



RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST

2016-0579

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RESPONSE TYPE INTERIM FINAL

REQUESTER:

Michael Lucibella

DATE:

07/26/2016

DESCRIPTION OF REQUESTED RECORDS:

All files/documents related to the sabotage incident at the Surry VA nuclear power plant, where in early May 1979 sodium hydroxide was discovered sprinkled on the fuel rods, and subsequent prosecution of William Kuykendall and James Merrill, VEPCO employees who admitted to the crime.

PART I. -- INFORMATION RELEASED

- Agency records subject to the request are already available in public ADAMS or on microfiche in the NRC Public Document Room.
- Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

PART I.A -- FEES

AMOUNT*

\$

*See Comments for details

- You will be billed by NRC for the amount listed.
- None. Minimum fee threshold not met.
- You will receive a refund for the amount listed.
- Fees waived.

PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE

- We did not locate any agency records responsive to your request. *Note:* Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"). 5 U.S.C. 552(c). This is a standard notification given to all requesters; it should not be taken to mean that any excluded records do, or do not, exist.
- We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.
- Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.
- You may appeal this final determination within 30 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or FOIA.Resource@nrc.gov. Please be sure to include on your letter or email that it is a "FOIA Appeal."

PART I.C COMMENTS (Use attached Comments continuation page if required)

The incoming FOIA request will be made available in public ADAMS as ML#16193A025. Records with an ML accession number are publicly available in the NRC's public Electronic Reading Room at <http://www.nrc.gov/reading-rm.html>. If you need assistance in obtaining these records, please contact the NRC's Public Document Room (PDR) at 301-415-4737, or 1-800-397-4029, or by email to PDR.Resource@nrc.gov. We tasked Region II, Office of Nuclear Reactor Regulation (NRR), and Office of Investigations (OI) to search for responsive records; perhaps due to their age, none were located. We also asked our Records Management (RM) staff to search files retired to the Federal Records Centers, but based on the description of the records, the RM staff was unable to locate records either.

SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER

Nina Argent (Acting) Nina Argent