

3578

RECORD OF TELEPHONE CONVERSATION TC:EC(NRM):96-0001

FROM: Jennifer Mailander *WED* DATE: January 10, 1996
6:00 PM
LOCATION: Fernald
TO: Don Henne LOCATION: DOI, Philadelphia, PA
SUBJECT: Natural Resource Trustee Negotiations Status

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I contacted Don Henne to discuss the Natural Resource Trustee negotiations status. Mr. Henne had been contacted in December 1995 by Terry Finn of the Ohio Attorney General's Office regarding Ohio's interest in potential settlement of its natural resource damages claim against DOE. I explained that DOE was interested in involving DOI in future discussions with the State of Ohio to see if the trustees could find a method to resolve all of the Fernald site natural resource trustee issues. I summarized the December 12, 1995 meeting between representatives of Ohio EPA, DOE-FN, and FERMCO.

Mr. Henne expressed DOI's interest in pursuing settlement of the Fernald site trustee issues. I explained that FERMCO has been tasked with researching preliminary issues that need to be considered regarding a potential settlement. Mr. Henne stressed that this discussion of "basics" is extremely important before beginning to discuss "compensation". He explained that his experience in this area has shown him that any such settlement would need to be well founded or supported. He explained that by this he meant that such a settlement would identify the history of releases at the site, a clear enumeration of natural resource injury resulting from those releases, and how the proposed settlement compensates for the injury.

Mr. Henne agreed that DOI has extensive experience in the trustee settlement area. He said that he would review some of the settlements in which DOI/USFWS have been involved for additional settlement information. He said that the DOI midwest region has been particularly aggressive in the trustee area and felt that he could get some good information. Specifically, he would look for settlements with similar issues, and request any settlement documents and support documentation for FERMCO. I agreed to call him next week if he is unable to get back to me before then.

We discussed the future need for the respective trustee legal counsel's and FERMCO legal counsel to discuss resolution of those issues identified from FERMCO's research. He concurred. We then discussed the importance of educating the public about the natural

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resource trustees. He agreed and said that a representative of DOI would be happy to attend any presentation or information session for the public. I explained that the Fernald Citizen's Task Force (FCTF) has recently formed a sub committee on natural and cultural resources issues and that there might be a meeting with this sub committee soon. I agreed to keep Mr. Henne informed of such a meeting, in the event that he would like to attend.

We restated that we would speak again within the next week and concluded our conversation.

JKM:jes

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