



Department of Energy
Office of Science
Brookhaven Site Office
P.O. Box 5000
Upton, New York 11973

Dr. John Hill
Interim Laboratory Director
Brookhaven Science Associates, LLC
Brookhaven National Laboratory
Upton, New York 11973

Dear Dr. Hill:

**SUBJECT: ASSIGNMENT OF AUTHORITY HAVING JURISDICTION
RELATED OPERATIONAL RESPONSIBILITIES FOR ELECTRICAL
SAFETY AT BROOKHAVEN NATIONAL LABORATORY**

References: 1. 2020 National Electrical Code, NFPA-70 (2A) Article 80.13,
Informative Annex H (2B) Article 90.4
2. Standard for Electrical Safety in the Workplace (NFPA-70E-2021)
3. 10 CFR Part 851, *Worker Safety and Health Program*
4. DOE Order 420.1C, Chg 3 (LtdChg), *Facility Safety*

10 Code of Federal Regulations Part 851, *Worker Safety and Health Program*, Appendix A, Paragraph 10 requires the management and operating contractor of Brookhaven National Laboratory (BNL) to implement a comprehensive electrical safety program that complies with National Fire Protection Association (NFPA)-70 (otherwise known as the National Electric Code [NEC]) and the Standard for Electrical Safety in the Workplace (NFPA-70E). Additionally, Department of Energy (DOE) Order 420.1C, *Facility Safety*, requires the DOE Head of Field Element to fulfill the roles and responsibilities of the Authority Having Jurisdiction (AHJ) for matters involving Electrical Safety. Although the AHJ role is an inherently Federal function, due to their nature, AHJ-related operational responsibilities are not considered inherently Federal functions and are typically assigned to and performed by contractor staff who are experienced professionals, as further specified by DOE Order 420.1C.

Therefore, I am assigning Mr. Patrick Doutney to act as DOE's representative for electrical safety AHJ-related operational responsibilities at BNL. These 16 AHJ related operational responsibilities are described in Article 80.13 of the 2020 NEC, Informative Annex H. The Electrical Safety AHJ function for implementation is further described in Article 90.4 of the NEC, which includes the responsibility for making interpretations of the Code, provided the chosen alternative methods are deemed equivalent to maintaining effective safety.

In general, the assigned AHJ-related responsibilities include enforcing the requirements of the NFPA-70 and NFPA-70E codes and standards and approving equipment, materials, installation, or procedures. DOE retains the right to override decisions of the contractor, including the interpretation and application of DOE orders, guides, standards, and mandatory codes and standards. Variances, Exemptions, Equivalencies, and Alternative Approaches shall be coordinated with BHSO and submitted to DOE for approval.

Appropriate level of training, qualifications, and organizational independence are critical to execute the AHJ-related responsibilities. If at any time Mr. Doutney believes that he cannot adequately carry out these responsibilities, he must immediately inform BHSO. Any organizational changes affecting Mr. Doutney shall be submitted to BHSO within 14 calendar days of the change with an assurance that his independence in performing the AHJ-related responsibilities has not been impacted.

This assignment supersedes prior delegations or assignments and will continue until rescinded, amended, or superseded in writing. Please contact Robert Siebelts at extension 2034 with any questions.

Sincerely,

Craig R. Ferguson
Acting Site Manager

cc: G. Olson, SC-BHSO
J. Serra, SC-CTA
S. Tabone, SC-BHSO
R. Siebelts, SC-BHSO

T. Daniels, BSA
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