**74:21:02:37.  Restricted certificates due to plant or system reclassifications.** Within one year after a classification upgrading unrelated to a system or plant modification, the owner of a plant or system may request that its operator be granted a restricted certificate if the operator of the plant or system was certified so that the plant or system was in compliance with SDCL 34A-3 prior to its reclassification.

In considering the request, the secretary shall review the following:

(1)  The magnitude of the change;

(2)  The operator's training;

(3)  The operator's past performance; and

(4)  The recommendation of the board.

The secretary may grant or deny the request and shall notify the owner of the decision and the reasons therefor within 45 days. A restricted certificate granted pursuant to this section is valid only for the specified operator at the specified plant or system.

**Source:** 6 SDR 49, effective January 1, 1981; 12 SDR 209, effective July 7, 1986; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 27 SDR 53, effective December 4, 2000.

**General Authority:** SDCL 34A-3-24.

**Law Implemented:** SDCL 34A-3-3, 34A-3-4.