



Ohio Administrative Code

Rule 3701:1-40-38 Public participation process.

Effective: April 17, 2022

(A) The scope of this process applies to the initial licensing, decommissioning, and any major amendment for the following types of facilities: waste disposal, assured isolation storage, waste processing, and facilities required to have an emergency response plan pursuant to paragraph (G) of rule 3701:1-40-14 of the Administrative Code. A major amendment consists of proposed changes to a facility or operations within a facility that would impact radiological operations to the extent that an enhancement of radiation dose to the general public may potentially exist.

(B) Notice of complete license application will be given to the public. A public notice of the pending action will be issued in the local newspaper of general circulation in the county where the applicant is located. The contiguous local governments in proximity to the facility in question will be likewise notified. A copy of the public notice will be placed in the depository library closest to the proposed facility. A notice that the department has received a complete license application for any facility referenced in paragraph (A) of this rule will be provided to everyone on the mailing list of interested parties and the listserv of the bureau of environmental health and radiation protection at the conclusion of the completeness review of an application for such a facility. The notice will also be posted on the department's web page for a period of forty-five days. The public may submit comments on the application to the department for consideration during the forty-five day comment period.

(C) A public participation program will be part of this process. The applicant for a facility listed in paragraph (A) of this rule shall be required to include, in any application for a license or major amendment to a license, the information provided to the public and the mechanism for such provision. This information shall be adequate to portray the types of radiological operations on site, the potential dose to the general population in proximity to the site, precautions to be taken to maintain such exposure ALARA, and how any member of the public can obtain additional information.

(D) The director may establish a public meeting process for the types of actions identified in



paragraph (A) of this rule, if the director believes that such is needed in order to adequately address issues associated with the application.

(1) The scope of the meeting shall be limited to whether the application complies with applicable provisions of Chapter 3748. of the Revised Code and all applicable rules adopted thereunder.

(a) The department may hold one or more public meetings on the application at the discretion of the director.

(b) The department shall provide public notice of the meeting to one newspaper having general circulation in the county of the facility and to the individuals specified in paragraph (B) of this rule, including the availability of guidance.

(c) The department shall develop and provide guidance on the process for participation. Individuals may contact the department to obtain a copy of the guidance in advance of the meeting.

(2) The department is responsible for maintaining all records, exhibits, and correspondence submitted or issued in any public meeting. The department will maintain these documents on file for the duration of the license.

(3) The director shall designate a facilitator for any public meeting that is held.

(4) In any public meeting the applicant shall be a participant. Any other person may present information, orally or in writing, at the public meeting.

(5) After publication of a notice of public meeting, participants are afforded the opportunity to submit written presentations. If a participant provides a written presentation, the presentation shall describe in detail any deficiency resulting in a regulatory noncompliance in the license application, why such is deficient, and the relief sought.

(6) The facilitator shall allow oral presentations. Oral presentations shall focus on the content requirements specified in paragraph (D)(5) of this rule. Time limits may also be imposed by the facilitator.



(7) The processing of information received by the department shall be as follows:

(a) All information received concerning the application shall be considered by the department in deliberations for approval or denial of the license application under consideration.

(b) No later than forty-five days after the meeting, the department shall issue a written summary of the information presented pursuant to this rule. The report will be available on the department's web page.

(c) Written comments may be submitted to the department within two weeks following issuance of a summary report by the department on the public meeting.

(8) The applicant for a facility license shall pay all costs associated with the conduct of any public meeting(s) conducted pursuant to this rule. The costs associated with the meeting shall be invoiced at full cost in accordance with paragraph (M) of rule 3701:1-38-02 of the Administrative Code.