

ARLEN SPECTER, PENNSYLVANIA, CHAIRMAN

ORRIN G. HATCH, UTAH
CHARLES E. GRASSLEY, IOWA
JON KYL, ARIZONA
MIKE D. WINE, OHIO
JEFF SESSIONS, ALABAMA
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
SAM BROWNBACK, KANSAS
TOM COBURN, OKLAHOMA

PATRICK J. LEAHY, VERMONT
EDWARD M. KENNEDY, MASSACHUSETTS
JOSEPH R. BIDEN, JR., DELAWARE
HERBERT KOHL, WISCONSIN
DIANNE FEINSTEIN, CALIFORNIA
RUSSELL D. FEINGOLD, WISCONSIN
CHARLES E. SCHUMER, NEW YORK
RICHARD J. DURBIN, ILLINOIS

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

MICHAEL O'NEILL, *Chief Counsel and Staff Director*
BRUCE A. COHEN, *Democratic Chief Counsel and Staff Director*

September 14, 2006

The Honorable Wayne Allard
United States Senator
521 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Allard:

I write in response to your letter dated September 6, 2006 regarding the Rocky Mountain Low-Level Radioactive Waste Compact Board's (Rocky Mountain Compact) efforts to expand its jurisdiction to include all types of naturally occurring radioactive material (NORM) and technologically-enhanced NORM (TENORM).

Based upon your interpretation of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (P.L. 99-240) (LLRW Act), which approved the efforts of Colorado, Nevada, and New Mexico to create an independent regional agency to oversee the disposal of radioactive waste and regulate the resulting interstate commerce implications, I understand you are concerned that the Rocky Mountain Compact has overstepped its jurisdictional limitations and violated the Commerce Clause of the Constitution.

If correct, congressional action may be warranted. The questions specifically posed by your letter may have implications for matters of interstate compact that fall within the jurisdiction of the Judiciary Committee, as well as constitutional matters implicating the Committee's jurisdiction. As such, my staff will launch an inquiry into the actions of the Rocky Mountain Compact.

For further assistance and questions, please contact either Evan Kelly or Dallas Kaplan on my staff. They can be reached by telephone at 202-224-5225.

Thank you for bringing this matter to the Committee's attention.

Sincerely,



Senator Arlen Specter