THE LITERATURE LABYRINTH OF NUCLEAR POWER: A BIBLIOGRAPHY

BY

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Ever since Congress passed the Atomic Energy Act of 1954, the demands for legislative and legal bibliographic literature have been growing rapidly. With peaceful developments spreading out in important and far reaching federal, international and state activities, giving rise to many new legal problems, more and more information has been generated and published. This statement is even more true today than when it was written sixteen years ago. Although the basic legal problems relating to the generation of nuclear power have remained nearly constant, an incredible volume of material has been published since 1954.

In 1958 an excellent bibliography on legislation, regulation, and the radiation and medical aspects of atomic energy was published with the goal of assembling "as much introductory and guidance material on the topic of atomic energy and the law as was feasible." When attempting to bring these useful source materials up to date, it soon became evident that a lifetime project would be required to add a mere twenty years of publication to an already extensive bibliography! Consequently, three areas of concentration have been selected for this bibliography on the legal aspects of nuclear power.

The first part is a survey of the basic sources available to a person researching a problem on nuclear power. Three forms are discussed - bibliographies, U.S. government documents, and current awareness materials. The second portion is a selection of significant books on nuclear power and the law published since

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1960. The third and final portion is a subject arrangement of law review articles published between 1957 and 1975. Used in conjunction with Atomic Energy and the Law: A Bibliography and Blueprint for Atomic Energy Literature: Legislative and Legal, this survey and bibliography will give the researcher a lead to the materials available on the law and nuclear power.

I. Basic Sources

Bibliographies

Bibliographic control of published books, articles and documents relating to nuclear power and the law is far from adequate.

The still embryonic field of nuclear law documentation might be compared to the status of radio law about a quarter century ago. The sources are many. Coordination is not well defined. Yet the legal profession and the policy makers who depend on the lawyers must have the most complete information possible on which to base sound counsel and make wise decisions. This condition constitutes one of the great challenges of today to the law librarian.

Though the field is no longer embryonic, bibliographies are few in number. Those which have been published to date are annotated below in reverse chronological order.


Though this is the most recent of the bibliographies, the largest portion of its citations are from the mid 1950's, with a few citations from the 1960's. This bibliography is of articles, books, and government documents arranged alphabetically by author under these four subjects - background, regulation and licensing, liability and safety, and insurance. The subject approach is helpful, though many of the articles included are of little scholarly value (i.e. unfootnoted). It is, however, a good source for U.S. government documents since 1958 and has a fairly comprehensive listing in the background and insurance sections.

3. Murphy, supra note 2.
4. Losee, supra note 1.
5. Id., at 193.

This unusual bibliography lists by subject all cases involving radiation damage in the United States. Though its usefulness will be limited to this narrow scope, it collects in one place for the researcher all radiation injury case law to 1961.


As its title suggests, this excellent article is a guide to atomic energy literature (2) Joint Committee on of Legislative Reference Service, Office of Technical Information, U.S. Atomic Energy Commission. Pertinent publications from six sources are annotated by the author: (1) United States Atomic Energy Commission; (2) Joint Committee on Atomic Energy; (3) other federal governmental organizations; (4) private publications; (5) studies and regulations of states and municipalities; and (6) international organizations. In addition to specific listing of significant books, periodicals, and documents, the article gives the researcher a broad overview of sources of atomic energy and the law publications. The author’s list of books in footnotes 26-41 is especially good. Some periodical titles have been discontinued while other works may have been republished in later editions. The article will often guide the researcher to a type of material or source which he had not considered.


The most comprehensive and therefore best bibliography was published in 1958. Emphasis tends to be on legislation, regulations, and radiation and medical aspects of atomic energy. This article has been divided into seven sections: (1) atomic energy legislation, 1946-1958 (excellent and comprehensive listing of proposed and final legislation relating to the Atomic Energy Act of 1954); (2) Joint Committee on Atomic Energy (excellent listing of congressional hearings, reports, and monographs arranged by Congress and session number); (3) books (lengthy, annotated list of books by title, both legal and nonlegal); (4) periodicals-U.S. & foreign (annotated list by title of legal and nonlegal periodical titles which often contain articles on atomic energy); (5) law review articles, 1946-1958 (arranged by title of article, these articles were
arbitrarily selected by the author, who gives no guidelines for scope of inclusion); (6) non-legal periodical articles, 1955-1958 (again, arranged by title of article and arbitrarily selected, this listing gives an indication of the wealth of material published and its interdisciplinary nature); (7) sources (list of sources used by the author, with a complete list of Atomic Energy Commission depository libraries).

