

5/5/80 [2]

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FORM OF DOCUMENT	CORRESPONDENTS OR TITLE	DATE	RESTRICTION
memo w/att	Reubin Askew and Robert Krueger to the President. Re: Future of U.S.-Mexican Trade Relationship. (5 pp.)	4/24/80	A
memo	Jack Watson to the President. Re: Status Report on Cuban Refugees. (4 pp.)	5/2/80	A

FILE LOCATION
 Carter Presidential Papers- Staff Offices, Office of Staff Sec.-
 Pres. Handwriting File, "5/5/80 [2]. Box 184"

RESTRICTION CODES
 (A) Closed by Executive Order 12356 governing access to national security information.
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THE WHITE HOUSE
WASHINGTON

Phil has Seen

THE WHITE HOUSE
WASHINGTON

5/3/80

Mr. President:

Leon Charney called for you today. I talked with him and he had a message from Weizman he was hesitant to pass to me. Do you want to return the call or have someone else take the message?

I will return call

Take a message

Phil

done
J

**Electrostatic Copy Made
for Preservation Purposes**

THE WHITE HOUSE
WASHINGTON

05 May 80

Jack Watson
Arnie Miller

The attached was returned in
the President's outbox today
and is forwarded to you for
your information.

Rick Hutcheson

THE WHITE HOUSE

WASHINGTON

May 2, 1980

MEMORANDUM FOR THE PRESIDENT

FROM:

JACK WATSON *Jack*

ARNIE MILLER *AM*

SUBJECT:

Inspector General, Department of
Education

We join Shirley Hufstedler in recommending that you select Jim Thomas as Inspector General for the Department of Education. Thomas, 45, now directs the Interstate Commerce Commission's Bureau of Accounts, which is ICC's audit and financial management agency. From 1975-77 he served as HUD's Inspector General. Thomas joined the Federal government as a HUD auditor in 1960.

Before coming to Washington, he worked in Florida from 1957-60 as an auditor in the Florida Department of Education and the Florida State Comptroller's Office. Thomas holds a B.S. degree from Florida State and has done graduate work at Florida State and Southeastern University.

We worked closely with Shirley and Ed Torres to recruit an Hispanic for this position. For a variety of reasons we did not succeed. Hispanics now hold three senior positions in the Department - the Assistant Secretary for Management, the Director of the Office of Bilingual Education and a Deputy Assistant Secretary for Management. Shirley and we have agreed that we will try to find Hispanics for the following major positions:

- . Deputy Assistant Secretary for International Education, Office of Postsecondary Education
- . Deputy Assistant Secretary for Civil Rights
- . Deputy Assistant Secretary for Adult and Vocational Education
- . Director, Fund for the Improvement of Postsecondary Education
- . Deputy Inspector General

Shirley will also recruit an Hispanic for a position in her immediate office.

The Inspector General position represents the final Presidential appointment/Senate confirmation job in the Department of Education. As you know, the Department of Education will open formally May 4, one month ahead of the Congressional deadline. Attached is a summary of the Department's staffing.

RECOMMENDATION

We and Shirley Hufstedler recommend that you appoint Jim Thomas as Inspector General for the Department of Education. Jim McIntyre and Ben Civiletti concur.

✓ approve

_____ disapprove

J

JAMES B. THOMAS

Education: B.S. Business Administration, Florida State University, August 1957

Graduate study, Florida State University, 1957 - 60

Federal Executive Institute, Charlottesville, Virginia, 1973

Graduate study, Southeastern University, 1979

Age: 45 (3/16/35)

Current: Interstate Commerce Commission, Director of Bureau of Accounts, 1977 - present.

Prior: HUD, Inspector General, 1975 - 77.

ICC, Assistant Director, Bureau of Accounts, 1972 - 75.

ICC, Accounting Officer, 1971 - 72.

HUD, Assistant Director, Audit Operations, 1960 - 71.

Senior State Auditor for Tallahassee, Florida, 1959 - 1960.

