

1 10A NCAC 15 .0344 is amended with changes as published in 31:07 NCR, pp. 549-582, as follows:

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3 **10A NCAC 15 .0344 MODIFICATION: REVOCATION: AND TERMINATION OF LICENSES AND**
4 **SEALED SOURCE AND DEVICE REGISTRATION CERTIFICATES**

5 (a) All licenses authorizing the receipt, possession, use, and transfer of byproduct material, and all sealed source and
6 device registration certificates issued by the agency under the [Rules] rules of this Section, are subject to modification
7 by the agency in accordance with 10 CFR 30.61.

8 (b) All licenses issued by the agency for the receipt, possession, use, and transfer of source material under the [Rules]
9 rules of this Section, are subject to modification by the agency in accordance with 10 CFR 40.71.

10 (c) All licenses issued by the agency for the receipt, possession, transfer, or disposal of radioactive waste from another
11 person are subject to modification by the agency in accordance with the provisions of 10 CFR 61.24.

12 (d) All licenses issued by the agency for the receipt, possession, use, and transfer of special nuclear material are
13 subject to modification by the agency in accordance with 10 CFR 70.81.

14 (e) Notwithstanding Rule .0117 of this Chapter, the regulations cited in this Rule from 10 CFR Chapter I (2015) are
15 hereby incorporated by reference, excluding subsequent amendments and editions. Copies of these regulations are
16 available free of charge at [http://www.ecfr.gov/cgi-bin/text-](http://www.ecfr.gov/cgi-bin/text-idx?SID=2beeece594411a03e50b2468ae31f89b&pid=20160101&tpl=/ecfrbrowse/Title10/10tab_02.tpl)
17 [idx?SID=2beeece594411a03e50b2468ae31f89b&pid=20160101&tpl=/ecfrbrowse/Title10/10tab_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?SID=2beeece594411a03e50b2468ae31f89b&pid=20160101&tpl=/ecfrbrowse/Title10/10tab_02.tpl).

18 ~~(a) The terms and conditions of all licenses are subject to amendment, revision or modification and all licenses are~~
19 ~~subject to suspension or revocation by reason of:~~

20 ~~(1) — amendments to the Act,~~

21 ~~(2) — rules adopted pursuant to provisions of the Act, or~~

22 ~~(3) — orders issued by the agency pursuant to provisions of the Act and rules adopted pursuant to~~
23 ~~provisions of the Act.~~

24 ~~(b) Any license may be revoked, suspended, or modified, in whole or in part:~~

25 ~~(1) — for any material false statement in the application or in any statement of fact required by provisions~~
26 ~~of this Section;~~

27 ~~(2) — because of conditions which would warrant the agency to refuse to grant a license or an original~~
28 ~~application revealed by:~~

29 ~~(A) — the application;~~

30 ~~(B) — any statement of fact;~~

31 ~~(C) — any report, record, inspection or other means; or~~

32 ~~(3) — for violation of, or failure to observe any of the terms and conditions of the Act, the license, the~~
33 ~~rules of this Chapter, or order of the agency.~~

34 ~~(c) Except in cases of willfulness or those in which the public health, interest or safety requires otherwise, prior to the~~
35 ~~institution of proceedings for modification, revocation, or suspension of a license, the agency shall:~~

36 ~~(1) — call to the attention of the licensee in writing the facts or conduct which may warrant these actions,~~
37 ~~and~~

1 ~~(2) — provide an opportunity for the licensee to demonstrate or achieve compliance with all lawful~~
2 ~~requirements.~~

3 ~~(d) The agency may terminate a specific license upon request submitted by the licensee to the agency in writing.~~

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5 *History Note: Authority G.S. 104E-7; 104E-10(b); 104E-13;*

6 *Eff. February 1, 1980;*

7 *Amended Eff. June 1, 1993;*

8 *Transferred and Recodified from 15A NCAC 11 .0344 Eff. February 1, ~~2015~~ 2015;*

9 *Amended Eff. March 1, 2017.*