



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

August 30, 2018

Mr. William C. Salisbury  
American Nuclear Corporation  
1761 Blue Spruce Dr.  
Casper, Wyoming 82609

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION REGARDING THE  
STATUS OF THE AMERICAN NUCLEAR CORPORATION

Dear Mr. Salisbury:

I am writing in response to your e-mail of July 26, 2018 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18213A275), that responded to our July 19, 2018, letter concerning the current financial status of the American Nuclear Corporation (ANC) (ADAMS Accession No. ML18193B019). Thank you for your prompt response to our inquiry. The U.S. Nuclear Regulatory Commission (NRC) staff has reviewed your response and has some additional questions and comments regarding the status of ANC. Please provide the following information:

1. In your response, you stated, "American Nuclear Corporation no longer exists as a corporation." Under Colorado statute § 7-114-105, however, "[a] dissolved corporation continues its corporate existence but may not carry on any business except as is appropriate to wind up and liquidate its business and affairs." What action has ANC taken to date to "wind up and liquidate its business and affairs?"
2. In your response you stated, "Record ownership of the Gas Hills mill site has not changed." License Condition 25 requires that, prior to the termination of ANC's license, ANC must "provide for transfer of title to byproduct material and land, including any interests therein (other than land owned by the United States or the State of Wyoming), which is used for the disposal of such byproduct material or is essential to ensure the long term stability of such disposal site to the United States . . . ." In addition, Criterion 11C of Appendix A to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 40 requires that, prior to license termination, ANC make a "serious effort" to obtain all outstanding subsurface property rights. To ensure ANC's compliance with these requirements, please provide a list and documentation of all current property rights and interest holders at the Gas Hills site, including any holders of rights of ways as well as oil and gas, mineral, water, and any other rights within the Gas Hills site. In particular, please clarify:
  - a. Whether ANC still holds the real property title to the Gas Hills site.
  - b. Whether ANC plans to transfer any of its property rights as part of its "winding up" activities.

3. ANC's corporate status is listed as "Inactive – Revoked (Tax)" in Wyoming public records.
  - a. Is there any tax lien on the ANC property at the Gas Hills site? As indicated above, ANC is required by license condition and NRC regulations to provide for the transfer of all necessary property rights at the Gas Hills site to the Federal government before ANC's license can be terminated.
  - b. Has ANC received a certificate of revocation from the Wyoming Secretary of State?  
If so:
    - i. Please provide a copy of the certificate of revocation, and
    - ii. Clarify whether ANC must reapply for a certificate of authority to transact business in Wyoming under Wyoming Statute § 17-16-1503 in order to "wind up" its corporate activities.
    - iii. Clarify whether the revocation of ANC's authority to transact business in Wyoming impacts ANC's ability to transfer property rights in accordance with its NRC license and NRC regulations.

To ensure compliance with 10 CFR §§ 40.41, 40.46, and the terms of NRC materials license No. SUA-667, please provide the additional information by September 30, 2018.

We remind you that ANC is the holder of NRC materials license No. SUA-667, which does not terminate until the NRC determines that all of the applicable requirements of 10 CFR Part 40 have been satisfied. Under § 184 of the Atomic Energy Act of 1954, as amended, and 10 CFR § 40.46, ANC cannot transfer, assign or in any manner dispose of, either voluntarily or involuntarily, directly or indirectly, control of its license without prior, written NRC approval. Accordingly, ANC is hereby notified that any transfer of control of its license without NRC prior, written approval would be contrary to the requirements of Section 184 of the Atomic Energy Act of 1954 and 10 CFR § 40.46 and, therefore, could subject ANC to enforcement actions.

Please send your response to the following address:

Dominick Orlando, Senior Project Manager  
Materials Decommissioning Branch  
Division of Decommissioning, Uranium Recovery and Waste Programs  
Office of Nuclear Material Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Mail Stop T5-A10  
11545 Rockville Pike  
Rockville, Maryland 20852-2738

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure" a copy of this letter will be available electronically for public inspection in the NRC Public

Document Room or from the Publicly Available Records component of NRC's ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions please contact me at (301) 415-6749 or via e-mail at [Dominick.Orlando@nrc.gov](mailto:Dominick.Orlando@nrc.gov).

Sincerely,

**/RA/**

Dominick Orlando, Senior Project Manager  
Materials Decommissioning Branch  
Division of Decommissioning, Uranium Recovery  
and Waste Programs  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 040-04492

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION REGARDING THE  
STATUS OF THE AMERICAN NUCLEAR CORPORATION  
**DATE August 30, 2018**

DISTRIBUTION:

L. Gersey, RIV  
J. Katanic, RIV  
R. Evans, RIV

**ADAMS Accession No.:ML18239A425**

**\*via email**

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