

JAN 12 1981

E6M-81-03

MEMORANDUM FOR: J. P. O'Reilly, Director  
Region II

FROM: Dudley Thompson, Director  
Enforcement and Investigations, IE

SUBJECT: SELECTION OF SEVERITY LEVEL

Your memoranda on this subject dated December 24 and 29, 1980 have been discussed with cognizant staff in headquarters and the results communicated to Mr. Upright, of your staff. The results are summarized below.

Because the successor user was determined to be technically competent and the leak tests had been conducted, we concur in your proposed assignment of Severity Level V in the Caribbean Gulf Refining case.

We do not concur with downgrading the Severity Level for the Browns Ferry security case, because essentially all of the crucial elements of access control failed to detect entry of the individual involved. The fact that this case was benign was fortunate. The question of whether a malevolent intruder might have gained entry under these conditions is, of course, conjectural. However, we agree that there appears to be sufficient mitigation to warrant not proposing a civil penalty, even though the violation is properly a Severity Level III. DRSI and ELD concur in this view.

In the Browns Ferry case, we agree that regional action is appropriate, rather than a headquarters Notice of Violation. The cover letter should note that in spite of the severity level assigned, you have determined that imposition of a civil penalty is inappropriate and that IE headquarters agrees.

Original signed by  
Dudley Thompson

Dudley Thompson, Director  
Enforcement and Investigations  
Office of Inspection and Enforcement

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EI:D                      SRSI:D                      ELD                      IE:DD  
DThompson/bts      HThornburg      JLieberman      RDYoung

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