JDA Holley and Co., CPA's. Junior auditor, January 1959 - July 1959.

USE Tax Division, State Comptroller, Jacksonville, Florida, Special Auditor, 1958 - 59

State Department of Education, Auditor Analyst, Tallahassee, Florida, 1957 - 58.

SUMMARY
DEPARTMENT OF EDUCATION STAFFING

Presidential Appointments

- *Secretary -- Shirley Hufstedler
- Under Secretary -- Steven Minter
- *Assistant Secretary for Management -- John Gabusi
- *Assistant Secretary for Public Affairs -- Liz Carpenter
- *Assistant Secretary for Planning and Budget -- Bill Fischer
- Assistant Secretary for Legislation -- Martha Keys
- Assistant Secretary for Elementary and Secondary Education -- Tom Minter
- Assistant Secretary for Postsecondary Education -- Al Bowker
- Assistant Secretary for Adult and Vocational Education -- Dan Taylor
- Assistant Secretary for Special Education and Vocational
Rehabilitation Services -- Ed Martin
- Assistant Secretary for Research and Improvement -- Jim Rutherford
- Assistant Secretary for Civil Rights -- Cyndy Brown
- *General Counsel -- Betsy Levin
- Director, National Institute of Education -- Mike Timpane
- **Commissioner, Rehabilitation Services Administration -- Robert Humphries
- **Director, National Institute of Handicapped Research -- Peg Gianinni
- **Director, National Institute of Museum Services -- Leila Kimche

Senior Secretarial Appointments

- Deputy Under Secretary -- Margaret McKenna
- Deputy Under Secretary -- Mike Bakalis
- Director, Office of Bilingual Education -- Josue Gonzalez
- Administrator, Overseas Dependents Schools -- Bill Smith
- Assistant Secretary for Non-Public Education -- Ed D'Alesio

Affirmative Action Profile:
(22 Positions)

8 women; 3 blacks; 2 Hispanics; 9 white males

Remaining positions:

- Inspector General (PAS)
- Deputy Director, National Institute of Education (PA)

*= confirmed by the Senate

**=transferred from HEW

CQ

CONGRESSIONAL QUARTERLY
Weekly Report

Vol. 38, No. 18

• Pages 1153-1224

• May 3, 1980

Possible Effects
Of Anderson Campaign (1201)

Lobbying Fight
Over Fair Housing (1175)



**Muskie's
Views on
Foreign
Policy** (1155)

(Delivered to Camp David and Received 5/3/80, 1:50 p.m. h.)

FOR INFORMATION

THE WHITE HOUSE

WASHINGTON

May 2, 1980

MEMORANDUM FOR THE PRESIDENT

FROM: STU EIZENSTAT *Stu*
FRED KAHN *Fred*
JIM McINTYRE *Jim*
CHARLIE SCHULTZE *CS*

SUBJECT: EPA'S HAZARDOUS WASTES REGULATIONS

On Monday, May 5, EPA plans to issue a major set of regulations concerning the identification of hazardous wastes and the standards for their treatment, storage, and disposal.

These regulations are required by the Resource Conservation and Recovery Act of 1976 (RCRA) and complement companion regulations setting standards for generators and transporters of wastes, issued in February of this year. Further rules for implementing this program will be issued through the Fall. The regulations were proposed in December 1978, and were reviewed by the Regulatory Analysis Review Group (RARG) last year. The publicity associated with Love Canal and other recent environmental disasters has increased the pressure from Congress and environmental groups to issue the regulations.

The rules were originally scheduled to be issued under court order on April 30, but were delayed to iron out responsibilities for clearing the paperwork requirements by OMB under the Federal Reports Act. An agreement has been reached in which EPA will issue the rules but OMB will have 45 days for reviewing the reporting and record-keeping requirements.

The keystone of RCRA is a cradle-to-grave record-keeping and monitoring system, from generators to transporters to disposers. The statutory mandate under which EPA is issuing the rules is clearly designed to set a high standard for dealing with wastes, although when the legislation was passed there was relatively little information on the extent of the problem.

