

10A NCAC 15 .1008 INSPECTIONS NOT WARRANTED

(a) If the Director of the Division of Radiation Protection determines, with respect to a complaint under Rule .1007 of this Section that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the Director of the Division of Radiation Protection shall notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the Secretary, Department of Environment, Health, and Natural Resources, P.O. Box 27687, Raleigh, North Carolina 27611-7687, who will provide the licensee or registrant with a copy of such statement by certified mail, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the Secretary, Department of Environment, Health, and Natural Resources who will provide the complainant with a copy of such statement by certified mail. Upon the request of the complainant, the Secretary, Department of Environment, Health, and Natural Resources may hold an informal conference in which the complainant and the licensee or registrant may orally present their views. An informal conference may also be held at the request of the licensee or registrant, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written or oral views presented, the Secretary, Department of Environment, Health, and Natural Resources shall affirm, modify, or reverse the determination of the Director of the Division of Radiation Protection and furnish the complainant and the licensee or registrant a written notification of his decision and the reason therefor.

(b) If the Director of the Division of Radiation Protection determines that an inspection is not warranted because the requirements of Rule .1007(a) of this Section have not been met, he shall notify the complainant in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of Rule .1007(a) of this Section.

*History Note: Authority G.S. 104E-7; 104E-10;
 Eff. February 1, 1980;
 Amended Eff. May 1, 1992; November 1, 1989;
 Transferred and Recodified from 15A NCAC 11 .1008 Eff. February 1, 2015.*