
ES-204
PROCESSING WAIVERS REQUESTED BY
REACTOR OPERATOR AND SENIOR REACTOR OPERATOR APPLICANTS

A. PURPOSE

This standard provides guidance concerning the processing of waivers requested by reactor operator (RO) and senior reactor operator (SRO) license applicants at power reactor facilities.

B. BACKGROUND

In accordance with 10 CFR 55.35, "Reapplications," and 10 CFR 55.47, "Waiver of Examination and Test Requirements," an applicant may request to be excused from a written examination or an operating test. The NRC may waive any or all of the examination requirements if it determines that the applicant has presented sufficient justification. In an effort to expedite the resolution of applicant requests, the Office of Nuclear Reactor Regulation (NRR) has delegated the authority to grant routine waivers of certain operator licensing requirements to the NRC regional offices.

C. RESPONSIBILITIES

1. Applicant/Facility Licensee

- a. An applicant may request a waiver of a license requirement by checking the appropriate block in Item 4.f on NRC Form 398, "Personal Qualifications Statement - Licensee." The applicant should also explain the basis for requesting the waiver in Item 17, "Comments."
- b. The facility licensee's senior management representative on site must certify the final license application, thereby substantiating the basis for the applicant's waiver request.
- c. Facility licensees having units designed by the same nuclear steam supply system vendor and operated at approximately the same power level may request dual licensing for their operators. Similarly, if the units of a multi-unit facility are nearly identical, the facility licensee may request a waiver of the examination requirements for the second and subsequent units.

In either case, the facility licensee must justify to the NRC that the differences between the units are not so significant that they could affect the operator's ability to operate each unit safely and competently. Further, the facility licensee must submit for NRC review the details of the training and certification program. The analysis and summary of the differences on which the applicants must be trained will include the following, as applicable:

- facility design and systems relevant to control room personnel
- technical specifications
- procedures (primarily abnormal and emergency operating)

- control room design and instrument location
- operational characteristics
- administrative procedures related to conduct of operations at a multi-unit site (e.g., shift manning and response to accidents and fires)
- the expected method of rotating personnel between units and the refamiliarization training to be conducted before an operator assumes responsibility on a new unit

2. NRC Regional Office

- a. The regional office will evaluate waiver requests on a case-by-case basis against the waiver criteria discussed in Section D of this ES.
- b. The regional office may grant routine waivers identified in Section D.1 without first obtaining concurrence from the NRR operator licensing program office.

However, waivers of experience requirements, completion of training, or completion of examinations (e.g., the generic fundamentals examination) not specifically identified in Section D.1 must be approved by NRR. The regional office should evaluate the waiver request and forward its approval recommendation to the NRR operator licensing program office for concurrence.

The region does not require written concurrence from NRR to deny an applicant's waiver request, but it should discuss its decision with the operator licensing program office before informing the applicant; formal concurrence may be desirable in some cases.

- c. If additional information is required to reach a decision on the waiver request, the region shall generally request the necessary information from the facility licensee in accordance with ES-202.
- d. Upon deciding to grant or deny a waiver, the regional office shall promptly notify the applicant in writing concerning the disposition of the request, including an explanation for the denial. If time is too short to notify the applicant in writing before the examination date, the regional office shall notify the facility training representative by telephone concerning the disposition of the waiver request and provide a follow-up written response to the applicant. The regional office shall include the NRR operator licensing program office on distribution for all waiver disposition letters.
- e. The region shall document the disposition of every waiver request, whether granted or denied, by completing the block designated "For NRC Use" on the applicant's NRC Form 398 and by entering the data in the operator licensing tracking system (OLTS).

- f. NRC examiners assigned to a particular examination will be notified of approved waivers by the appropriate regional supervisor and by an entry on the examination assignment sheet (ES-202, Attachment 4).
- g. If the applicant is determined to be ineligible to take the licensing examination, the regional office shall issue a denial letter in accordance with ES-202.

D. WAIVER CRITERIA

1. Routine Waivers

- a. If an applicant fails *only* the written examination or *one* category of the operating test, the region may waive those examination areas (categories) that were passed. This is only applicable for the first retake examination and only if it takes place within one year of the date on which the denial of the original application became final.
- b. The region may waive training requirements specified in the final safety analysis report (FSAR) when the FSAR authorizes waiver of those specific requirements and the applicant otherwise meets NRC requirements (e.g., waiver of some training requirements for applicants previously licensed at a comparable facility).
- c. The medical data in support of NRC Form 396 are normally good for six months from the date of the medical examination for a person applying for an RO or an SRO instant license. For reapplications following a license denial or withdrawal of an application, waivers extending the six-month period may be granted if the date of the original medical examination is within 24 months of the anticipated licensing date and Item 17, "Comments," of NRC Form 398 certifies that the applicant has not developed any physical or mental condition that would be reportable under 10 CFR 55.25. For renewal and SRO upgrade applicants, the medical examination documented on NRC Form 396 is good for two years from the date of the medical examination.
- d. Substitutions allowed by Regulatory Guide 1.8, Revision 23, are not considered to be waivers and, therefore, do not require approval. For example, substitution of related technical training for up to ~~two years~~ *one year* of experience for an SRO ~~or up to one year for an RO~~ is not a waiver. However, training for the examination applied for may not be counted as related technical training.
- e. If the facility licensee certifies that the applicant has successfully completed a training program accredited by the Institute of Nuclear Power Operations using an acceptable simulation facility, the region may waive the requirement for ten startups on a research reactor typically required by NRC-approved cold license training programs.