EPA's subsequent analysis indicates that the problem is enormous; they estimate that in 1980 industry will generate some 57 million metric tons of hazardous waste. These wastes will come from over 200,000 sources and be deposited in up to 50,000 sites. It is clearly impossible immediately to ensure that all wastes are handled and disposed of in ways that eliminate all risks. Thus EPA was faced with the task of designing regulations that incorporate sufficient flexibility to concentrate on important risks without overstepping its statutory mandate.

EPA seems to have struck a reasonable balance in its final regulations, although assessment of their eventual effect will depend on subsequent rules and implementation. (The rules become effective six months after they are issued.) EPA was responsive in several ways to RARG/EOP concerns:

1. Small generator exclusion. EPA originally proposed conditionally to exempt facilities generating less than 100 kg/month (220 lbs.) of wastes. RARG questioned whether such a rigid exemption was justified, pointing out that for some wastes, even small amounts can create a serious public health hazard, whereas for others higher limits may be suitable. In the final regulations, EPA has proposed to raise temporarily this "small generator" exclusion to 1000 kg/month, primarily due to concerns about EPA's ability to administer the regulations if this were not done. The increase temporarily eliminates 132,000 waste generators from the system. However, generators of even small quantities of 140 specific highly hazardous wastes will not be included in the exemption. EPA plans to phase down the exemption over the next 5 years, with 100 kg/month being the eventual target.

2. Variance procedures. EPA will provide flexibility in the requirements for treatment, storage, and disposal facilities through the variance procedure that accompanies the permitting of individual facilities. Permits can take into account the characteristics of both the waste and the local environment. This is a very sensible procedure, which should avoid large expenditures to meet design requirements that provide no additional control benefits.

3. Best engineering judgment. Rather than setting specific standards for waste management, EPA plans to use "best engineering judgment" to evaluate permit applications, a more flexible approach.

4. Definition of toxic wastes. EPA proposed to designate a waste as toxic (and therefore hazardous) if the concentration of any pollutant was greater than ten times the level specified in the Safe Drinking Water Act (to approximate the dilution from disposal site to ground water). RARG felt the tenfold dilution factor may lead to substances posing no substantial risk being included. EPA's final rule tentatively changes the dilution factor to 100-fold.

5. Financial requirements. RARG was concerned that the financial liability provisions of the proposal were not well thought-out. EPA has agreed to repropose this part of the rule and will seek out comment from the financial and insurance communities, in order to determine a more cost-effective solution.

6. Cost consideration. EPA contends that the RCRA statute and legislative history prohibit it from considering costs. Implicitly, however, EPA has used cost analysis in the small generator cutoff. In addition, EPA has agreed to consider cost-effectiveness in choosing among alternatives that meet statutory requirements.

7. Paperwork. RARG was concerned that the paperwork required by the regulation would not only burden industry but would significantly tax EPA's internal administrative resources. Under the new rule, the total paperwork burden imposed by EPA will more than double, to more than 5.2 million hours. EPA has reduced the burden from the proposal, and has coordinated certain requirements with DOT. As stated above, OMB is now performing its review under the Federal Reports Act.

Conclusion

The rules are bound to be controversial. EPA is likely to be criticized by certain Congressional committees and by environmental groups for issuing regulations that are too weak and exclude too many hazardous wastes. Yet the agency is likely to be sued by industry for imposing too rigid and costly rules. However, within the constraints of the statute, EPA has tried to build some flexibility into the regulations.

IMMEDIATE
PRECEDENCE

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PAGES 3

TTY _____

CITE _____

FROM: Eizenstat, Kahn, McIntyre, Schultze

TO: Susan Clough for the President

INFO:

DTG: 031635Z MAY 80

RELEASED BY: *DAm*

TOR: 031655Z

SPECIAL INSTRUCTIONS:

RECEIVED

MAY 3 12:58

COMMUNICATIONS ROOM

1980 MAY 3 16 35

THE WHITE HOUSE

WASHINGTON

May 2, 1980

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FRED KAHN *Fred*
JIM McINTYRE *Jim*
CHARLIE SCHULTZE *CS*

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THE WHITE HOUSE
WASHINGTON

Bill Simon --

Foiled again!!!

-- Susan

For Dr. William Perry, Under Secretary of
Defense for Research & Engineering

Bill - -

I appreciate your articulate support
and strong management of defense research
and engineering.

Jimmy Carter

05 May 80

Secretary Brown

The attached was returned in
the President's outbox today
and is forwarded to you for
appropriate handling.

Rick Hutcheson

OFFICE OF THE SECRETARY OF DEFENSE

5/2

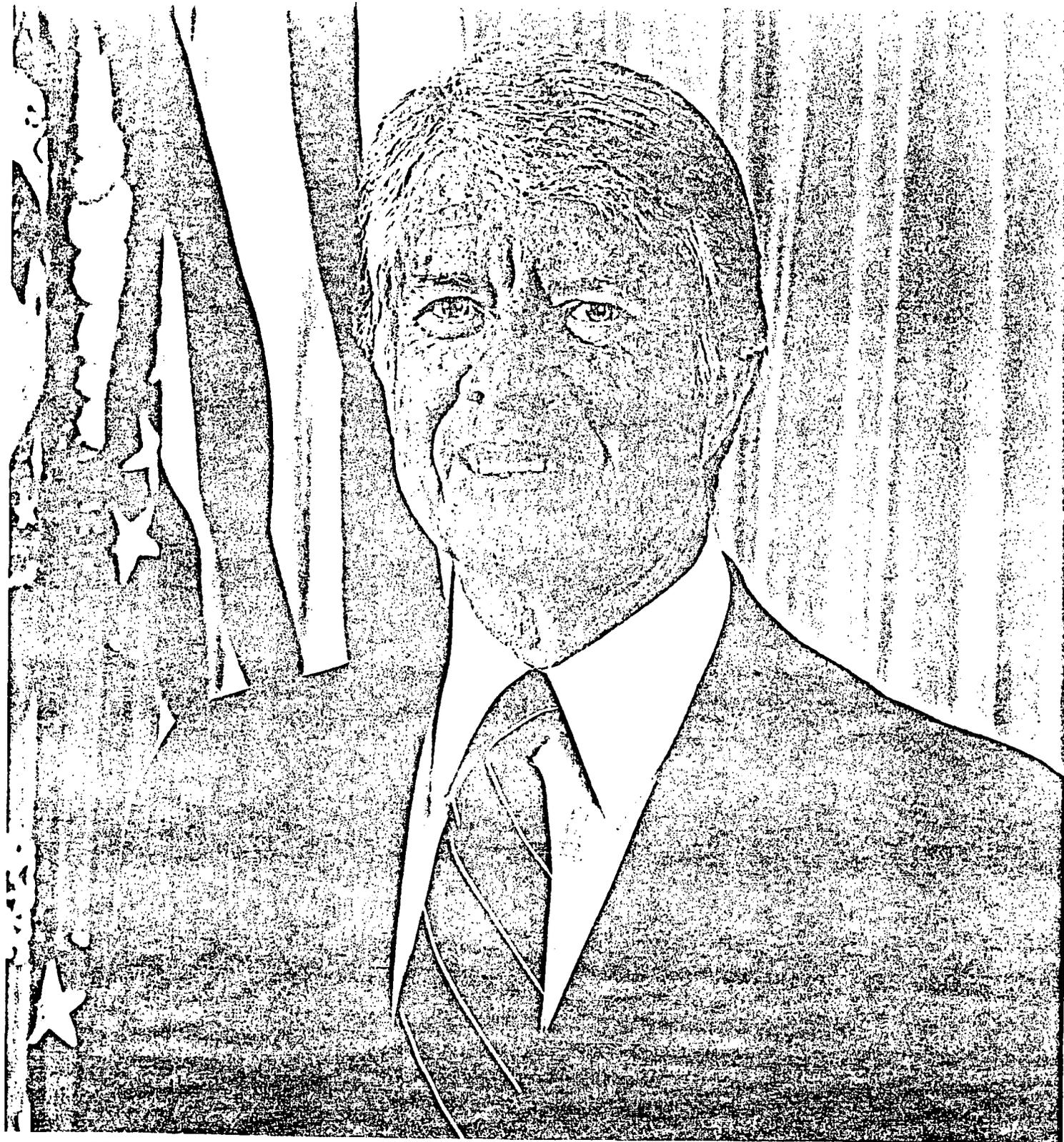
Memo For The President

Bill Perry, my Under Secretary for Research and Engineering, has been a tower of strength in defending the defense program and budget, as well as in formulating them. He is a highly credible Administration spokesman to the public and the Congress.

I am planning to award him a medal shortly for his special contributions. If you could add a personal touch by inscribing a photo of yourself, I know that is something Bill would treasure.

Attached is a suggested inscription.

Harold Brown



To my good friend Bill Perry -
with appreciation and
admiration - Jimmy Carter 5/80

3:00 PM

THE WHITE HOUSE
WASHINGTON

GREETING FOR THE
20th MEXICO/U. S. INTERPARLIAMENTARY CONFERENCE

Monday, May 5, 1980
3:00 P. M.
Rose Garden

From: Frank Moore *f.m./pd*

I. Purpose

Brief greeting and reception for the delegates to the 20th Mexico/U. S. Interparliamentary Conference. You held a similar reception for the 18th Conference two years ago.

II. Background, Participants, Press Plan

A. Background. This is the 20th meeting of the Mexico-U.S. Interparliamentary Conference. The delegation met last year in Mexico City, and President Lopez Portillo hosted a reception for them. You addressed the group in June 1978. When our delegation went to Mexico City they were received warmly and lavishly. The White House meeting will be our way of repaying that hospitality and will be the highlight of the visit.

In the past, the Mexican Congress has not played an important role in Mexican political affairs. Lopez Portillo has sought to increase the influence of this body and broaden its representation. This year's delegation includes members of the small opposition party (P.A.N. - National Action Party), the Communist Party, and the ruling PRI (Institutional Revolutionary Party).

The primary purpose of the Interparliamentary Conference is to educate and sensitize legislators in both countries to their mutual problems. On occasion, the Conference has played a role in resolving specific issues. For example, the Conference was a moving force behind the effort to restore preferential tariff treatment (GSP) to Mexican-produced railroad cars.

The head of the Senate delegation, Senator Joaquin GAMBOA Pascoe, is the equivalent of our Senate Pro Tem. He is a highly influential political figure in Mexico and a possible candidate for higher office. He is highly protocol-conscious and will, therefore, be especially sensitive to any courtesies extended to him.

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B. Participants. See attached list.

C. Press Plan. White House photographer only.

III. Talking Points. To be provided by speech writers.

UNITED STATES DELEGATION

HOUSE OF REPRESENTATIVES

COELHO, Tony (Calif)
DE LA GARZA E (Kika), Chairman
GILMAN, Benjamin A. (N.Y.)
KAZEN, Abraham (Texas)
KOGOVSEK, Ray (Colo)
LAGOMARSINO, Robert J. (Calif)
MILLER, George (Calif)
RUDD, Eldon (Ariz)
SKELTON, Ike (Mo.)
WOLFF, Lester L. (N.Y.)
YATRON, Gus (Pa.) Vice-Chairman

ALTERNATES

BURGENER, CLAIR W. (Calif)
CLAUSEN, Don H. (Calif)
LUJAN, Manuel Jr. (N. Mex.)

EX-OFFICIO MEMBER

WRIGHT, Jim (Tex.)

