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October 3, 1995

Marian Matthews, Esq.
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Dear Marian:

Thank you for coming by to meet with Lindsay and me concerning the proposal that Sisneros-Cooper Environmental Corporation (the "Corporation") contract with the Corporation to do certain actions involving the Waste Isolation Pilot Plant ("WIPP") and the pending application for a permit under the state Hazardous Waste Act by the U.S. Department of Energy ("DOE") and Westinghouse Electric Corporation ("Westinghouse").

As Lindsay and I stated in the meeting, we have looked into the matter sufficiently to reach the conclusion that the current permit application is a "matter in which the former public officer . . . participated personally and substantially while a public officer . . ." (Governmental Conduct Act (the "Act"), §10-16-8(B)). The pending application for a disposal permit is in fact a version of the application that was filed when Kathleen Sisneros was in office and that was handled by her division. DOE sought permission from the Environment Department to amend its application, which originally sought a permit to conduct a test phase, to cover disposal operations. In seeking the amendment DOE emphasized to the Environment Department that substantial portions of the test phase application would be used in the disposal application.

Permission to proceed by amendment was granted by the Environment Department by order dated September 2, 1994. Because of the similarity of many issues raised by the test phase application and the disposal application, the pending disposal application raises many of the same questions as the test phase application concerning application of the hazardous waste laws and regulations to this facility.

In this situation, we believe that Ms. Sisneros would be unable to "represent" Westinghouse "in [its] dealings with" the state government on the matter of the pending Hazardous Waste Act permit application. In determining what activities by Ms. Sisneros might run afoul of this provision, we stated that we believe that

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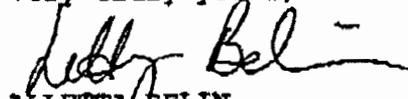
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at least two considerations underlying the law should govern the analysis. The first is that Ms. Sisneros should not get into a position where she might exert undue influence over the Environment Department as a result of her prior role with respect to the WIPP Part B permit application. The second is the necessity of avoiding any situation whereby Ms. Sisneros could transmit confidential or privileged information obtained while she was an official with responsibility over the Part B permit application to Westinghouse or DOE and thereby improperly affect the permit application and review process.

Beyond those general caveats, it is difficult to anticipate the particular nuances of any future contractual arrangement between the Corporation and Westinghouse in relation to the Part B permit application, what actions might be undertaken under such an arrangement, and exactly how the Act might apply to such actions. With that in mind, we agreed to consult with you if at some time in the future the specific actions to be taken by Ms. Sisneros become more concrete and specific, so that we can identify any which we feel are objectionable under the Act.

We appreciate your client's effort to take all steps necessary to ensure that she does not run afoul of the law.

Very truly yours,



ALLETTA BELIN
Assistant Attorney General
Director, Environmental Enforcement Division

AB:mh

cc: Maria-Ester DeAnda
Tracy Hughes