



Ohio Administrative Code

Rule 3701:1-40-30 Preliminary procedures for environmental review.

Effective: April 17, 2022

(A) The department shall require an environmental report to be submitted with the license application and a bureau assessment report following the department review of the environmental report in the case of any of the following:

(1) The applicant proposes a major action that could potentially affect the environment as it relates to human health;

(2) Any other action which the director determines is a major action which could potentially affect the environment as it relates to human health;

(3) The applicant applies for a license to possess and use source material for uranium milling or production of uranium hexafluoride pursuant to Chapter 3701:1-44 of the Administrative Code;

(4) The applicant applies for a license or renewal authorizing receipt and disposal of radioactive waste from other persons pursuant to Chapter 3701:1-54 of the Administrative Code.

(5) The applicant applies for a license amendment pursuant to Chapter 3701:1-54 of the Administrative Code authorizing either of the following:

(a) Closure of a land disposal site; or

(b) Transfer of the license to the disposal site owner for the purpose of institutional control; or

(6) Notwithstanding paragraph (C) of this rule, and in accordance with paragraph (B) of this rule, the department may, in special circumstances, require the preparation of an environmental report and bureau assessment report on an action that is listed as a categorical exclusion.

(B) Except in special circumstances as determined by the director at his or her discretion, an



environmental report and bureau assessment report is not required in the case of an action included in the list of categorical exclusions set forth in paragraph (C) of this rule. Notwithstanding paragraph (C) of this rule, the director, at his or her discretion, may require an environmental report and bureau assessment report if he or she determines that special circumstances exist because the proposed action involves an unreasonable or unnecessary individual or cumulative risk to the human environment.

(C) The following categories of actions are considered categorical exclusions:

(1) Issuance of an amendment to a license for a radioactive material waste disposal site or an amendment to a radioactive materials license if required by Chapter 3701:1-54 of the Administrative Code which are administrative, organizational, or procedural in nature, or which result in a change in process operations or equipment, provided that:

(a) There is no significant change in the type or significant increase in the amount of any effluent that may be released offsite;

(b) There is no significant increase in individual or cumulative occupational radiation exposure;

(c) There is no significant construction impact; and

(d) There is no significant increase in the potential for or consequences from radiological accidents.

(2) Issuance, amendment or renewal of radioactive materials licenses issued pursuant to this chapter and Chapters 3701:1-44, 3701:1-46, 3701:1-48, 3701:1-49, 3701:1-52, 3701:1-56 and 3701:1-58 of the Administrative Code affecting general licenses, manufacture and distribution, industrial radiography, well logging, irradiators, medical use, source material, special nuclear material of less than critical mass authorizing the following:

(a) Distribution of radioactive materials and devices or products containing radioactive material to general licensees and to persons exempt from licensing;

(b) Distribution of radiopharmaceuticals, generators, reagent kits, or sealed sources to persons



licensed in accordance with Chapter 3701:1-58 of the Administrative Code;

- (c) Nuclear pharmacies;
- (d) Medical and veterinary facilities;
- (e) Use of radioactive materials for research and development and for educational purposes;
- (f) Industrial radiography;
- (g) Irradiators;
- (h) Use of sealed sources or gauging devices, analytical instruments or other devices containing sealed sources;
- (i) Use of uranium as shielding material in containers or devices;
- (j) Possession of radioactive material incident to performing services such as installation, maintenance, leak tests and calibration;
- (k) Use of sealed sources or radioactive tracers in well-logging procedures;
- (l) Acceptance of packaged radioactive wastes from others for transfer to a licensed disposal facility, provided that the interim storage period for any package does not exceed one hundred eighty days and the total possession limit for all packages held in interim storage at the same time does not exceed 1.85 terabecquerels (fifty curies);
- (m) Manufacturing or processing of source, radioactive, or special nuclear materials for distribution to other licensees, except processing of source material for extraction of rare earth and other metals and processing of radioactive material for extraction of metals;
- (n) Nuclear laundries;



(o) Possession, manufacturing, processing, shipment, testing, or other use of depleted uranium military munitions; or

(p) Any use of source, radioactive, or special nuclear material not listed in paragraphs (C)(2)(a) to (C)(2)(o) of this rule which involves quantities and forms of source, radioactive, or special nuclear material of quantities less than a critical mass, similar to those listed in paragraphs (C)(2)(a) to (C)(2)(o) of this rule.