

Variance to 10 CFR 851 for Office of Nuclear Energy (NE)

NE has been granted a permanent variance that would enable NE contractors to follow the requirements in proposed 10 CFR 851.46 as follows:

§ 851.46 Direction to contractors operating under Office of Nuclear Energy responsibility.

- (a) This section applies only to DOE sites under DOE's Office of Nuclear Energy responsibility, including nuclear facilities authorized by DOE's Office of Nuclear Energy.*
- (b) Notwithstanding any other provision of this part, the following provisions do not apply to facilities covered by paragraph (a) of this section:*
 - (1) Section 851.11(b) and any other requirements in § 851.11(a) and (c) of this part requiring approval by DOE of the contractor's worker safety and health programs and updates;*
 - (2) Section 851.23(a)(9), (10), and (12);*
 - (3) Section 851.24;*
 - (4) Section 851.27(b), (c)(1), and (c)(2); and*
 - (5) Subpart D.*
- (c) Notwithstanding any other provision of this part, the following provisions apply to facilities covered by paragraph (a) of this section:*
 - (1) Appendix A to this part is applicable only as guidance, not as a requirement;*
 - (2) Variances to any requirement of this part are to be submitted to, and require the approval of the cognizant Head of DOE Field Element or DOE employee with authority to approve the relevant safety basis, as applicable; and*
 - (3) Any enforcement action taken under this part must be performed after consultation with the cognizant Head of DOE Field Element or DOE employee with authority to approve the relevant safety basis, as applicable.*