHLESINGER
<input type="checkbox"/>	STRAUSS
<input type="checkbox"/>	VANCE

	ARONSON
	BUTLER
	H. CARTER
	CLOUGH
	CRUIKSHANK
	FIRST LADY
	HARDEN
	HERNANDEZ
	HUTCHESON
	KAHN
	LINDER
	MARTIN
	MILLER
	MOE
	PETERSON
	PETTIGREW
	PRESS
	SANDERS
	WARREN
	WEDDINGTON
	WISE
	VOORDE

	ADMIN. CONFIDEN.
	CONFIDENTIAL
	SECRET
	EYES ONLY

*Action to
scotty Campbell*

6
U. S. DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

WASHINGTON

AL
MAR 5 1979

MEMORANDUM FOR THE PRESIDENT

FROM: SECRETARY OF LABOR, RAY MARSHALL *Ray Marshall*

SUBJECT: Federal Workplace Safety and Health

I am very concerned about our poor record in preventing job-related accidents and illnesses among Federal workers.

A few facts should put this problem in perspective:

- More than \$1 billion annually goes to pay compensation and related costs for Federal workers because of accident and illness.
- The number of workdays lost by Federal workers because of job-related reasons more than doubled between 1973 and 1977. The number of illnesses and injuries has gone up by about 50 percent in the same period. Injury rates in the private sector have declined during the same period.

The economic costs of this problem are obvious. But there are other problems, as well. The business community has been quick to note that we vigorously enforce OSHA standards in the private sector but do not appear to do so within the Federal government. They contend that this double standard is inequitable. This attitude erodes the commitment to voluntary compliance that is at the heart of the OSHA program.

There are things that can be done to improve our health and safety record in the Federal government. I am convinced that focusing a little of your time and that of each Cabinet member on this problem can yield important dividends.

Specifically, I am suggesting the following steps:

- We need a new Executive Order strengthening OSHA's mandate for improving health and safety among Federal workers. I will soon submit a draft Executive Order to OMB and hope that we can have it issued as soon as possible.
- OMB should explore ways of highlighting through the budget process the costs of worker injury and illness.
- You should instruct the Cabinet officers to emphasize comprehensive programs to reduce accidents and illnesses in their agencies.

I fear that the public may soon focus on the extent of our problems in this area. If we do not act on our own, we may find that the issue will be raised by others.

ID 790909

T H E W H I T E H O U S E

WASHINGTON

DATE: 07 MAR 79

FOR ACTION: CHAIRMAN CAMPBELL

STU EIZENSTAT

BOB LIPSHUTZ

JIM MCINYTRE

INFO ONLY: THE VICE PRESIDENT

JERRY RAFSHOON

JACK WATSON

ANNE WEXLER

SUBJECT: MARSHALL MEMO RE FEDERAL WORKPLACE SAFETY AND HEALTH

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+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +

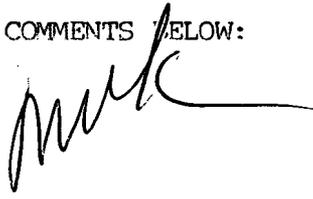
+ BY: 1200 PM FRIDAY 09 MAR 79 +

+++++

ACTION REQUESTED:

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:



A handwritten signature in black ink, appearing to be 'Mark', is written over the 'PLEASE NOTE OTHER COMMENTS BELOW:' text.



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

MAR 12 1979

MEMORANDUM FOR: RICK HUTCHESON

THROUGH: Bo Cutter *WB*

FROM: Sue Woolsey *SW*

SUBJECT: Marshall Memo regarding Federal Workplace Safety and Health

Background

The OSHA Act requires agency heads to conduct programs to protect job safety and health of Federal workers. Executive Order 11807 specifies agency duties and requires DOL assistance and evaluation of agencies' programs. The 1980 Budget proposes cutting back the DOL staff that perform these functions. DOL also administers the Federal Employees' Compensation Act (FECA) to compensate Federal workers for job-related injuries and deaths. Increases in reported accidents and compensation may be due to liberal benefits and poor administration in DOL, as much as to agency failure to prevent accidents. DOL acknowledges FECA benefits are too liberal and administration poor and will shortly send us a bill for clearance that will tighten eligibility and administration. The final report of the Interagency Task Force on Workplace Safety and Health, chaired jointly by DOL and OMB, is now in draft. It addresses the problem of Federal worker safety.

