

4731.1070 INSPECTION NOT WARRANTED; INFORMAL REVIEW.**Subpart 1. Review of inspection denial.**

A. If the Radioactive Materials Unit supervisor determines, with respect to a complaint under part 4731.1060, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the supervisor must notify the complainant in writing of the determination.

B. The complainant may obtain review of the determination under item A by submitting a written statement of position to the commissioner, who shall provide the licensee with a copy of the statement by certified mail, excluding at the request of the complainant the name of the complainant. The licensee may submit an opposing written statement of position to the commissioner, who shall provide the complainant with a copy of the statement by certified mail.

C. Upon the request of the complainant, the commissioner may hold an informal conference in which the complainant and the licensee may orally present their views.

D. An informal conference may also be held at the request of the licensee, but disclosure of the identity of the complainant shall be made only following receipt of written authorization from the complainant.

E. After considering all written and oral views presented, the commissioner must affirm, modify, or reverse the determination of the supervisor of the Radioactive Materials Unit and furnish the complainant and the licensee a written notification of the commissioner's decision and the reason therefore.

Subp. 2. **Procedural defects.** If the commissioner determines that an inspection is not warranted because the requirements of part 4731.1060, subparts 1 and 2, have not been met, the commissioner must notify the complainant in writing of the determination. The determination must be without prejudice to the filing of a new complaint meeting the requirements of part 4731.1060, subparts 1 and 2.

Statutory Authority: *MS s 144.1202; 144.1203*

History: *29 SR 755*

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