Due to the arbitrary selectivity of sections (5) and (6), there is no way of knowing whether these lists, especially the law review articles, include the major articles published during that time. Otherwise, this bibliography will be of great assistance in locating documents, books, and periodical articles published before 1958.

Atomic Energy Bibliography, Staff of the Los Angeles County Law Library, 5 UTAH L. REV. 136-140 (1956). This bibliography was also published in shortened form at 2 PRAC. LAWYER 82-86 (Jan. 1956).

This article includes U.S. government documents, articles, and books divided into these subjects: (1) general; (2) mining law - public lands - prospecting; (3) atomic energy administration and control; (4) atomic energy and private industry; (5) insurance, patent and tax aspects; (6) atomic medicine; (7) atomic warfare. Although its subject arrangement is good, it will be of little help since the 1958 Murphy article includes most of the entries.

U. S. Government Documents

Although any agency of the federal government is likely to publish reports or books on law and nuclear power, most works will come from only two sources. The suggested sources listed below are intended to supplement, not replace, the government document sections of the Losee bibliography.6

Nuclear Regulatory Commission

Prior to 1975 this agency was the Atomic Energy Commission. The publications of the Nuclear Regulatory Commission (NRC) can be found listed in the Monthly Catalog of United States Government Publications.7 This monthly list is arranged by agency or department, with serials listed only in February and October and

the annual cumulative index in the December issue. The price and availability of each document is included. The rules and regulations promulgated by the commission can be found first in the Federal Register\(^8\) and then in Title 10 of the Code of Federal Regulations.\(^9\) The looseleaf services also often reprint the NRC's rules and regulations.\(^10\)

**Congress**

Publications of the Joint Committee on Atomic Energy can also be found in the Monthly Catalog.\(^11\) However, Congressional Information Service: Index to Publications of the United States Congress (CIS Index)\(^12\) is easier to use for publications since 1970. Hearings, committee prints and reports are well indexed and abstracted in this set. The CIS Index is monthly, and arrives before the same issue of the Monthly Catalog; further, it is cumulated both quarterly and annually. For joint committee publications from 1945/46-1958, the Murphy bibliography is excellent.\(^13\) For the legislative history of the Atomic Energy Act of 1954, a three volume work was published in 1955.\(^14\)

**Current Awareness Tools**

Several looseleaf services and periodicals provide information on the latest happenings in the field of nuclear power and the law, i.e., case law, regulations, NRC decisions, and scientific data. Although some services listed below have been discontinued, they nevertheless may be beneficial to the researcher.

**Looseleaf Services**


For the period following the passage of the Atomic Energy Act to 1962, this service contains laws and regulations, news and analysis, and technology reports. Much of the same type of information is now contained in BNA Energy Users Report.

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10. See section on Current Awareness Tools, infra.
11. Supra, note 7.
13. Murphy, supra note 2, at 233-43.

This weekly service which started in 1973 provides information about all kinds of energy, including nuclear power. Its five sections cover: (1) federal and state policies; (2) administrative agency programs, including NRC and ERDA (Energy Research and Development Administration); (3) directories; (4) statutes and orders; and (5) statistics.


Nuclear power and its relationship to the National Environmental Policy Act and similar state legislation is of critical concern, especially as it is related to the siting of nuclear power plants. This weekly service has gathered the following materials: (1) decisions (court and agency); (2) current developments/state laws and regulations; (3) federal laws; (4) state air laws; (5) state water laws; (6) state solid waste/land use; and (7) federal regulations.


The predecessor of the CCH Nuclear Regulation Reporter, this service contains (1) new developments, arranged by subjects; (2) Atomic Energy Commission administrative actions; (3) federal laws and regulations; and (4) state laws and regulations. After 1975 it will no longer be supplemented.

CCH Nuclear Regulation Reporter 1975-Present.

This reporter began with the creation of the NRC. At this time no state laws or regulations are included. However, the two volumes contain: (1) organization and functions of the NRC; (2) federal laws, annotated; (3) NRC regulations; (4) new developments; and (5) NRC decisions. Material on ERDA is not included except as it may relate directly to nuclear power.

U.S. Periodicals

Many periodicals occasionally carry articles relating to the law and nuclear power. There are, however, several which regularly contain pertinent articles on this subject. The Murphy bibliography contains U.S. and foreign periodicals which regularly deal with atomic energy problems, but not limited to the legal aspects.\(^{15}\) The Losee guide lists many newsletter type periodicals published by commercial as well as governmental sources.\(^{16}\) Only two periodi-

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cals were found which were not included in the Murphy or Losee bibliographies. *Nuclear News*\(^\text{17}\) is a monthly publication of the American Nuclear Society and, although it is geared to a nuclear scientist audience, often has articles of interest to the attorney. For recent developments, *Nuclear Safety*,\(^\text{18}\) which is published for the Atomic Energy Commission (now the NRC) by Oak Ridge National Laboratory, is highly recommended. Again, though its emphasis is technical, many of its articles are helpful to the legal researcher.