Regarding the Secretary's three suggestions:

- DOL has not given strong support to the existing Executive Order program but has announced to the public it will propose a tougher one. We will consider their proposal together with their proposed FECA amendments and the final recommendations of the Interagency Task Force on Workplace Safety and Health.
- DOL has also announced it will ask OMB to require agencies to give their Federal agency safety and health programs a "line item" in OMB budget submissions. DOL has sufficient authority under

the OSHA Act to require agencies to give them this information if they need it. Many interests would like OMB to require separate identification of resources in budget submissions. OMB will consider the proposal in light of its real value to achieving the program's goals and in the context of overall budget formulation policy.

- Of course there can be no objection to the President encouraging Cabinet officers, as well as other agency heads, to emphasize programs to reduce accidents and illnesses in their agencies, whether or not a new Executive Order is issued for Federal worker safety and health programs.

Recommendation

The Secretary's memorandum requires no response except acknowledgement until we review their Executive Order and budget process proposals. The President should write to agency heads to emphasize the program only after decisions are made about the proposals.

United States Government
MEMORANDUM

**Office of
Personnel Management**

Subject: Marshall Memo re: Federal Workplace
Safety and Health

Date:
In Reply Refer To:

From: Alan K. Campbell, Director
Office of Personnel Management

Your Reference:

To: Rick Hutcheson
Staff Secretary
The White House

This will respond to your request for comments on the subject memo to the President from Secretary of Labor Marshall.

I share Secretary Marshall's concern over the need to improve the Government's record in preventing job-related accidents and illnesses among Federal workers. Implementation of the recommendations set forth in the Secretary's memo would mark a significant milestone toward achievement of this goal.

OPM has enjoyed a close working relationship with the Department of Labor in the area of workplace safety and health. In this regard, for the past several years a senior member of OPM's executive staff has served on the Federal Advisory Council on Occupational Safety and Health. Just recently we had the opportunity to comment on a draft Executive order designed to improve Occupational Safety and Health Programs for Federal Employees. Therefore I concur fully in the thrust of Secretary Marshall's concern.

I would like to take issue, however, with Secretary Marshall's use of \$1 billion annually for compensation and related costs for Federal workers because of accident and illness. The impression is that this expenditure results totally from poor safety programs in the Federal sector or ineffectiveness on the part of OSHA. I do not believe the facts bear this out. Indeed, the significant increase in costs and workdays lost by Federal employees can be directly traced to the 1974 amendments to The Federal Employees Compensation Act (Public Law 93-416). These changes substantially liberalized injury compensation procedures. (See attached excerpt on safety in the Federal Workplace - Eighth Report By The Committee on Government Operations, House of Representatives, 1976). Thus, while it is my judgment that much of the cost related to injury and illness by Federal employees is attributable to procedural provisions beyond our control, I join with Secretary Marshall in urging that the matter of workplace safety and health be considered a subject of the highest White House priority.

use that form or an equivalent, the regulations do not preclude compilation of information beyond the minimal amount required to satisfy OSHA.

In fact, the Executive order directs that agencies develop accident and injury reporting systems and one Labor Department official expressed the hope that the FARS would not be used as a crutch. However, the committee agrees with the Defense Department that the present accident reporting form, containing but one category for all occupational accidents, does not appear to be as useful as it could be. Safety and health professionals are capable of devising a better form without creating an undue amount of additional paperwork.

