

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of	)	
	)	
PACIFIC GAS AND ELECTRIC COMPANY	)	Docket Nos. 50-275 O.L.
	)	50-323 O.L.
(Diablo Canyon Nuclear Power	)	
Plant, Units 1 and 2)	)	(Reopened Hearing --
	)	Design Quality
	)	Assurance)

DECLARATION OF JOEL REYNOLDS  
IN OPPOSITION TO PACIFIC GAS  
AND ELECTRIC COMPANY'S MOTION TO COMPEL

I, Joel Reynolds, declare and say:

1. I am one of the attorneys for the Joint Intervenors in the Diablo Canyon Nuclear Power Plant ("Diablo Canyon") licensing proceeding.

2. In March of this year, we received a series of phone calls from an anonymous informant claiming to work for the Diablo Canyon Project. During the course of those calls, the informant communicated eight specific allegations regarding the design of Diablo Canyon and PGandE's actions with respect to that design, which allegations, if true, suggest potential violations of law. The informant emphasized the need for confidentiality and urged us to communicate the information to responsible but trustworthy government officials.

3. On March 28, 1983, Mr. David Fleischaker and I communicated the allegations by telephone and letter (see attached) to Darrell Eisenhut, NRC Director of Licensing, and

urged him to give the allegations his prompt attention. As far as we know, the NRC is continuing its investigation and analysis of those allegations.

4. Since that time, we have received further communications from the informant, urging us to contact responsible government officials other than the NRC and supplementing the information previously provided concerning the eight allegations. The informant has repeatedly expressed the fear that, if such information is disclosed to PGandE and/or the Diablo Canyon Project, his/her identity will be disclosed and s/he will be subject to retaliation. It is my opinion as well that, given the specificity of the information, its disclosure could very likely lead to the discovery of his/her identity.

5. All information provided to us has been promptly passed along to the Office of the Chairman of the House Committee on Interior and Insular Affairs and the House Subcommittee on Energy and the Environment and from there to the United States Department of Justice. We have at all times been acting solely as a conduit for the information provided by the anonymous informant to responsible government officials. Our actions in that capacity have been taken consistent with the expressed instruction of the anonymous informant.

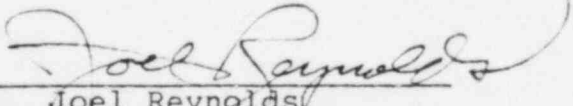
6. On July 28, 1983, I was explicitly requested by the United States Department of Justice, Criminal Division, through its Deputy Chief for Litigation, that we not disclose the information received by the Justice Department from the informant through us, because to do so might cause disclosure of

the identity of the informant and, as a result, retaliation against him/her. The basis for nondisclosure cited was the informer's privilege and the fact that compelling disclosure by us, as the conduit for information, would in effect undermine the privilege and its recognized purpose to encourage cooperation with government agencies by informants. Such disclosure would discourage informants from coming forward with information if they fear disclosure of their identity through discovery in civil litigation or administrative proceedings. I committed on behalf of the Joint Intervenors that we would assert the informer's privilege pursuant to and consistent with the foregoing request.

8. It is my opinion that disclosure of the information requested by PGandE would seriously endanger the informant by significantly increasing the probability that his identity would be disclosed. Such a result would contravene the public interest in securing accurate information from cooperative informants. I believe that if the informant fears loss of anonymity followed by retaliation for his/her disclosure of information against the interests of the Diablo Canyon Project, s/he will no longer be willing to provide such information to the government. Thus, the principle underlying the privilege is clearly applicable here.

Executed this 29th day of July, 1983, at Los Angeles, California.

I declare under penalty of perjury that the foregoing is true and correct.

  
Joel Reynolds

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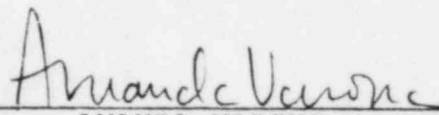
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