Kansas Administrative Regulations

Department of Health and Environment

Article 35.—Radiation—Part 10. Notices, Instructions and Reports to Workers; Inspections.

28-35-338. Inspections not warranted; informal review.

(a) If the department determines, with respect to a complaint filed under K.A.R. 28-35-337, and any amendments to that rule and regulation that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists or has occurred, the department shall notify the complainant in writing of that determination. The complainant may obtain a review of the determination by submitting a written statement of position to the secretary, who will 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 to the secretary, who will provide the complainant with a copy of that statement by certified mail. Upon the request of the complainant, the secretary or the secretary's designee 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 shall be made only following receipt of written authorization from the complainant. After considering all written or oral views presented, the secretary shall affirm, modify, or reverse the determination of the department and furnish the complainant and the licensee or registrant a written notification of the decision and the reason for the decision.

(b) If the secretary determines that an inspection is not warranted because the requirements of K.A.R. 28-35-337(a) have not been met, the secretary shall notify the complainant in writing of the determination. That determination shall be without prejudice to the filing of a new complaint meeting the requirements of K.A.R. 28-35-337(a).

(Authorized by K.S.A. 1984 Supp. 48-1607; implementing K.S.A. 1984 Supp. 48-1604, 48-1607, 48-1609; effective May 1, 1976; amended, T-85-43, Dec. 19, 1984; amended May 1, 1985.)

***** Authenticated Kansas Administrative Regulation *****