The committee strongly supports efforts to improve the reporting system and to use the information obtained from it to upgrade standards and adopt effective accident and illness prevention programs. The information compiled to date, however, should not remain unused until a better system is implemented. Much of the accident and illness reporting has been incomplete and the accuracy of the system has come under challenge but reports were filed that were conscientiously prepared and include useful information. Analysis of this data should be accelerated so that information that could help design better safety and health programs is not ignored.

As noted above, accident and occupational illness figures can be used not only for analysis but to identify problems, make comparisons, and determine overall safety and health performance. Use of current statistics for these latter reasons should be hedged with caution, for the validity of existing accident and occupational illness data has been challenged from several quarters.²⁸ The subcommittee was apprised of practices such as inflating the number of hours worked and minimizing the number and severity of injuries incurred. The practice of maintaining signs showing "Accident Free Days" was disparaged by a number of professionals. They said that competition was a fine thing but that it could lead to distorting information in order to "look good." Allegations were received that injured workers were asked to report to the job even if there was no work for them to do so that the lost work days would be minimized.

A relatively new change in the compensation procedures may change this. Because the paperwork in processing a compensation claim took about 42 days, the law was amended to permit the worker to be paid at his salary rate for 45 days after receiving a traumatic injury.²⁹ The employee could have his private doctor verify the injury and its work-related status. The private physician was also entrusted with the decision of how long the worker could be absent. Initial estimates of the effect of this change are that the compensable injury rate has gone up 25 to 200 percent.³⁰ Several doctors and managers contended in informal discussions with the staff that not all of the people taking advantage of this provision had been injured severely enough to miss work. In one installation the staff found that three out of 20 people had received injuries that took exactly 45 days to heal—

²⁸ See, e.g., hearings, p. 166.

²⁹ 1974 Amendments to the Federal Employees Compensation Act, Public Law 93-416.

³⁰ See, e.g., hearings, pp. 209, 61-62, 19-20. The subcommittee staff found even higher rates at other installations by comparing the number of compensable injuries before and after Nov. 7, 1974, the date new amendments became effective.

a statistical improbability suggesting that family doctors went along with the patient's request to use up the maximum allowance of time.

In addition, it was alleged that the practice of no longer requiring the worker to use sick leave caused some to take off for minor injuries that formerly did not prevent them from working.

The investigating subcommittee did not make detailed studies of the validity of accident reporting, although it intends to look into the existing systems. The charges of inaccurate reporting came from a variety of knowledgeable sources and raise serious questions about the reliability of current data. Because most workers must punch in on a time-clock to be paid, absences from work must be justified; and this may provide a cross-check for accident figures submitted by safety offices.

Until the committee is convinced that accident reporting systems are reasonably accurate, we are hesitant to evaluate safety performance on the basis of these statistics. Past practices may have understated the rate; current practices may result in overstating it. Where there is no reason to suspect a change in reporting requirements, the frequency or severity rate can be indicative of progress. The drop in the accident rate for the TVA Division of Power Construction was dramatic enough to be accepted as an indication of better performance.³¹ The committee is concerned, however, that if the accident rate is to be used as an evaluation tool, the system used to report accidents must be accurate and subject to monitoring.

OUTSIDE EVALUATIONS OF FEDERAL SAFETY PROGRAMS

Most of the debate and concern about the Occupational Safety and Health Act has understandably revolved about the impact on the private sector, especially small businesses. There has been sustained public and Congressional interest over abuses blamed on the act, especially the effect of inspections. This interest has far overshadowed that given the Federal sector.

When the subcommittee began its hearings, there had been one GAO inspection of Federal safety, one Presidential report on Federal agency safety, in 1971, and another annual report submitted to the President by the Department of Labor. The GAO was in the midst of a second, much more extensive survey of safety in the Federal sector conducted through the use of questionnaires to larger agencies and field visits to 30 installations. At those installations, an OSHA inspector on loan looked at the facility as though he were examining business in the private sector and identified violations, including those which would be subject to fines.

