also written and submitted a grant application, which was not funded, prior to the collaboration with Siegel in which he proposed to study the safety of nicotine patches for cardiac patients. "A lot of the text from the first Scheinman grant, and the context and text from my failed grant, wound up in Siegel's grant," Abbott claims.

Siegel's hearing testimony disputes that. He said that "no more than 10%" of his grant application came from contributions by Abbott and Scheinman. As an example, Siegel cited a method of classifying cardiac arrhythmias that he had devised and published previously. It wasn't mentioned in the earlier Scheinman and Abbott grants, he said, but it figured prominently in his grant application and in Scheinman's and Abbott's subsequent TRDRP grant. What's more, while much of the text remained the same in the TRDRP submission, seven references to Siegel's work had disappeared.

Observers of the case are split on whether it is plagiarism to have used the material if, as the arbitrator concluded, Abbott did not get permission. "Common sense dictates that you have to get permission to use large chunks of another person's words, and give attribution," says Rennie. But Paul Friedman, former dean for academic affairs at the UC San Diego School of Medicine, and former chair of the committee on research integrity of the American Association of Medical Colleges, testified that authors who have contributed material to a grant are generally considered to have a right to reuse the grant, even without the permission of the PI.

Indeed, the working definition of plagiarism used by the U.S. Public Health Service's Office of Research Integrity (ORI) states that "a collaborative history" among scientists "often supports a presumption of implied consent to use the products of the collaboration by any of the former collaborators." ORI doesn't consider cases such as this one to be plagiarism, says ORI investigator Alan Price. It classifies them as "authorship disputes," and defers their handling to the university. Because UCSF claims to use the Public Health Service standard of plagiarism, Abbott attorney Alex Parrish says that UC should not have accused Abbott of plagiarism in the first place.

JAMA Editor Rennie, who served on the 1994 Ryan Commission on research integrity, disagrees, noting that "universities are allowed by federal regulations to set their [own] standards." He adds, "The fact that the ORI, for administrative reasons, declared they wouldn't deal with authorship disputes doesn't mean that plagiarism by one coworker of another's work cannot ever occur. And it doesn't mean that [a university] can't call such stealing plagiarism."

Scheinman, the PI on the TRDRP proposal, was not charged by UC. He declined to be interviewed by *Science*, but testified that he had read the grant but "didn't do any work" on it, and considered Abbott to be its sole author. But Abbott's attorneys, and several of their witnesses, argued that the PI should be held responsible for the contents of the grant, regardless of his role in its writing. "The principal investigator assumes responsibility for the truthfulness and the originality" of a grant application, Stanford's Kennedy testified. Moreover, Paul Torrens, former director of the TRDRP, testified that at the TRDRP, the PI was considered "responsible for the entire content of the grant application and everything in it."

But Karl Hittelman, associate vice chancellor for academic affairs at UCSF, disagreed. "Because [Scheinman] was the PI of the grant does not make him a plagiarist," Hittelman testified. "He did not take the material from Dr. Siegel." Arbitrator Bader accepted that view, writing in his opinion that "without regard to the culpability of Scheinman, Abbott, as the one who intentionally copied the Siegel text, is individually responsible for his actions."

Whether this case will have any broader effects on plagiarism standards is unclear. "I devoutly hope that this will be pursued in the courts," says Kennedy, "because I think it would be a shame if it were left to stand as any kind of precedent." He may get his wish. Parrish says he and Abbott are considering an appeal in the courts. Meanwhile, grant writers may want to take a closer look at the boilerplate text they use in their grants, and their relations with present and former collaborators.

–Marcia Barinaga

DEPARTMENT OF ENERGY

NY Legislators Want Reactor Closed

In an unexpected setback for U.S. neutron scientists, two New York legislators said this week that they will introduce a bill prohibiting the Department of Energy (DOE) from reopening the troubled High-Flux Beam Reactor (HFBR) at Brookhaven National Laboratory in Upton, New York. The bill would also require that the reactor be decommissioned. DOE officials described the surprise announcement by Senator Alfonse D'Amato (R–NY) and Representative Michael Forbes (R–NY) as a major setback to their efforts to repair and possibly upgrade the reactor, which had been leaking tritium.

Strong reaction. Forbes cites "health and safety" threat of reactor.

"The operation of this nuclear reactor poses a threat to the health of Long Islanders and to the safety of our drinking water," the legislators said in a 2 September letter to Energy Secretary Federico Peña. Given Brookhaven's environmental record, they said, "there is no reason to believe that the [HFBR] could operate without further jeopardizing the health and safety of Long Islanders."

The reactor, which generates neutron beams for materials-science research, was shut for routine maintenance last fall, but the discovery of the tritium leaks angered local groups and prompted DOE to reexamine whether it should be reopened. That review is due to be completed in January, soon after the selection of a new contractor to operate Brookhaven.

The legislators' timing was particularly unfortunate for HFBR advocates. This week a DOE advisory committee report by a team of researchers is expected to argue that the reactor should not only be reopened, but also upgraded from 30 megawatts to 60 megawatts. The improvement can be made, according to the report, without increasing the lab's current annual operating budget (*Science*, 8 August, p. 761). "It looks like this was more feasible than we imagined just a few months ago," says Martha Krebs, DOE energy research chief. Opposition from the two lawmakers who represent the lab's state and district, however, will make it more difficult for Peña to embrace such a proposal. "It's a real setback and very unfortunate," says Krebs. "I wish they could have been more patient."

D'Amato has been a relentless critic of Brookhaven and the HFBR, but Forbes had not previously taken a public stand on the fate of the reactor. Brookhaven officials had been hoping that pressure from scientists and the business community in the region would persuade him to support its reopening, but sources say HFBR critics bent his ears during the August recess.

Krebs insists that political opposition will not alter DOE's timetable for determining the reactor's fate. "The secretary will move in a deliberate way," she says. Closing the facility would draw protests from researchers, and decommissioning it could cost nearly $200 million. But Peña cannot ignore the thinly veiled threat by D'Amato and Forbes "to do all that is within our power to see that the [HFBR] never operates again."

–Andrew Lawler