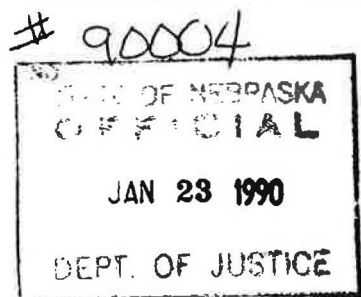


Linda Willard

DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

TELEPHONE 402/471-2682 • STATE CAPITOL • LINCOLN, NEBRASKA 68509



ROBERT M. SPIRE  
 Attorney General  
 A. EUGENE CRUMP  
 Deputy Attorney General

DATE: January 23, 1990

SUBJECT: State Ownership of Low-Level Radioactive Waste

REQUESTED BY: Senator Douglas A. Kristensen  
 Nebraska State Legislature

WRITTEN BY: Robert M. Spire, Attorney General  
 Linda L. Willard, Assistant Attorney General

You have inquired regarding the constitutionality of a proposed legislative bill which would mandate that radioactive material accepted for disposal at a low-level radioactive waste disposal facility shall not become the property of the State. We find no constitutional infirmity with such a provision. However, you should be aware that current regulations of the Nuclear Regulatory Commission do provide for state ownership at the time of facility closure.

Sincerely,

ROBERT M. SPIRE  
 Attorney General

*Linda L. Willard*  
 Linda L. Willard  
 Assistant Attorney General

28-01-14.2

cc: Patrick J. O'Donnell  
 Clerk of the Legislature

APPROVED:

*Robert M. Spire*  
 Attorney General

- |                       |                       |                      |                     |                       |
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