- f. For those ~~facilities~~ *applicants* unable to meet the requirement for six weeks on shift at greater than 20 percent power (because of extended plant shutdowns or other extraordinary circumstances), this requirement may be waived upon application if the following criteria are satisfied:
- (1) Facility training objectives for the desired licensed position have been developed using a properly validated job and task analysis (JTA).
 - (2) The facility licensee's training program is based on a systems approach to training (SAT) using the five elements defined in 10 CFR 55.4.
 - (3) The facility licensee can accomplish the training objectives required for plant operation at greater than 20 percent power using a plant-referenced or NRC-approved simulation facility.
- g. If an operator was previously licensed at a facility and reapplies for a license at the same facility and license level, the region may, pursuant to 10 CFR 55.47, waive the requirement for the applicant to pass a written examination and an operating test if it finds that the applicant
- (1) previously discharged his or her responsibilities competently and safely and is capable of continuing to do so
 - (2) terminated participation in the facility licensee's requalification program less than two years before the date of the license application
 - (3) successfully completed "Additional Training," pursuant to 10 CFR 55.59(b), and a facility-prepared written examination and operating test which ensure that the applicant is up-to-date in the licensed operator requalification training program
 - (4) will successfully complete at least 40 hours of shift functions under the direction of an operator or senior operator, as appropriate, and in the position to which the applicant will be assigned (see 10 CFR 55.53(f)) before being assigned to licensed duties
 - (5) complies with the requirements of 10 CFR 55.31
- h. If an applicant at a facility that has completed preoperational testing is unable to perform the five significant control manipulations required by 10 CFR 55.31(a)(5) because of an extended shutdown, the region may process the application, administer the examination, and issue a conditional license that is only valid with the reactor in cold shutdown and refueling. The region will not remove the license condition until the facility licensee supplies the required evidence that the applicant has successfully completed the control manipulations (refer to ES-501). Situations other than those specified in the regulation may require an exemption and must be processed through the NRR operator licensing program office.

- i. The region may authorize a facility licensee to defer completion of the following specific experience and training guidelines until after the licensing examination is passed. The facility licensee must provide evidence that the deferred items have been completed before the region will issue the license (refer to ES-501).*
- (1) Up to six months of the three years (responsible nuclear) power plant experience for an RO (or an SRO), but not to exceed two months of year on-site experience for an RO and one month of the six for an SRO.*
 - (2) Up to two months of the year actively performing duties as a licensed RO at the facility for which an SRO upgrade license is sought.*
 - (3) Up to one month of the three spent as an extra RO or SRO on-shift in training.*

2. Examination Waivers for Previously Licensed Operators at Comparable Facilities

Depending on the justification provided by the applicant and the facility licensee, NRR will consider examination waivers for operators who were previously licensed at a comparable facility. Pursuant to 10 CFR 55.47, the Commission may waive any or all requirements for a written examination and operating test.

3. Multi-Unit Examination Waivers

- a. Generally, personnel will *not* be examined on or allowed to hold licenses for "different units" simultaneously. "Different units" owned or managed by a single facility licensee are defined for purposes of this standard as follows:
- units having the same vendor but significantly different age and/or power level (e.g., Dresden Units 1 and 2)
 - units having the same vendor and similar design but different locations (e.g., Sequoyah and Watts Bar, Byron and Braidwood)
 - units having different vendors (PWR only) but located on the same site (e.g., Arkansas Units 1 and 2, Millstone Units 2 and 3)

NRR may authorize a limited senior reactor operator (LSRO) to be licensed at multiple sites, provided that the units are manufactured by the same vendor and are of similar design. The applicant must pass an examination that addresses the differences in the designs, procedures, technical data, and administrative controls of the separate facilities for which the license is being sought.

- b. With regard to the examination requirements for "identical" second or subsequent units at the same site, NRR may waive any or all requirements for a written examination and operating test if it finds that the applicant meets the criteria specified in 10 CFR 55.47, as noted in Item D.2 above. If the situation warrants, the Commission may impose other examination requirements, such as NRC-administered operating tests and written examinations concerning the plant differences.

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