This GAO attention and their forthcoming report should be of great help in providing information about Federal agency safety and health efforts. But the Federal executive branch can hardly rely on the GAO to manage its safety and health efforts. For that reason, it is important that the evaluations by the Department of Labor of Federal agency programs be continued, and that the results of such evaluations, and the annual report drawn from them, be promptly transmitted to the appropriate authorities.

³¹ Hearing, pp. 190-191.

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³¹ Heari
³² Heari
³³ Heari
committee
Senate, 95
³⁴ Heari
³⁵ Heari

ID 791195

THE WHITE HOUSE

WASHINGTON

Fm - SAT

DATE: 28 MAR 79

4-20 Margaret writing memo off

FOR ACTION: BOB LIPSHUTZ -

HAMILTON JORDAN

FRANK MOORE (LES FRANCIS) *attached*

INFO ONLY: TIM KRAFT

4/30 - still paying memo, he still wants comments from Fm of HS - not being answered

SUBJECT: CRUIKSHANK MEMO RE ARCHIBALD COS AS POTENTIAL FOR JUDGESHIP FOR FIRST CIRCUIT

+++++

+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +

+ BY: 1100 AM ~~SATURDAY 31 MAR 79~~ *WED. April 11, 1979* +

+++++

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

ID 791195

THE WHITE HOUSE

WASHINGTON

DATE: 28 MAR 79

FOR ACTION: BOB LIPSHUTZ

4/4 - late in the wk

*4/9
HJ + PM will want to comment
- in 2-14
Bob will discuss w/ Pres in
next mty - about 2-3 wks away.
He will keep us informed. He
has no problem with the
going in w/ comments on
HJ + PM
Ely*

INFO ONLY: TIM KRAFT

SUBJECT: CRUIKSHANK MEMO RE ARCHIBALD COS AS POTENTIAL FOR
JUDGESHIP FOR FIRST CIRCUIT

+++++
+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +
+ BY: 1100 AM SATURDAY 31 MAR 79 +
+++++

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

<input checked="" type="checkbox"/>	FOR STAFFING
<input type="checkbox"/>	FOR INFORMATION
<input type="checkbox"/>	FROM PRESIDENT'S OUTBOX
<input type="checkbox"/>	LOG IN/TO PRESIDENT TODAY
<input type="checkbox"/>	IMMEDIATE TURNAROUND
<input type="checkbox"/>	NO DEADLINE
<input type="checkbox"/>	LAST DAY FOR ACTION -

Bob - pls advise Nelson whether or not age is considered a disqualifying factor in this case.

ACTION
FYI

<input type="checkbox"/>	ADMIN CONFID
<input type="checkbox"/>	CONFIDENTIAL
<input type="checkbox"/>	SECRET
<input type="checkbox"/>	EYES ONLY

<input type="checkbox"/>	VICE PRESIDENT
<input type="checkbox"/>	EIZENSTAT
<input type="checkbox"/>	JORDAN
<input checked="" type="checkbox"/>	KRAFT
<input checked="" type="checkbox"/>	LIPSHUTZ
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<input type="checkbox"/>	MCINTYRE
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<input type="checkbox"/>	H. CARTER
<input type="checkbox"/>	CLOUGH
<input type="checkbox"/>	COSTANZA
<input type="checkbox"/>	CRUIKSHANK
<input type="checkbox"/>	FALLOWS
<input type="checkbox"/>	FIRST LADY
<input type="checkbox"/>	GAMMILL
<input type="checkbox"/>	HARDEN
<input type="checkbox"/>	HUTCHESON
<input type="checkbox"/>	JAGODA
<input type="checkbox"/>	LINDER
<input type="checkbox"/>	MITCHELL
<input type="checkbox"/>	MOE
<input type="checkbox"/>	PETERSON
<input type="checkbox"/>	PETTIGREW
<input type="checkbox"/>	PRESS
<input type="checkbox"/>	RAFSHOON
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<input type="checkbox"/>	MARSHALL
<input type="checkbox"/>	SCHLESINGER
<input type="checkbox"/>	STRAUSS
<input type="checkbox"/>	VANCE

