



Department of Energy

Washington, DC 20585

December 4, 2015

Mr. Eric Baumack
Senior Project Manager
Construction Consultants L.I., Inc.
36 East 2nd Street
Riverhead, New York 11901

WEL-2015-05

Dear Mr. Baumack:

The Office of Enterprise Assessments' Office of Enforcement has completed an investigation into an electrical shock incident involving a worker employed by a subcontractor to Construction Consultants L.I., Inc. (CCLI) at the Brookhaven National Laboratory (BNL). CCLI is a first-tier subcontractor to Brookhaven Science Associates, LLC (BSA), which is the Department of Energy's (DOE) prime contractor responsible for BNL operations. The shock occurred due to a pre-existing electrical condition in an electrical outlet while the CCLI subcontractor worker performed structural repairs at the 220-foot elevation of a 280 foot meteorological tower. The work performed at BNL by CCLI and the second-tier subcontractor was governed by DOE regulations codified at 10 C.F.R. Part 851, *Worker Safety and Health Program*. Based on this evaluation, the Office of Enforcement identified concerns that warrant management attention by CCLI.

The Office of Enforcement's investigation confirmed the accuracy of BSA's determination that the radio frequency (RF) transmitters on the tower were not de-energized, and that there was a potential for subcontractor workers to be exposed to RF radiation above the American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values (TLV) (2005). The ACGIH TLV standards are invoked by Part 851 as enforceable requirements.

DOE identified several potential deficiencies with Part 851 requirements that warrant management attention by CCLI, including the following:

- CCLI did not ensure that its subcontractor adopted measures to control potential RF exposure from the tower transmitters. RF transmitters were not de-energized in accordance with controls identified in the Phase Hazard Analysis, as required by BSA's DOE-approved worker safety and health program.
- CCLI did not ensure that its subcontractor employees wore RF monitoring devices when the RF tower's transmitters were energized, as required in the PHA.



- CCLI did not develop and implement written procedures for assessing non-ionizing radiation exposure to the subcontractor's employees in accordance with the TLVs for RF radiation.

The Office of Enforcement has elected to issue this Enforcement Letter to convey the foregoing concerns about the adequacy of the worker protection measures implemented by CCLI and its subcontractor. Issuance of this Enforcement Letter reflects DOE's decision to not pursue further enforcement activity against CCLI at this time. In coordination with DOE's Office of Science, the Office of Enforcement will continue to monitor CCLI's compliance with Part 851 safety and health requirements at DOE sites.

This letter imposes no requirements on CCLI and no response is required. If you have any questions, please contact me at (301) 903-7707, or your staff may contact Mr. Kevin Dressman, Director, Office of Worker Safety and Health Enforcement, at (301) 903-0100.

Sincerely,



Steven C. Simonson
Director
Office of Enforcement
Office of Enterprise Assessments

cc: Doon Gibbs, BSA
Charles Dimino, BSA
Frank Crescenzo, SC-BHSO