



Ohio Administrative Code Rule 3701:1-40-34 Bureau assessment report.

Effective: August 15, 2005

(A) The department shall prepare either a draft or final bureau assessment report as soon as practicable after receipt of the applicant's environmental report and after a determination that a finding of no significant impact is not appropriate. The action plan and time line shall address whether a draft assessment report shall be prepared prior to preparation of the final bureau assessment report. To the fullest extent practicable, the bureau assessment report shall be prepared concurrently or integrated with environmental impact analyses and related surveys and studies if required by state or federal law.

(B) The bureau assessment report, and any draft report thereof, shall be concise, clear and analytic, and written in plain language with appropriate graphics. The report shall state how alternatives considered in it and decisions based on it will or will not achieve the requirements of any relevant and applicable environmental laws and policies. The report also shall identify any methodologies used and sources relied upon, and shall be supported by evidence that the necessary environmental analyses have been made.

(C) The director shall cooperate with other relevant state and local agencies and the United States nuclear regulatory commission to the fullest extent possible to reduce duplication between federal, state and local requirements.

(D) To the extent sufficient information is available, the bureau assessment report, and any draft report thereof, shall include consideration of major points of view concerning the environmental impacts of the proposed action and the alternatives, and contain an analysis of significant problems and objections raised by other federal, state, and local agencies and by any comments received from the public.

The bureau assessment report and any draft report thereof, shall include a preliminary analysis that considers and weighs 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. The analysis for all bureau assessment 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, these considerations or factors shall be discussed in qualitative terms. Due consideration shall be given to compliance with environmental quality standards and requirements that have been imposed by federal or state agencies having responsibility for environmental protection. Satisfaction of department of health standards and criteria pertaining to radiological effects shall be necessary to meet the licensing requirements of Chapter 3748. of the Revised Code. The analysis shall consider the radiological effects of the proposed action and alternatives.

(E) The bureau assessment report, and any draft report thereof, shall list all state and federal permits, licenses, approvals, and other entitlements which must be obtained in implementing the proposed action and shall describe the status of compliance with those requirements. If it is uncertain whether a state or federal permit, license, approval, or other entitlement is necessary, the bureau assessment report shall so indicate.

(F) The bureau assessment report normally shall include a recommendation by the director respecting the proposed action. This recommendation shall be based on the information and analysis described in paragraphs (A) to (E) of this rule and shall be reached after considering the environmental effects of the proposed action and reasonable alternatives.

(G) The department shall prepare a supplement to a bureau assessment report for which a notice of availability has been published if there are substantial changes in the proposed action that are relevant to adverse radiological concerns that bear on the proposed action or its impacts.

(H) The department may prepare a supplement to a bureau assessment report when preparation of a supplement will provide additional information necessary to address concerns related to adverse radiological impact.

(I) The supplement to a bureau assessment report shall be prepared and noticed in the same manner as the bureau assessment report except that additional action plans and time lines need not be used.

(J) Each bureau assessment report, and each supplement to a bureau assessment report distributed in



accordance with this rule, and each news release provided pursuant to this rule, shall be accompanied by or include a request for comments on the proposed action and on the bureau assessment report or any supplement to the bureau assessment report and shall state where comments should be submitted and the date on which the comment period closes. A minimum comment period of forty-five days shall be provided. The comment period shall be calculated from the publication date for the notice in the applicable area newspapers. If no comments are provided within the time specified, it will be presumed, unless the applicant requests an extension of time, that the applicant has no comment. To the extent practicable, the department will grant reasonable requests for extensions of time of up to fifteen days. The comment period for any agency is concurrent with the public comment period.

(K) A copy of the bureau assessment report shall be distributed to:

(1) The Ohio environmental protection agency;

(2) Any other state or federal agency which has special expertise or jurisdiction by law with respect to any environmental impact involved or which is authorized to develop and enforce relevant environmental standards;

(3) The applicant;

(4) Appropriate federal, state, and local agencies authorized to develop and enforce relevant environmental standards, land use, and zoning;

(5) Appropriate state, regional and metropolitan clearinghouses; and

(6) Upon request, any other person to the extent available.

(L) A supplement to a bureau assessment report shall be distributed in the same manner as the bureau assessment report to which it relates.

(M) News releases stating the availability for comment and place for obtaining or inspecting a bureau assessment report or supplement will be provided to at least one local newspaper of general circulation in the county where the action is proposed to occur.



(N) A notice of availability shall be published in appropriate area newspapers in accordance with rule 3701:1-40-37 of the Administrative Code.

(O) The director shall not render a decision on a proposed action, including the issuance of a license, or amendment to, or renewal of a license, for which a bureau assessment report is required, until the later of the following dates:

(1) Forty-five days after the department publishes in an appropriate area newspaper, a notice stating that the draft bureau assessment report is available at the department for review.

(2) Thirty days after the department publishes in an appropriate area newspaper, a notice stating that the final bureau assessment report has been completed and is available at the department for review.

If a notice of filing of a final bureau assessment report is published by the department within forty-five days after a notice of a draft bureau assessment report has been published by the department, the minimum thirty-day period and the minimum forty-five-day period may run concurrently to the extent they overlap.

(P) The cost of preparing a bureau assessment report shall be paid by the applicant for the action being requested. The amount shall include the cost of any contractors employed by the department, and staff time involved in the preparation and analysis of the environmental report and the subsequent bureau assessment report.

(Q) The format of the report shall be in accordance with department guidelines for the preparation of a bureau assessment report.