

Nuclear Regulatory Commission

§ 55.31

(b) Under the direction and in the presence of a licensed senior operator, manipulates the controls of a facility to load or unload the fuel into, out of, or within the reactor vessel.

Subpart C—Medical Requirements

§ 55.21 Medical examination.

An applicant for a license shall have a medical examination by a physician. A licensee shall have a medical examination by a physician every two years. The physician shall determine that the applicant or licensee meets the requirements of § 55.33(a)(1).

§ 55.23 Certification.

To certify the medical fitness of the applicant, an authorized representative of the facility licensee shall complete and sign Form NRC-396, "Certification of Medical Examination by Facility Licensee," available from Records and Reports Management Branch, Division of Information Support Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(a) Form NRC-396 must certify that a physician has conducted the medical examination of the applicant as required in § 55.21.

(b) When the certification requests a conditional license based on medical evidence, the medical evidence must be submitted on NRC Form 396 to the Commission and the Commission then makes a determination in accordance with § 55.33.

[52 FR 9460, Mar. 25, 1987, as amended at 53 FR 43421, Oct. 27, 1988]

§ 55.25 Incapacitation because of disability or illness.

If, during the term of the license, the licensee develops a permanent physical or mental condition that causes the licensee to fail to meet the requirements of § 55.21 of this part, the facility licensee shall notify the Commission, within 30 days of learning of the diagnosis, in accordance with § 50.74(c). For conditions for which a conditional license (as described in § 55.33(b) of this part) is requested, the facility licensee shall provide medical certification on

Form NRC 396 to the Commission (as described in § 55.23 of this part).

[60 FR 13617, Mar. 14, 1995]

§ 55.27 Documentation.

The facility licensee shall document and maintain the results of medical qualifications data, test results, and each operator's or senior operator's medical history for the current license period and provide the documentation to the Commission upon request. The facility licensee shall retain this documentation while an individual performs the functions of an operator or senior operator.

Subpart D—Applications

§ 55.31 How to apply.

(a) The applicant shall:

(1) Complete Form NRC-398, "Personal Qualification Statement—Licensee," available from Records and Reports Management Branch, Division of Information Support Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555;

(2) File an original and two copies of Form NRC-398, together with the information required in paragraphs (a)(3), (4), (5) and (6) of this section, with the appropriate Regional Administrator;

(3) Submit a written request from an authorized representative of the facility licensee by which the applicant will be employed that the written examination and operating test be administered to the applicant;

(4) Provide evidence that the applicant has successfully completed the facility licensee's requirements to be licensed as an operator or senior operator and of the facility licensee's need for an operator or a senior operator to perform assigned duties. An authorized representative of the facility licensee shall certify this evidence on Form NRC-398. This certification must include details of the applicant's qualifications, and details on courses of instruction administered by the facility licensee, and describe the nature of the training received at the facility, and the startup and shutdown experience received. In lieu of these details, the Commission may accept certification that the applicant has successfully

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completed a Commission-approved training program that is based on a systems approach to training and that uses a simulation facility acceptable to the Commission under § 55.45(b) of this part;

(5) Provide evidence that the applicant, as a trainee, has successfully manipulated the controls of the facility for which a license is sought. At a minimum, five significant control manipulations must be performed which affect reactivity or power level. For a facility that has not completed preoperational testing and initial startup test program as described in its Final Safety Analysis Report, as amended and approved by the Commission, the Commission may accept evidence of satisfactory performance of simulated control manipulations as part of a Commission-approved training program by a trainee on a simulation facility acceptable to the Commission under § 55.45(b) of this part. For a facility which has (i) completed preoperational testing as described in its Final Safety Analysis Report, as amended and approved by the Commission, and (ii) is in an extended shutdown which precludes manipulation of the control of the facility in the control room, the Commission may process the application and may administer the written examination and operating test required by §§ 55.41 or 55.43 and 55.45 of this part, but may not issue the license until the required evidence of control manipulations is supplied. For licensed operators applying for a senior operator license, certification that the operator has successfully operated the controls of the facility as a licensed operator shall be accepted; and

(6) Provide certification by the facility licensee of medical condition and general health on Form NRC-396, to comply with §§ 55.21, 55.23 and 55.33(a)(1).

(b) The Commission may at any time after the application has been filed, and before the license has expired, require further information under oath or affirmation in order to enable it to determine whether to grant or deny the application or whether to revoke, modify, or suspend the license.

(c) An applicant whose application has been denied because of a medical

condition or general health may submit a further medical report at any time as a supplement to the application.

(d) Each application and statement must contain complete and accurate disclosure as to all matters required to be disclosed. The applicant shall sign statements required by paragraphs (a) (1) and (2) of this section.

[52 FR 9460, Mar. 25, 1987, as amended at 53 FR 43421, Oct. 27, 1988]

§ 55.33 Disposition of an initial application.

(a) *Requirements for the approval of an initial application.* The Commission will approve an initial application for a license pursuant to the regulations in this part, if it finds that—

(1) *Health.* The applicants medical condition and general health will not adversely affect the performance of assigned operator job duties or cause operational errors endangering public health and safety. The Commission will base its finding upon the certification by the facility licensee as detailed in § 55.23.

(2) *Written examination and operating test.* The applicant has passed the requisite written examination and operating test in accordance with §§ 55.41 and 55.45 or 55.43 and 55.45. These examinations and tests determine whether the applicant for an operator's license has learned to operate a facility competently and safely, and additionally, in the case of a senior operator, whether the applicant has learned to direct the licensed activities of licensed operators competently and safely.

(b) *Conditional license.* If an applicant's general medical condition does not meet the minimum standards under § 55.33(a)(1) of this part, the Commission may approve the application and include conditions in the license to accommodate the medical defect. The Commission will consider the recommendations and supporting evidence of the facility licensee and of the examining physician (provided on Form NRC-396) in arriving at its decision.

§ 55.35 Re-applications.

(a) An applicant whose application for a license has been denied because of