### **Letter 5.1-4 Sample Denial Letter**

*NRC Letterhead*

[Date]

[Applicant’s Name]

[Street Address]

[City, State Zip Code]

Dear [Mr./Ms. Applicant’s name]:

[By letter dated [date], the U.S. Nuclear Regulatory Commission (NRC) informed you of the preliminary results of the [operating test, written examination, or operating test and written examination] taken by you on [date(s)], in connection with your application for a [reactor operator, senior reactor operator, or limited senior reactor operator] license for the [facility name]. That letter indicated that you did not pass that [test, examination, or test and examination]. In response, [you did not, within 20 days of the date of that letter, provide additional information to the NRC and request that the NRC staff conduct an informal review of the preliminary results in light of that information] [you requested that the NRC issue you a letter denying your license application without delay]. Consequently, the preliminary results of your [operating test, written examination, or operating test and written examination] now become the final results and a denial of your license application.]

Under Title 10 of the *Code of Federal Regulations* (10 CFR) 55.33, “Disposition of an initial application,” the NRC will approve an initial application for [a reactor operator license/a senior reactor operator license] if it finds that (1) the applicant’s 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 and (2) the applicant has passed the requisite written examination and operating test. Your application was denied because the NRC determined that [, considering the recommendations and supporting evidence of the facility licensee and of the examining physician, you do not satisfy the health requirement/you did not pass [the written examination/the operating test/either the written examination or the operating test].

\* Under 10 CFR 55.31(c), you may submit a further medical report at any time as a supplement to your application.

\*\* Under 10 CFR 55.35, “Re-applications,” you may file a new application [2/6/24] months after the date of this letter.

[Because you passed the written examination but did not pass the operating test, you may request, in the new application, to be excused from reexamination on the written examination. The NRC may grant this request at the agency’s discretion if it determines that sufficient justification is presented.]

[Because you passed the operating test but did not pass the written examination, you may request, in the new application, to be excused from reexamination on the operating test. The NRC may grant this request at the agency’s discretion if it determines that sufficient justification is presented.]

[Because you passed the written examination and the (administrative topics, control room/in‑plant systems, simulator) part of the operating test but did not pass the remainder of the operating test, you may request, in the new application, to be excused from reexamination on the written examination and the (administrative topics, control room/in‑plant systems, simulator) part of the operating test. The NRC may grant this request at the agency’s discretion if it determines that sufficient justification is presented.]

[Because you did not pass either the written examination or the operating test, you will be required to retake both the written examination and the operating test.]

Under 10 CFR 2.103(b)(2), you may demand a hearing on this denial of your application within 20 days after the date of this letter. Under 10 CFR 2.307(a), you may request an extension of this time limit if you can show good cause.

A demand for a hearing shall be filed in accordance with 10 CFR Part 2, “Agency rules of practice and procedure,” which is accessible electronically from the NRC Library on the NRC’s Web site at <https://www.nrc.gov/reading-rm/doc-collections/cfr/>. Generally, a demand for a hearing should explain why you believe that the NRC’s denial of your application was in error and why you believe that you have, in fact, satisfied the requirements for license issuance.

[Consult with the Office of the General Counsel/regional counsel for the most up‑to‑date E‑Filing language.]

A demand for a hearing must be filed in accordance with the NRC’s E‑Filing rule (Volume 72 of the *Federal Register*, page 49139; August 28, 2007). The E‑Filing process requires participants to submit and serve all adjudicatory documents over the Internet, or in some cases, to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC Web site at <https://www.nrc.gov/site-help/e-submittals.html>. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E‑Filing, at least 10 days before the filing deadline, the participant should contact the Office of the Secretary by e‑mail at [hearing.docket@nrc.gov](mailto:hearing.docket@nrc.gov) or by telephone at 301‑415‑1677 to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E‑Filing system for any proceeding in which it is participating and (2) advise the Secretary that the participant will be submitting a demand for a hearing. Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC’s public Web site at <https://www.nrc.gov/site-help/e-submittals/getting-started.html>. Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a demand for a hearing. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC’s public Web site at <https://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC’s E‑Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. eastern time on the due date. Upon receipt of a transmission, the E‑Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC’s Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents through the E-Filing system.

A person filing electronically using the NRC’s adjudicatory E-Filing system may seek assistance by contacting the NRC’s Electronic Filing Help Desk through the “Contact Us” link located on the NRC’s public Web site at <https://www.nrc.gov/site-help/e-submittals.html>, by e‑mail to MSHD.Resource@nrc.gov, or by a toll-free call at 1‑866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m. eastern time, Monday through Friday, excluding Federal Government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by (1) first-class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff, or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, MD 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC’s electronic hearing docket, which is available to the public at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click “cancel” when the link requests certificates and you will be automatically directed to the NRC’s electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

If you have any questions, please contact me at [telephone number].

Sincerely,

[Name], Chief

[Branch]

[Division]

Docket No.: 55‑[number]

Enclosure: As stated

cc w/o enclosure: Senior Facility Licensee Representative

cc w/enclosure: Facility Licensee Training Manager

**CERTIFIED MAIL—RETURN RECEIPT REQUESTED**

\* Use for application denials for failure to meet the health requirement.

\*\* Use for application denials for failure to pass the written examination or operating test, or both.