ID 791195

THE WHITE HOUSE

WASHINGTON

DATE: 28 MAR 79

FOR ACTION: BOB LIPSHUTZ

HAMILTON JORDAN

FRANK MOORE (LES FRANCIS)

INFO ONLY: TIM KRAFT

*Xc: FM ✓
SL ✓
HL ✓
Ronna ✓*

SUBJECT: CRUTKSHANK MEMO RE ARCHIBALD COS AS POTENTIAL FOR
JUDGESHIP FOR FIRST CIRCUIT

+++++
+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +
+ BY: 1100 AM SATURDAY ~~31 MAR 79~~ April 11, 1979 +
+++++

ACTION REQUESTED: YOUR COMMENTS

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

Cable: Tip spoke to me personally about this. He wants Col: "It would be good for the President politically in Massachusetts."

Dan Tate: Age is a legitimate factor to consider in judgeships since such positions are lifetime appointments and a person cannot be removed for infirmity.

THE WHITE HOUSE
WASHINGTON

Cle of Grawsky

THE WHITE HOUSE
WASHINGTON

Bill -
Put in hold file
(Being revised)
M.

THE WHITE HOUSE
WASHINGTON

Madam —

Pls send H. Brown
a ce of Trus on 1st
Tennament.

Thank,

By

THE WHITE HOUSE
WASHINGTON

Vance/keeps memo

~~att~~ ↓

Left out Secretary

Brown --

THE WHITE HOUSE
WASHINGTON

07 March 79

Attorney General Bell	The Vice President
Secretary Blumenthal	Frank Moore
Secretary Brown	Jack Watson
Stu Eizenstat	Charlie Schultze
Zbig Brzezinski	Fred Kahn
Jim McIntyre	

The Vance/Kreps memo Re: Export Development with an Immediate Turnaround response date is being revised. The revised version will be circulated.

Rick Hutcheson

10 858

Date: 3/2/79

MEMORANDUM

FOR ACTION:

ATTORNEY GENERAL BELL
 SECRETARY BLUMENTHAL - *attached*
 EIZENSTAT *Ginsburg*
 BRZEZINSKI - *attached*
 MCINTYRE *attached*
Secretary Brown

*With heart
 - How press
 - HSD
 - 2/2/79*

FOR INFORMATION:

THE VICE PRESIDENT
 FRANK MOORE - *attached*
 JACK WATSON - *will contact CO 3*
 CHARLIE SCHULTZE *attached*
 FRED KAHN

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: VANCE-KREPS MEMO, "EXPORT DEVELOPMENT"

YOUR RESPONSE MUST BE DELIVERED
 TO THE STAFF SECRETARY BY:

TIME:

DAY: IMMEDIATE TURNAROUND

DATE:

ACTION REQUESTED:

Your comments

Other:

STAFF RESPONSE:

I concur.

No comment.

Please note other comments below:

*Send comments
 to Ginsburg when get
 DOJ*

*Note: Ginsberg will try to
 get state to pull. If not,
 + he will do summary
 Absolutely no rush!
 end pub*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephon the Staff Secretary immediately. (Telephone 7052)

ID 790858

T H E W H I T E H O U S E

WASHINGTON

DATE: 05 MAR 79

FOR ACTION: ATTORNEY GENERAL BELL	SECRETARY BLUMENTHAL
STU EIZENSTAT	ZBIG BRZEZINSKI
JIM MCINTYRE	SECRETARY BROWN

INFO ONLY: THE VICE PRESIDENT	FRANK MOORE
JACK WATSON	CHARLIE SCHULTZE
ALFRED KAHN	

SUBJECT: VANCE, KREPS MEMO RE EXPORT DEVELOPMENT

+++++

+ RESPONSE DUE TO RICK HUTCHESON STAFF SECRETARY (456-7052) +

+ BY: +

+++++

ACTION REQUESTED: YOUR COMMENTS IMMEDIATE TURNAROUND

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW: