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**WHORM Subject File Code:** FE007
(Federal Government: National Emergency)
**Case file Number(s):** BEGIN-189999
**Box:** 19

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**White House**

**Correspondence Tracking Worksheet**

- **O** - Outgoing
- **I** - Incoming
- **H** - Internal

**Date Correspondence Received (YY/MM/DD):** 09/02/04

**Name of Correspondent:** Edward D. King

**Mi Mail Report**

- **User Codes:** (A) ___ (B) ___ (C) ___

**Subject:** Under Section 110(f) of the Clean Air Act (42 U.S.C. 7410(f)), New England Power Co. has requested permission to petition the PUC to determine that a regional energy emergency exists in Massachusetts. Views and suggestions are welcome.

**Route to:**

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**For Outgoing Correspondence:**

- Type of Response = Initials of Signer
- Completion Date = Date of Outgoing

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**Comments:**

____________________________________________________

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RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _______ Media: L Individual Codes: 2100____

Prime Subject Code: FE 001____ Secondary Subject Codes: ST 021____ CM 002____

SIGNATURE CODES:
CPn - Presidential Correspondence
 n - 1 - Ronald Wilson Reagan
 n - 2 - Ronald Reagan
 n - 3 - Ron
 n - 4 - Dutch
 n - 5 -

CLn - First Lady's Correspondence
 n - 1 - Nancy Reagan
 n - 2 -
 n - 3 -

CBn - Presidential & First Lady's Correspondence
 n - 1 - Ronald Reagan - Nancy Reagan
 n - 2 -

MEDIA CODES:
B - Box/package
C - Copy
D - Official document
G - Message
H - Handcarried
L - Letter
M - Mailgram
O - Memo
P - Photo
R - Report
S - Sealed
T - Telegram
V - Telephone
X - Miscellaneous
Y - Study

PRESIDENTIAL REPLY

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</table>
Mr. Daniel Boggs  
Policy Advisor  
Office of Policy Development  
Room 235  
Old Executive Office Building  
Washington, D.C. 20500  

Dear Mr. Boggs:

Enclosed are copies of letters to Governor King of Massachusetts and Governor Garrahy of Rhode Island in response to substantively similar letters sent by both governors on January 29, 1981, to President Reagan.

Both governors raised the issue of coal conversion at particular power plants located in their respective States. Their letters and our responses discuss the statutory mechanism of the Clean Air Act that facilitates conversion to coal, Section 113(d)(5). This Section provides for periods of delayed compliance with the Clean Air Act for facilities ordered by the Department of Energy to convert to coal. The appropriate use of Section 110(f), which provides for the use of alternate fuel in emergency circumstances, is also discussed in these letters.

Should you have any questions concerning the past use or present capabilities of these sections of the Act, we would be pleased to have an opportunity to discuss these and any other issues that may be of concern to you.

Sincerely yours,

Jeffrey G. Miller  
Acting Assistant Administrator  
for General Enforcement

Enclosure
Honorable Edward J. King  
Governor of Massachusetts  
Boston, Massachusetts 02133

Dear Governor King:

Your January 29, 1981, letter to the President concerning the energy situation in New England has been brought to EPA's attention. In your letter, you described the serious energy problems facing Massachusetts and urged that prompt action be taken to alleviate these problems. We share your concern that appropriate steps be taken to reduce the region's dependency on imported petroleum. The high and rising cost of that fuel, as well as its vulnerability to sudden and severe interruptions in supply, makes a shift toward cheaper and more secure energy sources desirable. We are committed to working with you and with electric utilities in your State toward the goal of substituting domestically produced coal for imported oil in ways that do not harm the environment.

Your letter stated that the State had recently held hearings pursuant to Section 110(f) of the Clean Air Act to determine whether an emergency suspension of the State Implementation Plan was appropriate. Such a suspension would have allowed the New England Power Company to burn coal without installing pollution controls. We agree with your conclusion that a Section 110(f) waiver is inappropriate in this case. As you are aware, this Section addresses situations in which shortages of energy supplies cause actual losses of home heating oil or high levels of unemployment. Waivers are intended to serve as short-term relief in severe emergency conditions and cannot be effective for more than a four-month time period. As your letter indicates, the conditions necessary for a Section 110(f) waiver do not exist in this situation. The price rises presently being experienced by New England businesses are chronic and long-term and are not properly addressed by the provisions of this Section.

On the other hand, Section 113(d)(5) of the Clean Air Act is a statutory mechanism which can facilitate permanent, environmentally acceptable conversion to coal-burning by industry and electric utilities. We believe that this Section strikes an appropriate balance between the needs of industry and utilities to realize expeditiously the economic benefits of burning cheaper, domestically-produced fuel and the right of the public to enjoy air quality that meets standards designed to protect human health.
Under this Section, a facility that has received an order from the Department of Energy prohibiting the use of oil or natural gas may be eligible to receive a delayed compliance order that will allow the conversion to coal before the installation of pollution control equipment necessary to meet all applicable emissions limitations. The recipient facility must agree to an expeditious schedule for installing such pollution control equipment and must also be able to demonstrate that during the period of the conversion, its emissions will not cause or contribute to violations of the primary national ambient air quality standard.

We understand that New England Power Company's Salem Harbor facility wishes to convert to coal-burning and has been discussing the terms of a possible delayed compliance order with the EPA staff in Region I over the last several months. Another New England Power Company facility, Brayton Point, received an order under Section 113(d)(5) in 1979. At that time, EPA staff cooperated with New England Power Company in processing expeditiously an order that satisfied the terms of the Clean Air Act and met the concerns of all parties. EPA is prepared to make similar efforts to facilitate the Salem Harbor conversion. The specific terms of the conversion, such as the sulfur content of the coal to be burned and necessary pollution controls, should be the subject of further discussion between EPA regional personnel and the New England Power Company.

Your letter also pointed out that new coal-fired power plants can replace existing oil-fired plants in an economically and environmentally sound fashion. EPA agrees. We also expect that an "oil backout" program such as the one you suggest will receive due consideration as Congress addresses itself to energy issues.

New England's fuel price and supply problems cannot be solved overnight. As you recognize, a Section 110(f) waiver that would allow immediate coal-burning with no pollution control equipment for a four-month maximum time period is inappropriate in this case and would not provide a long-term solution to the problems of rising oil costs. However, we are committed to working closely with utilities that desire to convert to coal and which may be eligible for orders under Section 113(d)(5) of the Clean Air Act. Together we can alleviate the economic dislocation that you have described and achieve a reliable domestic supply of fuel for our energy needs without degrading the quality of our environment.

Sincerely yours,

Jeffrey G. Miller
Acting Assistant Administrator
for Enforcement
TO: ENVIRONMENTAL PROTECTION AGENCY

ACTION REQUESTED:
APPROPRIATE ACTION

DESCRIPTION OF INCOMING:

ID: 001380
MEDIA: LETTER, DATED JANUARY 29, 1981
TO: PRESIDENT REAGAN
FROM: THE HONORABLE EDWARD J. KING
GOVERNOR OF MASSACHUSETTS
BOSTON MA 02133

SUBJECT: UNDER SECTION 110(F) OF THE CLEAN AIR ACT
(42 USC 7410 (F)) - NEW ENGLAND POWER COMPANY
HAS REQUESTED HIM TO PETITION THE PRESIDENT
TO DETERMINE THAT A REGIONAL ENERGY EMERGENCY
EXISTS IN MA; VIEWS AND SUGGESTIONS REGARDING
SAME

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE
UNDERSIGNED AT 456-2717.

RETURN BASIC CORRESPONDENCE, CONTROL SHEET AND COPY OF RESPONSE
(OR DRAFT) TO:
AGENCY LIAISON, ROOM 94, THE WHITE HOUSE

BY DIRECTION OF THE PRESIDENT:
DIRECTOR OF AGENCY LIAISON
PRESIDENTIAL CORRESPONDENCE
Honorable Ronald W. Reagan
The President of the United States
The White House
Washington, D. C.

Dear Mr. President:

Under section 110(f) of the Clean Air Act (42 U.S.C. 7410(f)), New England Power Company has requested me to petition you to determine that a regional energy emergency exists in Massachusetts. Under section 110(f) of the Clean Air Act, once the President has determined the existence of an energy emergency, the Governor of an affected State may suspend portions of the Clean Air Act Implementation Plan for the State. New England Power Company desires such a suspension, in order to burn coal at two generating units at its Salem Harbor generating plant in Salem, Massachusetts. I understand that New England Power Company's affiliate, Narragansett Electric Company has filed for similar relief with the Governor of Rhode Island for its South Street station in Providence, Rhode Island.

New England Power Company and its affiliates, Massachusetts Electric Company, Narragansett Electric Company and Granite State Electric Company provide electric power to approximately one million customers in Massachusetts, Rhode Island and New Hampshire.

Section 110(f) of the Clean Air Act requires that the Governor of the state petition the President to determine that a national or regional emergency exists of such severity that temporary suspension may be necessary and that other means of responding may be inadequate. High levels of unemployment or loss of necessary energy supplies for residential dwellings must be found. Such unemployment or loss must be a type that can be totally or partially alleviated by such emergency suspension.

After public notice, hearings were held in Massachusetts on January 6 and 9, 1981. The report from the Massachusetts hearing panel indicates that the required findings cannot be made under section 110(f). However, we are reporting to you on this matter because the testimony reveals the economic hardship imposed on New England from use of oil in electrical generation facilities.
Even though our extreme conditions do not meet the very legal definitions of a 110(f) emergency we believe that electric energy prices have become prohibitive in this state. As a result, we request your review of the record and a determination under your general authority so that relief similar to a Massachusetts suspension of portions of the Clean Air Act Implementation Plan under Section 110(f) of the Clean Air Act may be obtained.

We continue to seek additional means of alleviating the energy crisis which threatens our region with economic strangulation and excessive dependence on unreliable foreign energy sources. The following should be developed:

1) The economics of permanent conversion of these two plants and others to coal utilizing available technology to reduce emissions should be explored. Once the utility has committed to proceed with the conversion, it should apply to the U. S. Environmental Protection Agency for a Delayed Compliance Order under Section 113(d)(5) of the Clean Air Act to burn coal on a temporary basis while the conversion is proceeding. In the case of the Salem Harbor plant, permanent conversion could be accomplished using coal with a sulfur content equivalent to that in the oil now being used.

2) New, environmentally acceptable, non-oil fired generating units should be built to replace older oil fired units when conversion of the older units is uneconomic.

3) Federal "oil backout" legislation to fund coal conversions and facility replacements should be enacted. Funding should be retroactive to cover already commenced projects so as not to penalize ratepayers of companies which have already taken steps to convert to coal.

We respectfully ask for your cooperation as we explore these and other alternatives to relieve New England's dependence on expensive and unreliable foreign oil. Severe economic dislocation is imminent if we do not solve this problem very soon. We will be in further communication with you on this subject, and will greatly appreciate the attention of your administration to our concerns.

I understand that Governor Garrahy of Rhode Island is sending you a report of the Rhode Island hearings and I join him in urging you to give prompt attention to this matter.

Sincerely,

Edward J. King
Governor
January 29, 1981

Honorable Ronald W. Reagan
The President of the United States
The White House
Washington, D. C.

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Sincerely,

Edward J. King
Governor
MEMORANDUM TO FRED FIELDING

FROM: Larry Speakes

SUBJECT: Emergency Broadcast System

Representatives of the Federal Emergency Management Agency were in to talk to me today about the emergency broadcast system. At present the President's press secretary is the only one who can activate the system. In the event of his inability to do so, there is no provision for anyone else to assume that authority.

Could you have someone review the attached proposal from FEMA and make a recommendation.

Thank you.
EMERGENCY BROADCAST SYSTEM (EBS)

Problem: Under Executive Order 12127 of April 1, 1979, FEMA has oversight responsibility for the Emergency Broadcast System, and the Federal Communications Commission has operational authority, working with the broadcast industry through its National Industry Advisory Committee. When the Emergency Broadcast System is activated for a national emergency or a localized life-threatening crisis, there are four program priorities for messages to the public by the President and other officials. At question here are "Priority 4" messages consisting mainly of generalized FEMA survival instructions for the public on audio tapes stored at the Special Facility. The problem involving these tapes is that present regulations forbid feeding this information into the EBS network except and only with the permission of the President's Press Secretary or his designee.

Option 1: Continue operations of the Emergency Broadcast System network as currently constituted. This makes it imperative that the Press Secretary reach the FEMA Special Facility during a nuclear attack on the U.S.

Option 2: Accept proposal by FEMA and the Federal Communications Commission through the National Security Council for a new "Statement of Requirements for Presidential Communications with the General Public During Periods of National Emergency." The proposal provides that the Federal Emergency Management Agency Director, in his role as Chairman of the Emergency Management Council, be given alternate authority to approve programming on the Emergency Broadcast System. The Press Secretary may wish to have others as designated representatives, such as the FEMA Director or his designee. The more officials designated, the better the odds that one of them will be available when needed.
**Subject:** Indicate that the Committee on Foreign Relations has determined that no reason exists for the introduction and the Senate debate of a resolution to terminate the declaration of a national emergency to deal with the situation in Iran.

**Route To:**

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NSC # 8/103438

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C __ Date Time: 

DSP __ Time: 

P 

Media: ____

Form __
MEMO FOR GEOFF KEMP

FROM: GARY SICK

SUBJECT: Iran--National Emergency

It is important that the technical "state of national emergency" on Iran be maintained at least until the courts have settled the question of voiding of claims against Iran and transferred those claims to the Hague. The SFRC apparently has recognized this and has chosen to leave the order in place without challenge for the time being.

There is nothing further that needs to be done here with this package. However, since the State Legal Advisor follows this question and will be interested in what the SFRC has done, I recommend that a copy of the Percy/Pell letter and the Friedersdorf reply be forwarded to State, Attn: Jim Michel, for information.
Dear Senator Pell:

This is to thank you for your May 14 letter, cosigned by Senator Percy, in which you advised the President that, pursuant to Section 202(b) of the National Emergencies Act, the Committee on Foreign Relations has considered whether the national emergency declared to deal with the situation in Iran should be terminated.

I understand that the Committee has determined that, because certain aspects of the emergency with respect to the situation in Iran continue to this day, no reason now exists for the introduction and the Senate debate of a resolution to terminate the emergency. I appreciate receiving your findings, and have conveyed this message to the appropriate White House staff members. You will hear further if any additional information is needed.

With cordial regard, I am

Sincerely,

Max L. Friedersdorf
Assistant to the President

The Honorable Claiborne Pell
United States Senate
Washington, D.C. 20510

MLP: CMP: KIR: kir

cc: w/copy of inc to NSC Secretariat - for appropriate handling
cc: w/copy of inc to Fred Fielding - FYI

WHITE HOUSE RECORDS MANAGEMENT HAS RETAINED ORIGINAL
June 5, 1981

Dear Chuck:

This is to thank you for your May 14 letter, cosigned by Senator Pell, in which you advised the President that, pursuant to Section 202(b) of the National Emergencies Act, the Committee on Foreign Relations has considered whether the national emergency declared to deal with the situation in Iran should be terminated.

I understand that the Committee has determined that, because certain aspects of the emergency with respect to the situation in Iran continue to this day, no reason now exists for the introduction and the Senate debate of a resolution to terminate the emergency. I appreciate receiving your findings, and have conveyed this message to the appropriate White House staff members. You will hear further if any additional information is needed.

With cordial regard, I am

Sincerely,

Max L. Friedersdorf
Assistant to the President

The Honorable Charles H. Percy
United States Senate
Washington, D.C. 20510

MLF:CMR:ISR:kir
✓cc: w/copy of inc to NSC Secretariat - for appropriate handling
✓cc: w/copy of inc to Fred Fielding - FYI

WHITE HOUSE RECORDS MANAGEMENT HAS RETAINED ORIGINAL
Dear Mr. President:

On November 14, 1979, President Carter declared a national emergency to deal with the situation in Iran. Although the Americans held as hostages in Iran have been released, financial and diplomatic aspects of that crisis are still being resolved. As a result, the Administration has taken no action to terminate the emergency.

As you are aware, in cases when a national emergency continues for this length of time, Congress is mandated by law to consider whether or not that emergency should be terminated. Section 202(b) of the National Emergencies Act states that, "not later than the end of each six-month period [after] such emergency continues, each House of Congress shall meet to consider a vote on a concurrent resolution to determine whether that emergency shall be terminated." No Senator has introduced such a resolution.

The Committee on Foreign Relations, acting in satisfaction of the duty imposed by Section 202(b) of this Act, has considered whether or not the introduction of a concurrent resolution is warranted at this time. After due consideration of the question, the Committee has determined that, because certain aspects of the emergency with respect to the situation in Iran continue to this day, no reason now exists for the introduction and the Senate debate of a resolution to terminate the emergency.

Sincerely,

Charles H. Percy
Chairman

Claiborne Pell
Ranking Minority Member

The President
The White House
SUBJECT: EXTENSION OF NATL EMERGENCY TO DEAL W/ SITUATION IN IRAN

ACTION: ANY ACTION NECESSARY  DUE: 12 JUN 81 STATUS S FILES

FOR ACTION  FOR COMMENT  FOR INFO
KEMP         POINDEXTER      STEARMAN

COMMENTS SEE ATTACHED PRINTOUTS FOR SUMMARIES RE PREVIOUS
CORRESPONDENCE FM PERCY & PELL

REF#  LOG  NSCIFID (C/)

ACTION OFFICER (S)  ASSIGNED  ACTION REQUIRED  DUE  COPIES TO

DISPATCH  W/ATTCH FILE
WHITE HOUSE COUNSELLOR'S OFFICE TRACKING WORKSHEET

□ O - OUTGOING
□ H - INTERNAL
□ I - INCOMING

Date Correspondence Received (YY/MM/DD) 92112.28

Name of Correspondent: Lee Sherman Dreyfus

Subject: Writer is reaffirming Louis Giuffri's recommendation of Joseph LaFleur as Special Assistant to the Director of National Emergency Training.

ROUTE TO:

Office/Agency (Staff Name)

CUSTRI

CNCRIB

CNMEES

PP von

Rm m

ACTION CODES:
A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet to be used as Enclosure

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ACTION

Tracking Date

Type of

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Comments: CC: E/H Heed

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#### MEDIA CODES:

| B    | Box/package                             |
| C    | Copy                                     |
| D    | Official document                        |
| G    | Message                                  |
| H    | Handcarried                              |
| L    | Letter                                   |
| M    | Mallgram                                 |
| O    | Memo                                     |
| P    | Photo                                    |
| R    | Report                                   |
| S    | Sealed                                   |
| T    | Telegram                                 |
| V    | Telephone                                |
| X    | Miscellaneous                            |
| Y    | Study                                    |

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4 January 1983

Dear Lee:

Thank you for your letter of 21 December recommending Joseph LaFleur for appointment as Special Assistant to the Director of National Emergency Training.

I have passed this information along to the other members of the Personnel Committee, and you can be sure that Mr. LaFleur will be given careful consideration when the recommendations are developed for the President.

With appreciation and best personal wishes to you and Joyce,

Sincerely,

EDWIN MEESSE III
Counsellor to the President

The Honorable Lee Sherman Dreyfus
Governor of Wisconsin
Madison, WI 53707-7863

cc: Ed Meese
cc: Helene von Damm w/copy of incoming

RM:NN:vm1--
The Honorable Edwin Meese, III  
Counsellor to the President  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear Ed:

You should shortly be receiving a recommendation from Louis Guiffrida, the Director of FEMA, and I assume you know him well from California days. His recommendation will be that the Administration appoint Joseph LaFleur as Special Assistant to the Director of National Emergency Training. I urge you to recommend that the President add Joe to our national administration.

Joe LaFleur came into my administration in the early days as a special assistant to me and as a "trouble shooter." It was Joe who handled the brush fires as they appeared in the first six months or so of the administration. I knew that my policy group and I were going to be focusing on tax reform and the first budget, so I had to have someone in whom I had absolute confidence and absolute trust to watch and keep an eye on the other things which began to pop. Joe is relatively young and one might wonder why I put him in that position four years ago. My association with him goes back to his student days at the University when he was a leader on my campus. Indeed, in his senior year, he was President of our Student Government which was a very important position and one which I used as directly related to the President's office. I saw his great leadership ability, his intellect, his self-confidence, and his leadership capability demonstrated a decade ago. During his senior year, he was also captain of our basketball team and an all-conference football player. He brought the same maximum effort and the same leadership capability to athletics as he did to campus politics and government.
This man took over Wisconsin's Emergency Government operation in my second year and, since then, has brought it into absolute first-rate operational shape. He was even able to make it a little more lean and a little more mean, which is not an easy task when faced with civil service. I think you will find that the national and regional people in the FEMA organization have great respect for Joe LaFleur.

Let me add a few things from a very personal point of view. Joe is a man of very solid integrity, ethics, and moral values. He is a fine son, husband, and father. He also has a sense of public service commitment in his life which he inherited from his parents. I have always viewed him as one of our alumni who would bring great pride to the University. He has already done that despite being in his thirties. He has a deep and long-time commitment to a philosophy shared by you, me, and our President. I suspect that, too, came from his home life and, since I know his family, I’m certain of the origin. Therefore, I truly urge you to move on Mr. Guiffrida's recommendation and to bring Joe to Washington just as soon as possible. Because of his partisan political base and his well-known loyalty to me, his position here in Wisconsin will be finished when I leave office. But, I don't worry about Joe's future because I believe he will do something with his life which will be of permanent value to this country. I believe he has an unusual talent combined with a sense of loyalty which will be invaluable to all of you.

Please carry home with you best wishes from Joyce and from me for Christmas and the New Year. This is a relatively tough time for you, but the two of you will handle it. We send our love to you both.

Cordially,

Lee Sherman Dreyfus
GOVERNOR

cc: Mr. Louis Guiffrida
BROUGHT FORWARD

140288
F3007
Previously filed

Name: Barry Goldwater

Organization: 

140288
M3002
New File Symbol

Final Action: 


MEMORANDUM FOR JACK SVAHN

FROM: RALPH BLEDSOE

SUBJECT: Emergency Management

DATE: October 21, 1983

I was unable to talk to Rich Beal about this issue before I left on my trip. However, I do not believe there is great urgency. I will do this immediately upon my return, and let you know what the next steps should be.
## MEMORANDUM

**DATE:** 10/19/83  
**ACTION/CONCURRENCE/COMMENT DUE BY:** 10/24/83  
**SUBJECT:** Emergency Management

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**REMARKS:**

John A. Svahn  
Assistant to the President for Policy Development  
(x6515)
MEMORANDUM FOR RALPH BLEDSOE

FROM: JACK SYAHN

SUBJECT: Emergency Management

I had a meeting with Rich Beal. We discussed the emergency management area. His concern is that there is no one on the domestic policy side who is in charge of emergency management. He says that FEMA wants to put a guy in and assign him to NSC, and NSC would rather have somebody in OPD assigned to it. He says that NSC wants a person on the domestic side to handle alot of the stuff that FEMA sends to them because it's domestic. There's a guy over at FEMA that I have worked with on previous occasions named Delaney. Do you know him? Would he be a potential candidate to detail over here? Let me know.

Thanks.