

Impure Mice Draw Legal Complaint

Brenda Kahan, a zoologist at the University of Wisconsin, Madison, filed suit on 29 June against Charles River Breeding Laboratories (CRL) for supplying her with genetically impure mice. She is seeking both compensatory and punitive damages of "not less than \$100,000" in each category, claiming that use of the impure strain invalidated her research conducted during a 12-month period beginning October 1980.

The suit represents an unusual use of product liability law to broach the not so unusual problem of an academic setback resulting from frustrated research efforts. Kahan's legal complaint, filed in U.S. District Court in Wisconsin, alleges "she has suffered and will suffer lessened opportunities to attract and receive promotions, research support, and peer recognition." Moreover, CRL "breached its contract" and "its warranty . . ." and "whether willful or merely negligent, was the proximate cause of pecuniary and professional injury to Kahan," the complaint says.

Similar suits now are being contemplated or planned—including one on behalf of the University of Wisconsin—to recover damages arising from use of the same batches of genetically contaminated mice.

A year ago Kahan and her colleague Robert Auerbach, along with collaborators from the University of Minnesota, reported that batches of BALB/c mice obtained from several CRL facilities "were found to differ significantly from the standard phenotype" (*Science*, 23 July 1982, p. 379). In an accompanying reply from CRL, the question of whether or how those particular mice were contaminated was not directly addressed. The company's report noted that a "mutual responsibility must be exercised" between users and suppliers of animals "to promptly report to each other any discrepancy," and that the company "would like to maintain an open policy of sharing information derived from its quality control diagnostic program. . . ." Elsewhere, the company made known that mistakes had been made and that colonies of mice were destroyed.

The Kahan lawsuit is being "re-

ferred to outside counsel," according to James F. Foster, vice president for administration and general counsel for CRL. "There is no doubt we currently have the best genetic monitoring capability of any commercial producer," he says, noting: "These are living products; things like this happen. Nobody takes [genetic problems] more seriously than we do." CRL, which was incorporated in 1948 and is based in Wilmington, Mass., is reluctant to say much of anything yet regarding the substance of Kahan's legal action.—JEFFREY L. FOX

L-Reactor Start-up Delayed

Over the objections of the Reagan Administration, Congress has decided that the L-reactor in South Carolina may be restarted only if the Energy Department completes a formal statement about its impact on the environment. As a result, the reactor—which produces highly enriched plutonium for use in nuclear bombs—will probably not be in operation until early next year, several months late.

The Energy Department originally planned to restart the reactor in October, after a 15-year hiatus. But citizens who reside near the reactor site on the border between Georgia and South Carolina are fearful that its discharges will kill wildlife, destroy some wetlands, and contaminate their water supply (*Science*, 19 November 1982, p. 774). With the help of some environmental groups and support from the state of South Carolina, they filed suit against the government last winter, seeking a clarification of the environmental effects and an opportunity for public comment.

The suit has now been preempted by the congressional agreement, which was negotiated by South Carolina Senators Ernest Hollings (D) and Strom Thurmond (R) and by Georgia Senator Mack Mattingly (R) and incorporated in the energy and water bill for 1984. Their provision states that the reactor operation may begin once an impact statement has been prepared and reviewed by the Secretary of Energy—between 1 December and 1 January. Should the decision give rise to another lawsuit, the start-up will of course be delayed even longer.

—R. JEFFREY SMITH

NASA to Cooperate with ESA on Space Science

The National Aeronautics and Space Administration (NASA) and the European Space Agency (ESA), encouraged by last May's Williamsburg summit resolution on international scientific cooperation, have pledged to coordinate activities in three areas: infrared astronomy, solar-terrestrial research, and planetary exploration.

At a meeting in Paris on 27–29 June, NASA and ESA representatives agreed that the two big infrared missions planned for later in the decade—ESA's Infrared Space Observatory and NASA's Shuttle Infrared Telescope Facility—should be planned with complementary instrumentation and reciprocally shared observing time. They also agreed that the many solar-terrestrial missions proposed by the United States, Europe, and Japan should be integrated into a smaller set of joint missions.

Especially interesting, however, were the suggestions on joint planetary exploration. A Saturn orbiter/Titan probe mission was given a very specific timetable: joint assessment study starting in 1984, NASA new start in fiscal year 1989, and launch around 1992. Such a schedule tacitly acknowledges that NASA's old plan to send a duplicate Galileo orbiter/probe spacecraft to Saturn in 1988, once a live possibility (*Science*, 12 November 1982, p. 665), is politically and fiscally infeasible. It also acknowledges the European community's insistence that ESA start doing some planetary science of its own. The new study will draw upon analyses of Galileo, the Cassini mission to Saturn once proposed to ESA, and the Titan probe mission identified by NASA's Solar System Exploration Committee. It will also take into account the recommendations of a joint National Academy of Sciences/European Science Foundation group that is independently working on planetary cooperation.

In a similar vein, although with a less precise schedule, NASA and ESA plan to explore an asteroid rendezvous mission for the 1990's. The hope is to use a new low-thrust, high-efficiency Solar Electric Propulsion system developed in Europe.

—M. MITCHELL WALDROP