

AUG 19 1988

Dr. E. Neville Pugh  
Metallurgy Division  
National Bureau of Standards  
Gaithersburg, MD 20899

Dear Dr. Pugh:

Your letter of 15 July 1988 advises that Lawrence Livermore National Laboratory plans to establish a Peer Review Panel and that you have been invited to serve on this Panel. The tasks will be to evaluate criteria that will be used by LLNL for selection of materials used for high-level waste containers and subsequently to review materials actually selected with the aid of these criteria. If you served on this Panel, you would be in the position of advising (ultimately) the DOE on what materials to test, and perhaps even to rank the materials tested. Your commitments to the NRC under FIN A4171 would require you to advise the NRC also as to the suitability of materials selected by the DOE for testing and construction of waste packages.

In the opinion of our Office of General Counsel such service would constitute a conflict of interest, and in particular could bring into question the validity of conclusions based on your advice to the NRC.

Our Contracts Division has accordingly made the determination that such service is precluded by NBS agreements with the NRC. We understand that you may be disappointed in having to decline this opportunity, but we hope you will appreciate the sensitive nature of this project. We wish to thank you for calling this matter to our attention in a timely manner in accordance with the terms of these agreements.

Sincerely,

*RS*  
Ronald L. Ballard, Chief  
Technical Review Branch  
Division of High-Level Waste Management, NMSS

cc: CHPeterson, HLTR

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*[Signature]*  
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Technical Review Branch  
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Management

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