



## Ohio Administrative Code

### Rule 3701:1-40-32 Finding of no significant impact.

Effective: October 4, 2010

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(A) In accordance with paragraph (A) of rule 3701:1-40-31 of the Administrative Code, the department may prepare a bureau assessment report that makes a finding that the proposed action presents no significant radiological impact to the environment as it affects human health. A finding of no significant impact shall:

(1) Identify the proposed action;

(2) State that the department has determined not to prepare a formal bureau assessment report for the proposed action;

(3) Briefly present the reasons why the proposed action will not have a significant adverse radiological impact on the quality of human health or the environment;

(4) Note any other related environmental documents; and

(5) State that the finding and any related environmental documents are available for public inspection and where the documents may be inspected.

(B) As provided in paragraph (C) of this rule, the department may make a determination to prepare and issue a draft finding of no significant impact for public review and comment before making a final determination whether to prepare a bureau assessment report or a final finding of no significant impact on the proposed action. The department may use consultants to prepare a draft or final finding of no significant impact. The cost of any such finding is a part of the licensing or renewal of a facility and shall be paid by the applicant upon receipt of an invoice from the department.

(C) Circumstances in which a draft finding of no significant impact may be prepared may include the following:



(1) A finding of no significant impact appears warranted for the proposed action but the proposed action is closely similar to one which normally requires the preparation of bureau assessment report, or

(2) The proposed action is without precedent.

(D) A draft finding of no significant impact will:

(1) Be marked "draft";

(2) Contain the information specified in paragraph (A) of this rule;

(3) Be accompanied by or include a request for comments on the proposed action and on the draft finding within thirty days, or such longer period as may be specified in the notice of the draft finding; and

(4) Be published in the appropriate newspapers within the state of Ohio as required by paragraph (I) of this rule and rule 3701:1-40-37 of the Administrative Code.

(E) A draft finding of no significant impact shall be distributed as provided for a bureau assessment report in rule 3701:1-40-34 of the Administrative Code.

(F) When a draft finding of no significant impact is issued for a proposed action, a final determination to prepare a bureau assessment report or a final finding of no significant impact for that action shall not be made until the last day of the public comment period has expired.

(G) Except as provided in paragraph (B) of this rule, the finding of no significant impact will be prepared by the department.

(H) The department will conduct a public meeting prior to issuing a final finding of no significant impact. The meeting shall be noticed in accordance with the requirements of rule 3701:1-40-37 of the Administrative Code and shall be held in the county where the proposed facility is located. Whenever the department makes a draft or final finding of no significant impact on a proposed



action, the finding will be published as provided for a bureau assessment report in rule 3701:1-40-34 of the Administrative Code.

(I) The department shall not take the proposed action until after the final finding has been published in accordance with the requirements of rule 3701:1-40-37 of the Administrative Code.