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Found By	<u>John Winer</u>
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File: Human Use  
OFFICE OF THE PRESIDENT  
VICE-PRESIDENT—ADMINISTRATION  
*Mr. Douglass*

*Memo to DR. P. R. N*

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MAR 20 1973	
FBI - BOSTON	

March 20, 1973

GENERAL COUNSEL CUNNINGHAM  
SPECIAL ASSISTANT POWELL

Re: Policy on Research Involving Human Subjects

Attached is a copy of a letter of February 16, 1973 from Dr. Chalkley of NIH which provides a response of sorts to a question I asked him in my letter of January 16. The question was whether in his opinion University policy on human subjects research is broader than that required by DHEW, as alleged by AEC-SAN, and if so the basis for this judgment. As you will see, the Chalkley letter does not provide a direct, clear response. Moreover, he alludes to a 1963 court case (Tunkl v. Regents), the import of which I would appreciate having explained.

As I see it we now need to go back to Mr. Thorne, manager of the local AEC office, with the Chalkley letter in an attempt to get Thorne's office either to (1) remove the limitation on allowability of costs under AEC contracts (Thorne letter of August 18, 1972), or (2) define the limitation sufficiently well so that we can understand it and if possible live with it. Depending on his reply, we may then have to reconsider the statement of the University's policy on human subjects or its implementation, in order to provide funding for the open-ended obligation of unknown but potentially large magnitude, stretching into the indefinite future, which I pointed out in my memo of September 6, 1972 to Vice President McCorkle (copy sent Dr. Powell).

We have prepared a draft letter to Mr. Thorne, enclosing Dr. Chalkley's letter, in which we have stated our understanding of Chalkley's letter, and have asked Thorne to review again whether AEC still believes that the University's policy goes far beyond DHEW's interpretation of DHEW policy. We have further asked him, if he disagrees, to define which costs he would then consider to be unallowable under the University's AEC contracts.

Your comments on this issue, on the Chalkley letter, and on our draft letter are requested.

1089758

Atts.

*John A. Perkins*  
John A. Perkins

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DIRECTOR'S OFFICE  
BOSTON  
MAR 20 1973

3/27/73 - Cy. to J. L. Born

HUMAN SUBJECTS I  
HISTORICAL 1972-1975