

August 10, 2006

MEMORANDUM TO: Patricia Pelke, Chief
Materials Licensing Branch

FROM: Jamnes L. Cameron, Chief/**RA**/
Decommissioning Branch

SUBJECT: LICENSE TERMINATION REQUEST FROM
ESPERION THERAPEUTICS, INC.

By NOTE dated June 1, 2006, you requested our review of a letter dated May 17, 2006, including close-out surveys, from Esperion Therapeutics, Inc. regarding the license termination. Based on our review, we have determined that the licensee has provided sufficient information such that they have satisfactorily demonstrated that the facility meets the dose criteria of Subpart E, Section 20.1402, 10 CFR Part 20, and can be released for unrestricted use. We have prepared an Environmental Assessment (EA) (ML062020314) and Finding of No Significant Impact (FONSI) in support of the proposed license termination. The Notice of availability of the EA and FONSI have been published in the Federal Register on August 03, 2006 (Vol. 71, No. 149). On August 10, 2006 we issued an amendment to terminate the license.

Docket No. 030-34810
License No. 21-32115-01

Enclosure:
Materials Decommissioning Checklist

CONTACT: Peter J. Lee, DNMS
(630) 829-9870

*See Previous Concurrence

ADAMS ACCESSION NUMBER: ML061390181

ADAMS DOCUMENT TITLE: Amendment Request From Esperion Therapeutics, Inc.

DOCUMENT NAME:E:\Filenet\ML062220682.wpd

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OFFICE	RIII:DNMS		RIII		RIII		RIII	
NAME	PJLee:dh*		JLCameron					
DATE	08/10/06		08/10/06					

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Decommissioning Branch Materials Decommissioning Checklist

Licensee: Esperion Therapeutics, Inc. Address: 3621 S. State Street Ann Arbor, MI 48108	License No(s): 21-32115-01 Docket No(s): 030-34810 Expiration date: 09/30/2008 Control Number: 315458
Contact: Reynold Homan Title: Radiation Safety Officer	Telephone: 734-222-1899
Date TAR Received from Materials Licensing Branch: June 1, 2006	
Description of Action Requested: Evaluation of the licensee's closeout survey and preparation of EA	

This was determined to be a **Group 2 Decommissioning.**

yes		no	x	This action qualified for a Categorical Exclusion under 10 CFR Part 51.22(c)(20).
yes		no	x	A Decommissioning Plan (DP) was required.
yes		no	x	The review of the DP was documented in a Safety Evaluation Report (SER).
yes	x	no		An Environmental Assessment (EA) was required.
yes		no	x	An Environmental Impact Statement (EIS) was required.
yes		no	x	The receipt of a DP and the NRC's intended actions were announced in a Federal Register Notice. (Vol. No. page(s) dated)
yes	x	no		A Finding of No Significant Impact (FONSI) was announced in a Federal Register Notice. (Vol. 71, No. 149 page(s) 44045-44046, dated August 03, 2006)
yes		no	x	An EIS was announced in a Federal Register Notice. (Vol. No. page(s) dated)
yes		no	x	An NRC closeout inspection was performed. (Inspection Report No.: Dated:)
yes	x	no		The final status survey (FSS) report was provided to the NRC by letter dated 5-12-06 was reviewed and found to be acceptable.
yes	x	no		If action includes a License termination, the termination meets criteria in CFR Part 20, Subpart E. (License Termination Rule)
yes	x	no		This checklist was prepared in accordance with criteria in NUREG-1757, Vol.1; Rev. 1 dated September 2003.
yes		no		Records Transferred To NRC or New Licensee (circle one) (Refer to 30.51(d) or (e); 40.61(d) or (e); or 70.51(d) or (e); materials with T1/2> 120 days)

This Action Is Certified By: Peter J. Lee <i>/RA/</i>	08/03/2006
Name of Inspector	Date

Enclosure