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LEGAL PROBLEMS. Edited by H. E. Yntema. Ann  
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# BOOK REVIEWS

ATOMIC ENERGY — INDUSTRIAL AND LEGAL PROBLEMS. Edited by H. E. Yntema. Ann Arbor, Michigan. University of Michigan Law School, 1952. Pp. vi, 280. \$5.00.

The dissemination of any authoritative material on such an important subject as atomic energy is a laudable endeavor and needs no further justification. The compilation and distribution of such expert information, in non-to-technical language, selected to stimulate increased legal, industrial, and scientific participation in launching the peace time atomic age is even more commendable. *Atomic Energy-Industrial and Legal Problems* is such an endeavor.

This book is a collection of lectures delivered at the 1952 Summer Institute of the University of Michigan. The authors of the various articles are expert participants from both Government and Industry in the vast atomic energy programs of the United States and Canada. Beginning with an explanatory foreword by Dean Stason and ending with excerpts from a panel discussion, the book contains material of wide scope which may be gleaned from the various headings under which the papers are grouped:

1. Potential Use of Atomic Energy by Private Enterprise.
2. Private Capital for Nuclear Power.
3. The Canadian Atomic Energy Program.
4. Labor-Management Relations in Atomic Energy Affairs.
5. The A.E.C. Contractor and Supplier.
6. Government Policies Affecting Private Enterprise.
7. Radiation Hazards to Life and Property.
8. The University of Michigan Phoenix Program.
9. The Joint Committee on Atomic Energy.

It is thus seen that the reader of this small volume (280 pages), acquires both a panoramic inkling of atomic developments and a detailed insight into specific problems. The emphasis, of course, is on the non-military aspects and potentialities of the program.

This compendium should appeal to a wide variety of readers. For the well-informed layman there is authentic information on the greatest exploration of our age. For the scientifically inclined there are authoritative explanations of fissionable material, nuclear power plants, isotope production, and isotope utilization. For the medically inclined there is an illuminating discussion on the uses of radioactive materials in the treatment of diseases, as well as an explanation of the dangers of radioactive exposure. For the business man and industrialist there are encouraging analyses of the prospects and opportunities for private investment in this new field.

For the lawyer and legally inclined there are graphic portrayals of new problems created by the atomic program.

The nature of the publication in which this review appears and the training of the reviewer suggest that opinions and details be limited to legal matters. The reader perceives that urgency and speed in development, the necessity of control by the Government, and the imperativeness of secrecy and security measures all affect the legal relations of the participants at every phase of the atomic energy program.

The relationship between the Atomic Energy Commission representing the Government and the private contractor operating specific plants in the program is discussed from both the Commission and enterprise viewpoint. The discussion covers matters ranging from the negotiation for the contract to the actual operation of the facilities. It might be noted that there is less open bidding on proposed contracts and more selection and solicitation on the part of the Commission than is customarily found in the awarding of public contracts. After the prospective contractors are carefully screened as to competence, stability, efficiency, sound employee relations, and other matters, proposals are solicited and ultimately a contract awarded. Owing to the rather stringent requirements of the Government and the limited number of able and willing enterprises, it is asserted that most firms eliminate themselves from consideration and that the ultimate selection is not too difficult. Similarly, in spite of the reservation of a high degree of control in the Commission, the reader reaches the comforting conclusion that the contract relations have been quite harmonious and that the tendency is to give more control, at least in practice, to the contractor.

Labor problems in the atomic program are beset with certain peculiarities and accordingly are afforded separate treatment in this symposium. It is pointed out that the divided authority between the Government and contractor suggests a wonderful opportunity for impasse by playing one against the other. The urgency of the program and the public interests involved preclude work stoppages so that labor relations in this field are distinguished by "disputes without strikes." Compulsion, whether in the form of arbitration or injunction, has been successfully avoided. Disputes have thus far been settled with the help of the Labor Relations Panel by means of persuasion and education rather than by force. The reader is encouraged by the opinion that labor-management relations have improved considerably in the past few years.

Radiation hazards to life and property are ever present in the atomic program, but it is refreshing to learn that since the inception of the program in 1942 there have been only two deaths from radiation injuries, and no injuries at all at the vast installations at Oak Ridge. The remarkable success of the safety program is a monumental achievement. In the few instances, however, where radiation injuries have occurred or may occur in the future, it is significant to note possible deficiencies in existing laws

and procedures capable of frustrating the injured claimant from receiving an adequate and prompt award. The discussion of these deficiencies, owing to a lack of litigation, was based on theoretical rather than actual cases.

Proof of injury in radiation cases may be hampered by procedural difficulties occasioned by security restrictions which could prevent the applicant from securing adequate facts and presenting his case. Some present Workmen's Compensation Acts would probably not be adequate to cover all types of harm occasioned by radiation. Injuries resulting from unintended radiation explosions or inadvertent opening of shielded containers should constitute an "accident" and be compensable as other industrial accidents. Gradual and sustained exposure to small amounts of radiation, however, may result in internal aberrations more likely to be classified as occupational diseases. The coverage of present statutes for this type of misfortune is apparently inadequate. Statutes of limitation could prove an insurmountable bar owing to the possibility that manifestations of the injury might not appear until years after severance of the employment relation. Ceilings on the amount of recovery might also prove quite inadequate.

Similar difficulties may be encountered in tort actions. Suits might be effectively barred by statutes of limitations before harm is realized because of the non-concurrence of the injury and exposure. The possibility of promulgating rules of absolute liability, application of the *res ipsa loquitur* doctrine, and enactment of statutory duties are uncertainties which remain to be worked out. The problem of reconciling the rights of the plaintiff (in securing adequate information, presenting his case in open court to judge and jurors, and in prosecuting appeals), with the preservation of essential secrecy seems a herculean task yet to be solved.

A few other items are worthy of note. Patent law relating to atomic inventions, accorded special treatment under the Atomic Energy Act, is aptly discussed. A brief summary of the University of Michigan's Phoenix Project supported by over six million dollars and dedicated to the betterment of man by means of atomic energy, is an inspiring example of the tremendous work that is being done in just one university. With virtually every school and college of the university participating, achievements are bound to result in the scientific, commercial, and legal fields.

The University of Michigan is to be commended for the presentation of the Institute and the publication of the lectures. The lecturers or authors are to be congratulated for scholarly and informative presentations of material of vital interest.

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AMERICAN DIPLOMACY, 1900-1950. By George F. Kennan. Chicago: University of Chicago Press, 1951. Pp. 154. \$2.75.

One of our great statesmen and diplomats, George F. Kennan, has