



Ohio Administrative Code Rule 3701:1-40-33 Environmental report.

Effective: April 17, 2022

(A) Each applicant for a license or license amendment or a renewal of a license that is listed in paragraphs (F)(1) to (F)(5) of this rule, shall submit to the department the application with a separate document entitled "applicant's environmental report" or "supplement to applicant's environmental report." The applicant's environmental report shall contain the information specified in this rule. If the application is for an amendment to or a renewal of a license for which the applicant has previously submitted an environmental report, the supplement to applicant's environmental report may be limited to incorporating by reference, updating or supplementing the information previously submitted to reflect any significant environmental change, including a change resulting from operational experience or a change in operations or proposed decommissioning activities. If the applicant is a contractor of the United States department of energy that is licensed by the state of Ohio for the possession and use of radioactive materials, the environmental report may be in the form of either an environmental impact statement or an environmental assessment, as appropriate. An applicant may submit a supplement to an environmental report at any time.

(B) The environmental report shall contain a description of the proposed action, a statement of its purposes, a description of the environment affected, and discuss all of the following:

- (1) The radiological impact of the proposed action on the environment;
- (2) Any adverse radiological environmental effects which cannot be avoided should the proposal be implemented; and
- (3) A complete discussion of alternatives in order to aid the department in developing and exploring appropriate alternatives to recommended courses of action. To the extent practicable, the environmental impacts of the proposal and the alternatives should be presented in comparative form.

(C) The environmental report shall include an analysis that considers and balances the environmental effects of the proposed action, the environmental impacts of alternatives to the proposed action, and



alternatives available for reducing or avoiding adverse environmental effects as they relate to human health. The analyses for environmental reports shall, to the fullest extent practicable, quantify the various factors considered. To the extent that there are important qualitative considerations or factors that cannot be quantified, those considerations or factors shall be discussed in qualitative terms. The environmental report should contain sufficient data to aid the department in development of an independent analysis.

(D) The environmental report shall list all state of Ohio permits, licenses, approvals and other entitlements which must be obtained in connection with the proposed action and all federal permits, licenses, approvals and other entitlements which must be obtained in connection with the proposed action and shall describe the status of compliance with these requirements. The environmental report shall also include a discussion of the status of compliance with applicable environmental quality standards and requirements including, but not limited to, applicable zoning and land-use regulations, and water pollution limitations or requirements which have been imposed by federal or state agencies having responsibility for environmental protection. The discussion of alternatives in the report shall include a discussion of whether the alternatives will comply with such applicable environmental quality standards and requirements.

(E) The information submitted pursuant to paragraphs (B) to (D) of this rule should not be confined to information supporting the proposed action but shall also include any adverse information.

(F) In accordance with paragraph (A) of this rule, each applicant shall prepare an environmental report for the following types of actions:

(1) Issuance or renewal of a license for:

(a) Possession and use of special nuclear material for processing, scrap recovery, or conversion of uranium hexafluoride pursuant to Chapter 3701:1-56 of the Administrative Code.

(b) Possession and use of source material for uranium milling or production of uranium hexafluoride pursuant to Chapter 3701:1-44 of the Administrative Code.

(c) Receipt, processing, or disposal of radioactive waste from other persons pursuant to Chapter



3701:1-54 of the Administrative Code.

(d) Processing of source material for extraction of rare earth and other metals.

(e) Use of radioactive tracers in field flood studies involving secondary and tertiary oil and gas recovery.

(f) Processing or recycling of radioactive material that would result in concentration of radioactivity in waste materials in amounts that exceed concentrations provided in Chapter 3701:1-40 of the Administrative Code for the processing or recycling of radioactive material.

(g) Processing or recycling of soils or materials containing concentrations of source or radioactive material that exceed concentrations provided in Chapter 3701:1-40 of the Administrative Code relative to disposal.

(2) Issuance of an amendment that would authorize or result in:

(a) A significant expansion of a site;

(b) A significant change in the types of effluents;

(c) A significant increase in the amounts of effluents;

(d) A significant increase in individual or cumulative occupational radiation exposure; or

(e) A significant increase in the potential for or consequences from radiological accidents.

(3) Termination of a license for the possession and use of source material for uranium milling.

(4) Issuance of a license amendment pursuant to Chapter 3701:1-54 of the Administrative Code authorizing:

(a) Closure of a land disposal site;



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

(5) Any other licensing action for which the director determines an environmental report is necessary.

(G) Each applicant for issuance of a license for disposal of radioactive waste pursuant to Chapter 3701:1-54 of the Administrative Code shall submit to the department with the application a separate document, entitled "applicant's environmental report - license for disposal of radioactive waste." The environmental report and any supplement to the environmental report may incorporate by reference information contained in the application or in any previous application, statement or report filed with the director, provided that such references are clear and specific and that copies of the information so incorporated are available at the department and in any public document room established by the director near the proposed disposal site.

(H) The environmental report shall contain the information specified in this rule, shall address the applicant's environmental monitoring program required by Chapter 3701:1-54 of the Administrative Code, and shall be as complete as possible in the light of information that is available at the time the environmental report is submitted.

(I) The applicant shall supplement the environmental report in a timely manner as necessary to permit the department to review, prior to issuance, amendment or renewal of a license, new information regarding the environmental impact of previously proposed activities, information regarding the environmental impact of any changes in previously proposed activities, or any significant new information regarding the environmental impact of closure activities and long-term performance of the disposal site.

(J) Each applicant for a license, or an amendment to, or renewal of a license that pursuant to these rules requires an environmental report shall submit such report or any supplement to an environmental report. The applicant shall retain additional copies of the environmental report or any supplement to the environmental report in the number of copies specified for distribution to federal, state, and local officials in accordance with written instructions issued by the director.