AMBASSADOR HUGO MARGAIN

AMBASSADOR BOB KRUEGER

UNITED STATES SENATE

DE CONCINI, Dennis (Ariz) Chairman
DOMENICI, Pete V. (N. Mex.)
HAYAKAWA, S. I. (Calif)
JAVITS, Jacob K. (N.Y.)
MC CLURE, James A. (Idaho)
PERCY, Charles H. (Vice-Chairman)
PRESSLER, Larry (S. Dak.)
PRYOR, David (Ark.)
ZORINSKY, Edward (Nebr.)

MEXICAN DELEGATION

SENATORS

JOAQUIN GAMBOA PASCOE

JESUS CABRERA MUNOZ LEDO

MORELOS JAIME CANSECO GONZALEZ

HUMBERTO A. LUGO GIL

ANGEL VENTURA VALLE

LUIS DEL TORO CALERO

HORACIO CASTELLANOS COUTINO

ANTONIO OCAMPO RAMIREZ

LEONARDO RODRIGUEZ ALCAINE

GUILLERMO MORFIN GARCIA

VICTOR MANUEL LICEAGA RUIBAL

GUSTAVO GUERRA CASTANOS

GRACILIANO ALPUCHE PINZON

JOSE LUIS ESCOBAR HERRERA

MEXICAN DELEGATION

ALEJANDRO SOBARZO

JOSE MURAT CASAS

JOSE BRUNO DEL RIO CRUZ

ISMAEL OROZCO LORETO

ABEL VICENCIO TOVAR

FRANCISCO J. GAXIOLA OCHOA

PEDRO JOAQUIN COLDWELL

JORGE MASSO MASSO

LIDIA CAMARENA ADAME

MANUEL STEPHENS GARCIA

HESIQUIO AGUILAR

MIGUEL LERMA CANDELARIA

ARMANDO NEYRA CHAVEZ

IGNACIO PICHARDO PAGAZA

05 May 80

Zbig Brzezinski

The attached was returned in
the President's outbox today
and is forwarded to you for
appropriate handling.

Rick Hutcheson

THE WHITE HOUSE
WASHINGTON

SUSAN

JOAN MASUCK IS A FRIEND OF
THE PRESIDENT'S FROM GEORGIA
AND THEN FROM NEBRASKA DURING
THE 1975-76 CAMPAIGN.

I'M REASONABLY SURE THAT ~~THE~~
THE REPLACEMENT OF LOWENSTEIN
BY KIMMELMAN RESULTED FROM
LOWENSTEIN'S POLITICAL DISLOYALTY
TO THE P, AND THAT IN ANY CASE
THIS ISSUE IS LONG SETTLED.

YOU MAY WISH TO REFER TO NSC
OR TOM BEARD TO DRAFT A RESPONSE
TO JOAN.

THANKS

RICK

April 27, 1980

Dear Rick,

I am sorry to miss the action of the whole campaign. I wear the red, white and blue button I designed for Jimmy in the summer of 1974 and we use bumper stickers and post cards from 1976. I am glad to see you are doing very well in spite of my absence!

I would appreciate it if you would give the enclosed letter to Jimmy. I know this is probably the worst of times, and it is a long letter, but I think it has to do with an important piece of foreign policy. I surely get another point of view of the US by living in Europe.

At this moment we are trying to get stationed in DC. Joe is a Lt. Col. in Military Intelligence and there is a possibility of a job at the Defense Intelligence Agency. You probably remember that we own a house in Fairfax and with the crazy interest rates are anxious not to buy one someplace else.

I hope you are well and managing to get food sleep and some fun during the campaign and assorted troubles.

Best wishes and thank you,

Joan.

