

Finding of no significant impact.

- (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.

Five Year Review (FYR) Dates: 04/08/2015 and 04/01/2020

CERTIFIED ELECTRONICALLY

Certification

04/08/2015

Date

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