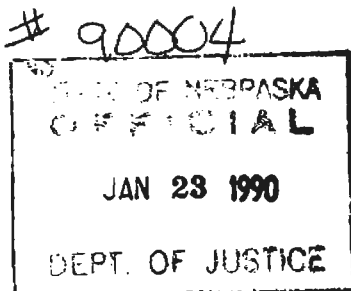


Linda L. Willard

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
Assistant Attorney General

28-01-14.2

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

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