

NUCLEAR REGULATORY COMMISSION

DOCKET NUMBER 030-34810

**NOTICE OF AVAILABILITY OF ENVIRONMENTAL ASSESSMENT AND FINDING OF NO
SIGNIFICANT IMPACT FOR LICENSE TERMINATION FOR
ESPERION THERAPEUTICS, INC, ANN ARBOR, MICHIGAN**

AGENCY: Nuclear Regulatory Commission

ACTION: Notice of availability.

FOR FURTHER INFORMATION CONTACT: Dr. Peter J. Lee, Decommissioning Branch,
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SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering issuing a license termination of Material License No. 21-32115-01 issued to Esperion Therapeutics, Inc. (the licensee), to authorize release of its Ann Arbor facility for unrestricted use.

The NRC staff has prepared an Environmental Assessment (EA) in support of this amendment in accordance with the requirements of 10 CFR Part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate. The amendment will be issued following the publication of this Notice.

II. EA Summary

The purpose of the proposed action is to terminate Byproduct Material License No. 21-32115-01 issued to Esperion Therapeutics, Inc., and release its Ann Arbor, Michigan facility for unrestricted use. On September 24, 1998, the NRC authorized the licensee to use labeled compounds such as hydrogen-3, carbon-14, phosphorus-32, phosphorus-33, sulfur-35, etc. for research and development. On May 17, 2006, the licensee submitted a license termination request to release its Ann Arbor facility for unrestricted use. The licensee has conducted surveys of the facility and provided information to the NRC to demonstrate that the site meets the license termination criteria in 10 CFR 20.1402, "Radiological Criteria for Unrestricted Use."

The staff has examined the licensee's request and the information provided in support of its request, including the surveys performed to demonstrate compliance with the release criteria. The staff has found that the radiological environmental impacts from the proposed action are bounded by the impacts evaluated in the "Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Facilities" (NUREG-1496). Additionally, no non-radiological or cumulative impacts were identified. Based on its review, the staff has determined that there are no additional remediation activities necessary to complete the proposed action and a Finding of No Significant Impact is appropriate.

III. Finding of No Significant Impact

On the basis of the EA, the NRC concluded that there are no significant environmental impacts from the proposed amendment and determined not to prepare an environmental impact statement.

IV. Further Information

Documents related to this action, including the application for amendment and supporting documentation, are available electronically at the NRC's electronic Reading Room at

<http://www.nrc.gov/reading-rm/adams.html>. From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession numbers for the documents related to this notice are: ML061390181 for the May 17, 2006, license termination request and ML062020314 for the EA summarized above. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr@nrc.gov.

These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Lisle, Illinois, this 24th day of July 2006.

For the Nuclear Regulatory Commission.

/RA/

Jamnes L. Cameron, Chief
Decommissioning Branch
Division of Nuclear Materials Safety
Region III

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