

**PART III**

**STATE REGULATION OF  
ATOMIC ENERGY**

# Chapter I

## INTRODUCTION \*

A prospective entrepreneur in the field of peaceful uses of atomic energy is immediately faced with the task of investigating and evaluating existing and potential types of governmental regulation. Among the crucial questions that must be answered are: (1) What types of governmental regulation will be encountered in financing, constructing, and operating atomic energy facilities? (2) What aspects of regulation will be unduly burdensome? (3) Can regulation be minimized properly by selection of place of activity, or by selection of financial and corporate organization techniques, or by requesting changes in legislation and regulation? Similarly, those responsible for formulation of public policies must examine such questions as: (1) Are existing powers and regulations adequate from the standpoint of protection of the public interest, health, and safety for application to atomic energy activities? (2) Do existing regulations unduly restrict the development of a new technology? (3) Should new legislative and administrative regulatory techniques be developed for the control of atomic energy activities?

The purpose of this study is to present a brief survey of the principal types of state and interstate regulations likely to have application in the development of an atomic energy industry both for the generation of electric power and for other industrial uses. Although it is too early to encounter any considerable number of statutes and regulations dealing with the peculiar problems arising out of the use of fissionable and radioactive materials, some explicit recognition of these issues has already found its way into the books. Moreover, many aspects of the development of atomic energy will be regulated extensively under statutes originally adopted for other purposes but general enough in nature to embrace atomic affairs. Since the earliest commercial utilization of atomic energy seems likely to be the production of electrical

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energy, considerable emphasis will be placed upon state public utility regulations which may affect the financing, construction, and operation of nuclear power reactors. In addition, state health and safety regulations will be emphasized because of the hazardous aspects of the utilization of fissionable and radioactive materials.

Federal, international, and certain types of state regulation will, however, be omitted from this discussion. For example, state labor relations acts, various forms of social insurance laws, general corporation laws, and blue sky laws are not discussed, since they are applicable to industry generally and have no unique application to the atomic energy field. Local zoning ordinances and building regulations are likewise excluded, for they are too localized and varied in character, although, of course, they must be explored prior to embarking upon an enterprise located in any particular locality. Furthermore, in the interests of brevity, the details of the specific legal problems arising out of the statutes and regulations will not be discussed, the purpose of this study being primarily to provide a check list which atomic energy entrepreneurs and governmental policy-makers may use as a basis for further investigation of specific legal problems. Limited in this manner, this study will serve to reveal the scope and character of the legal and policy problems raised by state regulatory enactments which must be considered in formulating plans for the development of a peacetime atomic energy industry.

In order to reduce the breadth of the examination of state regulations affecting atomic energy developments, ten states have been selected for the study: California, Illinois, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Texas, and Wisconsin. Furthermore, because of the wide variations found from state to state in the distribution of regulatory powers among various state and local agencies, it has been found preferable to analyze the effect of these powers according to type of regulation rather than type of agency.