Sunday, April 27, 1980

*Big-
statue?
J*

Dear Jimmy,

Our family's three years in Europe will end this summer, but during this time I have made a number of trips in and around Germany. Thursday I was again in Luxembourg and while talking with Madame Gaston Thorn was astounded to hear that Henry Kimmelman expects to be Ambassador to Luxembourg in September! Madam Thorn was especially distressed because her husband had been assured by Secretary Vance that Ambassador Lowenstein would remain in Luxembourg during Mr. Thorn's presidency of the European Community from July through December 1990. She said that this role is so important that no country has ever changed ambassadors during the presidency. In their own ways, Mr. Thorn and Ambassador Lowenstein have been preparing for this six-month period. Especially at this time when you and the United States are having a difficult time in Europe, we have everything to gain from Europe's understanding and cooperation. For Ambassador Lowenstein this six-month period is the culmination of thirty years of diplomatic and language skills, three years in Luxembourg learning specific issues, understanding personalities, and earning the personal trust of the top Luxembourg officials. Because of this, I don't believe he is expendable until after the Luxembourg European Community Presidency ends in December.

I was also approached by Paul Helminger, Secretary of State for Foreign Affairs, who learned of Kimmelman's appointment from Foreign Minister Thorn. Mr. Helminger stressed his dismay at the inopportune timing and said to me that because of the complicated issues and mixture of personalities a change before December would be a disaster.

He also remarked that it gave Luxembourg a great lift to finally receive a professional diplomat. At the time of Ambassador Lowenstein's appointment, there were many favorable articles in the European press (and, I remember in the American press, too). In the United States, we have always thought of Luxembourg as a nice

gift and playground for the Pearl Mesta types and this attitude has been a sore humiliation to Luxembourg. The world is so changed now that most Americans have no conception of Luxembourg's importance in the European Community, in the banking world and in its role in fashioning European opinion.

At our last meeting in December of the Presidential Advisory Board on Ambassadorial Appointments, the issue of an Ambassadorial change came up for the first time, and I was exercised enough to give the Board a lecture on the European Community and the above issues. (I have taken my appointment to this Board very seriously. But you knew I would!) As a result, Governor Harriman proposed a resolution asking you to keep Ambassador Lowenstein in Luxembourg through December 1980. It was passed unanimously. I later heard that the issue was settled and now I am surprised and curious to hear that Henry Kimmelman has his suitcase packed! Such a change may help Henry Kimmelman and his advocates, but I don't want you to sacrifice yourself.

As a 17-year friend of yours and a reader of the German newspapers, the International Herald Tribune, and the Stars and Stripes, I am sensitive to criticism of you and your foreign policy. If there were a change before December, the press would leap upon it as opportunistic politics in an election year, insensitivity to the importance of the European Community and to Luxembourg's European Community presidency. You have plenty of trouble you can't avoid, but I see this as an example of an avoidable situation.

I want to add a final personal note about Ambassador Lowenstein. He is an experienced government servant in both Democratic and Republican administrations who is known for his independence, and intelligence, and for his loyalty. He told me about an incident involving Mr. and Mrs. John Pope in which they concluded from his description, in response to their question, of European attitudes towards your administration that he shared the views he was describing. Since Ambassador knew well before he met the Popes that Mr. Pope was an old friend of yours and that Mrs. Pope was Rosalynn's cousin he would have had to be something other than disloyal or indiscreet to be critical of you in a conversation with them----he would have had to be incredibly stupid. Knowing him, I

- 3 -

can not believe that he would be. Nor does his record as it was presented to our Board----support such a conclusion. Furthermore, he has been described by the high Luxembourg officials I have met as an effective spokesman for your administration which is why they want him to remain through their European Community presidency. He mentioned this incident to me because, although he immediately reported the incident Assistant Secretary of State Vest he has not had an opportunity to set the record straight with you.

You told me at Rhein-Main Airport in 1978 that you valued my frankness and that I reminded you of your mother in this respect. You asked me to contact you when I needed to. I did, and you helped get Tomas Travieso out of Cuba after seventeen and a half years in prison. I realize that even though you know we support your action in trying to rescue the hostages, these days have heavy sadness for you. I don't call on you often and am reluctant to bother you at this time, but I think this issue is extremely important.

Love,

Joan.

Joan Masuck
c/o Hq. V Corps, G2
APO NY 09079



Mr. Rick Hutcheson
The White House
1600 Pennsylvania Avenue
Washington, DC

PERSONAL

NY POSTAL