



Ohio Administrative Code

Rule 3701:1-40-31 Determination to prepare bureau assessment report; eligibility for categorical exclusion.

Effective: August 15, 2005

(A) Before taking a proposed action subject to the provisions of this rule, the department will determine whether the proposed action is of the type listed in paragraph (C) of rule 3701:1-40-30 of the Administrative Code as a categorical exclusion, or whether an environmental report is required and a bureau assessment report will be prepared. A bureau assessment report may be a finding of either no significant impact, or a report that assesses the adverse radiological impact of a proposed facility or action.

(B) Whenever the director determines that a bureau assessment report will be prepared by the department in connection with a proposed action, the department shall develop an action plan and proposed time line. The department shall also do the following:

- (1) Publish notice of a public meeting on the proposed license and content of the applicant's environmental report as provided in rule 3701:1-40-37 of the Administrative Code.
- (2) Provide that the public meeting includes discussion on the proposed environmental report, action plan and time line for the bureau assessment report and provide the outline and deadlines for public comment.
- (3) Provide the locations where a copy of the environmental report may be viewed.

(C) In preparing the bureau assessment report, the department shall, to the extent necessary:

- (1) Involve any state agency which has jurisdiction or relevant, substantial expertise with respect to any environmental impact involved or which is authorized to develop and enforce relevant environmental standards;
- (2) Involve affected federal and local agencies, including those authorized to develop and enforce relevant environmental standards;



- (3) Identify other environmental review and consultation requirements related to the proposed action so that other required analyses and studies may be prepared concurrently and integrated with the bureau assessment report;
 - (4) Indicate the relationship between the timing of the preparation of environmental analyses and the department's tentative planning and decision-making schedule;
 - (5) Identify any cooperating agencies, and as appropriate, allocate assignments for preparation and schedules for completion of the assessment report to the director and any cooperating agencies;
 - (6) Describe the means by which the bureau assessment report will be prepared, including any contractor assistance to be used;
 - (7) Prepare the report, which shall include at least the following:
 - (a) A discussion of the proposed action;
 - (b) The need for the proposed action;
 - (c) Alternatives;
 - (d) The environmental impact of the proposed action and the alternatives, as appropriate; and
 - (e) A list of agencies and persons consulted, and identification of sources used; and
 - (8) Provide a concise summary of the determinations and conclusions reached, including the significant issues identified.
- (D) At any time prior to issuance of the bureau assessment report, the director may revise the determinations made under paragraphs (B) and (C) of this rule, as appropriate, if substantial changes are made in the proposed action, or if significant new circumstances or information arise which bear on the proposed action or its impacts.