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**ES-502**  
**DENIALS OF APPLICATIONS**

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**A. Purpose**

This standard describes the options and associated responsibilities with respect to denials of application.

**B. Background**

Operator license applicants who are denied a license are notified of their denial in writing. The denial letter provides the reason for the denial and informs the applicant of his/her available response options. Applicants may reapply pursuant to the provisions of 10 CFR 55.35, "Re-Applications" and/or demand a hearing regarding the denial pursuant to 10 CFR 2.103(b). Additionally, if the denial of the application was due to failing to meet a health or experience/training requirement then he/she may reapply once the requirement is met.

**C. Responsibilities**

**1. Applicant**

- a. An applicant whose application has been denied may:
- (1) Immediately file another application if the application was denied due to failing to meet a health or experience/training requirement and the requirement is now met; or
  - (2) File a second application two months after the date of the letter denying the first application, file a third application six months after the date of the letter denying the second application, or file any subsequent reapplication 24 months after the date of the previous denial letter; and/or
  - (3) Demand a hearing regarding the denial within 20 days from the date of the denial letter pursuant to 10 CFR 2.103(b)(2). Under 10 CFR 2.307(a), the applicant may request an extension of this time limit if he/she can show good cause. A demand for a hearing shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR Part 2, a current copy of which is accessible electronically from the NRC Library on the NRC's Web site at <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. Generally, a demand for a hearing should explain why the applicant believes that the NRC's denial of his/her application was in error and why the applicant believes that he/she has, in fact, satisfied the requirements for license issuance. Applicants must submit such requests electronically in accordance with the requirements of 10 CFR 2.302, "Filing of documents." Detailed guidance on making electronic submissions may be found on the NRC Web site at <http://www.nrc.gov/site-help/e-submittals.html>.

**2. Facility Licensee**

- a. The NRC may ask the facility licensee to provide reference materials, technical support, and (if the facility licensee prepared the examination) a confirmation of the validity of the test items, as necessary for the NRC to resolve any concerns raised by a license applicant .
- b. The facility licensee should ensure that any written examination questions that are determined to be invalid (e.g., those that have no or multiple correct answers) are retrieved from any examination bank into which they have been deposited and corrected or discarded.

**3. NRC**

- a. The NRC will conduct 10 CFR Part 55 operator licensing hearings in accordance with 10 CFR Part