

will be a state defined standard of care in our state law that a federal court would use to apply the public liability action in the federal law. They would look to state law for the standard of care, we would have provided it to them in LB 750. Applying that standard of care, they would then decide whether or not a person who was suing had not only a case but also access to this 9 billion dollar pool of money that's supposedly there in the insurance scheme that stands behind Price-Anderson. When you are talking about a nuclear occurrence that does not rise to the extraordinary nuclear occurrence level, but is, in fact, an exposure, there is an agreement by everyone that I know of that there is a role for the state to play, and 750 will carry out that role. We have been told by federal regulators that the state has a role to play in the limited situation that 750 will apply and I think that the utilities would grant that there being an open question, there is a role for the state to play. To explain the standard of care that you will find in the material that has been distributed to your desk and appears in this form, amendment 2819, three pages long, the first two pages are definitions, the third page is the operative page. The standard of care is in Section 4. And you have a copy on your desk, you'll be getting a copy with a single corrected word in a moment, but right now you can take a look at 2819, page 3, Section 4. To understand what 750 will do and the standard of care, let me give you just a little background in tort law. Normally in tort law you have some kind of negligence act that creates an accident or an injury. And when somebody's injured by that accident, they go into court and they prove four things. They prove that the person who hurt them had a duty of care not to hurt them. They had a standard of care that a reasonable person would follow that that person didn't follow because they were careless. They then prove that there's approximate cause between the other person's carelessness and their injury. And then they prove how much they've been injured to determine what they should get in the court case. Duty of care, standard of care, approximate cause, damage, the four elements of negligence. Then there's a second theory, and that is strict liability. In strict liability, because of the dangerous nature of the activity, we simplify the cause of action and we say that there doesn't have to be a standard of care of recklessness, all there has to be is a duty of care, that is to be careful, and the approximate cause between the person who has the accident and the damage of the person who's been injured. What you don't prove in strict liability is that the person who had the