II. Books, 1960-1975

No attempt has been made to make this list totally comprehensive. For an annotated list of works published up to 1958 please consult the Murphy bibliography.\(^\text{19}\) The Losee guide contains the most important of those in the Murphy article plus any published between 1958 and 1960.\(^\text{20}\) An incredible number of books have been published on the subject of nuclear power since 1960. Many are not concerned with the legal issues of nuclear power but have a broader, more interdisciplinary scope. The following list of books selects those which will be of assistance to the lawyer in understanding the scientific and legal issues involved in the field of nuclear power. Alphabetical arrangement by title is used to facilitate scanning of the list.


\(^{19}\) Murphy, *supra* note 2, at 244-54.

\(^{20}\) Losee, *supra* note 1, at 194-95 nn.18 & 26-41.


III. LEGAL PERIODICAL ARTICLES (U.S.), 1957-1975

The decision not to include in this bibliography articles found in non-legal periodicals was made of necessity. There has been voluminous writing on the topic of nuclear power. A selective list, would require the use of additional indices, and therefore would be of little value to the researcher. Consequently, this bibliography contains a comprehensive subject listing from 1957-1975 of all scholarly articles indexed in Index to Legal Periodicals. There has been no repetition of articles which appear in the Murphy bibliog-

21. For example, non-legal periodical articles relating to nuclear power are indexed in Public Affairs Information Service (PAIS), Reader's Guide to Periodical Literature, Nuclear Science Abstracts, and Industrial Arts Index.
BIBLIOGRAPHY

Only those unfootnoted articles are included (such as articles in bar journals, speeches, reports, addresses, etc.) which give the researcher background or policy type information on the legal implications of nuclear power. Comments and notes are included only if they make a significant contribution in an area not covered by other articles. A few articles not specifically related to nuclear power, but the contents of which apply by analogy, are included, especially in antitrust and constitutional law. This bibliography is selective, therefore, but only in the ways indicated; it is otherwise comprehensive.

A subject arrangement is used to facilitate easy access to and use of this bibliography. The subject areas are (1) background and policy (overview articles); (2) administrative law (licensing, siting and other agency regulation problems); (3) antitrust law; (4) constitutional law (state-federal relations, preemption); (5) environmental law (NEPA's application to siting and licensing); (6) insurance (generally, Price-Anderson, and workmen's compensation); (7) international law (production and regulation of nuclear power and its international implications); and (8) tort liability. When an article relates to more than one of these subjects (as is often the case), the article is listed with the subject which is emphasized. Cross references appear at the end of each subject giving the item number of other article(s) which should be consulted.

Due to the large number of citations, the arrangement within each subject category has been by date of publication, then alphabetically by title. This arrangement allows the user to immediately find the most recent pertinent article(s) in any subject area. A researcher can use this bibliography with confidence that all scholarly legal periodical articles from 1957 are included.

**Background and Policy**


22. Murphy, *supra* note 2, at 259-64.


See also items 71, 145, 173.

Administrative Law


See also items 89, 95, 97, 99, 102, 114, 115, 117, 119, 123, 127, 129, 132, 139, 178.

Antitrust Law


See also items 69, 97.

**Constitutional Law**


See also items 51, 69, 117, 120, 139, 146.


122. Legal and Regulatory Framework for Thermal Discharge from Nuclear Power Plants, M.S. Baram, 2 Env. Affairs 505-32 (1972).


*See also* items 29, 44, 51, 54, 86, 89, 90, 93, 139, 140, 162, 163, 182.

**Insurance, Generally**


- *Developments in Use of By-Product Material*, P.C. Aebersold, 27 *Ins. Counsel J.* 572-94 (1960);
- *Safety Considerations Involved in Licensing Nuclear Materials and Facilities*, H.L. Price, 27 *Ins. Counsel J.* 595-98 (1960);
- *Claim Procedures and Litigation in Connection with Bodily Injury and Third Party Property Damage Claims*, E.A. Cowie, 27 *Ins. Counsel J.* 603-05 (1960);

See also item 19, 152, 158.

**Price-Anderson**


*See also* items 137, 180, 181.

### Workmen’s Compensation


### International Law


See also items 148, 192.

Tort Liability


191. Venue of Actions for Injuries to Persons or Property Arising Out of the Use of Atomic Energy, T.P. Curtin, et al., 26 INS. COUNSEL J.


See also items 19, 51, 54, 59, 148, 171.
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