**Section 400.140 Presence of Representatives of Licensees or Registrants and Workers During Inspection**

a) Pursuant to Section 400.160 and 32 Ill. Adm. Code 310.50, each licensee or registrant shall afford the Agency at all reasonable times the opportunity to inspect such materials, machines, activities, facilities, premises and records as the Agency determines are necessary to establish compliance with the requirements of the license and the provisions of 32 Ill. Adm. Code: Chapter II, Subchapters b and d. Reasonable times shall be any time the facility is operational. The inspection may be announced or unannounced. Materials licensees shall be inspected at least as frequently as they would have been inspected by the U.S. Nuclear Regulatory Commission (NRC) if the licensees were regulated by the NRC, but no more frequently than once in a calendar quarter. Radiation machines shall be inspected in accordance with Section 25 of the Act. Inspection of licensees and radiation machines may be conducted more frequently than once per calendar quarter if, in the past three years, there has been a condition at the facility that required emergency response; or if the Agency has received a complaint, the investigation of which results in a more frequent inspection; or if the Agency has documented a violation of the Act or Section 400.160 or 32 Ill. Adm. Code 310.50 at the facility and additional inspections are necessary to establish that the violation has been abated.

b) During an inspection, Agency inspectors may consult privately with workers as specified in Section 400.150. The licensee or registrant may accompany Agency inspectors during other phases of an inspection.

c) If, at the time of inspection, an individual has been authorized by the workers to represent them during inspections, the licensee or registrant shall notify the Agency inspectors of that authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

d) Each workers' representative shall be routinely engaged in work under control of the licensee or registrant and shall have received instructions as specified in Section 400.120.

e) Different representatives of licensees or registrants and workers may accompany the Agency inspectors during different phases of an inspection if there is no resulting interference with the conduct of the inspection. However, only one workers' representative at a time may accompany the inspectors.

f) With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, shall be afforded the opportunity to accompany Agency inspectors during the inspection of physical working conditions.

g) Notwithstanding the other provisions of this Section, Agency inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to areas containing information classified by an agency of the U.S. Government in the interest of national security, an individual who accompanies an inspector may have access to the classified information only if authorized to do so. With regard to any area containing proprietary information, i.e., trade secrets and commercial or financial information that is privileged or confidential or when disclosure of the information may cause competitive harm, the workers' representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area.

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