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United States
Nuclear Regulatory Commission
Office of Inspection and Enforcement
Washington, D.C. 20555

November 9, 1979

IE Information Notice No. 79-12A

ATTEMPTED DAMAGE TO NEW FUEL ASSEMBLIES

This notice provides supplemental information concerning the identification and conviction of the persons responsible for the introduction of a possibly damaging substance to the new fuel stored at the Virginia Electric and Power Company's Surry Power Station in Surry County, Virginia.

Investigation of this incident by the FBI culminated in the surrender of William E. Kuykendall and James A. Merrill, Jr., both VEPCO employees at that time, to Surry County authorities on June 19, 1979.

A Grand jury hearing was held in Surry, Virginia on July 24, 1979. The certified charges of breaking and entering with intent to damage electrical facilities (felony), and willful destruction of utility company equipment (felony) were returned on a true bill for trial. An earlier charge for willful damage (misdemeanor) which had not been certified to the grand jury was reapplied, certified and returned on a true bill for trial. Two additional charges against both men were introduced for conspiracy regarding the two felonies and returned on a true bill for a total of four felonies and one misdemeanor against each man.

Trial commenced on October 10, 1979 in the Circuit Court, Surry County, Virginia. The presiding judge ruled that the prosecution failed to supply sufficient evidence to support the charges of conspiracy, breaking and entering, and damage to property as a misdemeanor. The primary reason for dropping the charges was that the subjects had been authorized unescorted access to Vital Areas by VEPCO. On October 17, 1979, the jury returned a verdict of guilty (both Kuykendall and Merrill) for violation of Virginia Code 18.2-162 (Intentional damage to a facility which furnishes electric service to the public) and set punishment as two (2) years in the State Penitentiary for both subjects, the minimum sentence provided by law.

This Information Notice is provided to inform licensees of a possibly significant matter. It is expected that recipients will consider dissemination of the information to all persons working at their licensed facilities. If you have questions regarding this matter, please contact the Director of the appropriate NRC Regional Office.

No written response to this Information Notice is required.

RECENTLY ISSUED
IE INFORMATION NOTICES

Information Notice No.	Subject	Date Issued	Issued To
79-26	Breach of Containment Integrity	11/5/79	All power reactor facilities holding OLs and CPs
79-25	Reactor Trips At Turkey Point Unit 3 And 4	10/1/79	All power facilities with an OL or a CP
79-24	Overpressurization Of Containment Of A PWR Plant After A Main Stream Line Break	9/28/79	All power reactor facilities with a CP
79-23	Emergency Diesel Generator Lube Oil Coolers	9/25/79	All power reactor facilities holding OLs and CPs
79-22	Qualification of Control Systems	9/14/79	All power reactor facilities with operating licenses and construction permits.
79-21	Transportation and Commercial Burial of Radioactive Material	9/7/79	All power and research reactors with OL's
79-20	NRC Enforcement Policy NRC Licensed Individuals	8/10/79	All Holders of Reactor OLs and CPs and Production Licensees with Licensed Operators
79-19	Pipe Cracks In Stagnant Borated Water Systems At PWR Plants	7/17/79	All Holders of Reactor OLs and CPs
79-18	Skylab Reentry	7/5/79	All Holders of Reactor OLs
79-17	Source Holder Assembly Damage From Misfit Between Assembly and Reactor Upper Grid Plate	6.20/79	All Holders of Reactor OLs and CPs
79-16	Nuclear Incidnet at Three Mile Island	6/22/79	All Research Reactors and Test Reactors with OLs