**Section 400.170 Inspections Not Warranted; Informal Review**

a) Review of Determination that No Inspection Is Warranted

1) If the Bureau of Radiation Safety determines, pursuant to Section 400.160, that an inspection is not warranted, the Bureau of Radiation Safety shall notify the complainant in writing within 60 days after receipt of the complaint. The complainant may obtain review of the determination by submitting a written statement of position with the Agency. The Agency shall provide the licensee or registrant with a copy of the 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 Agency. The Agency shall provide the complainant with a copy of the statement by certified mail.

2) Upon the request of the complainant or the licensee or registrant, the Agency shall hold an informal conference in which the complainant and the licensee or registrant may orally present their views. If a conference is requested by the complainant, the presence of the licensee or registrant at the conference shall be subject to the concurrence of the complainant. If the conference is requested by the licensee or registrant, the presence or disclosure of the identity of the complainant shall be made only pursuant to written authorization from the complainant. After considering all written and oral views presented, the Agency shall affirm, modify or reverse the determination of the Office of Radiation Safety and furnish the complainant and the licensee or registrant a written notification of the decision and the reason for that decision.

b) If the Agency determines that an inspection is not warranted because the requirements of Section 400.160(a) have not been met, the complainant shall be notified in writing, within 30 days after receipt of the complaint, of the determination. The determination shall be without prejudice to the filing of a new complaint meeting the requirements of Section 400.160(a).

(Source: Amended at 33 Ill. Reg. 4333, effective March 9, 2009)