

Consolidated version from 07-08-2019

The Order was published in the RLA, 24-10-2017, ID code 2017-16717



HEAD OF THE STATE NUCLEAR POWER SAFETY INSPECTORATE

ORDER

ON APPROVAL OF THE NUCLEAR SAFETY REQUIREMENTS BSR-1.1.5-2017 'RULES OF PROCEDURE FOR PUBIC PARTICIPATION IN DECISION-MAKING IN THE AREA OF NUCLEAR ENERGY'

23 October 2017 No 22.3-182

Vilnius

Acting in observance of Article 39¹ Paragraph 9 of the Republic of Lithuania Law on Nuclear Safety,

I approve the Nuclear Safety Requirements BSR-1.1.5-2017 'Rules of Procedure for Public Participation in Decision-making in the Area of Nuclear Energy' (attached).

Head

Michail Demčenko

APPROVED
by Order No 22.3-182
of the Head of the State Nuclear
Power Safety Inspectorate
of 23 October 2017

**NUCLEAR SAFETY REQUIREMENTS
BSR-1.1.5-2017**

**RULES OF PROCEDURE FOR PUBLIC PARTICIPATION IN DECISION-MAKING IN
THE AREA OF NUCLEAR ENERGY**

**CHAPTER I
GENERAL PROVISIONS**

1. The Nuclear Safety Requirements BSR-1.1.5-2017 ‘Rules of Procedure for Public Participation in Decision-making in the Area of Nuclear Energy’ (hereinafter – the Requirements) regulate the arrangements for organising the procedures of public participation in taking the decisions specified in Article 39¹ Paragraph 1 of the Republic of Lithuania Law on Nuclear Safety in the area of nuclear energy.

**CHAPTER II
INFORMING THE PUBLIC ABOUT THE START OF PROCESSES SPECIFIED IN
ARTICLE 39¹(1) OF THE LAW ON NUCLEAR SAFETY**

2. The information about the start of the processes specified in Article 39¹ Paragraph 1 of the Law on Nuclear Safety – about the application received and accepted necessary for taking decisions specified in Article 39¹ Paragraph 1 of the Law on Nuclear Safety – shall be provided to the public by the State Nuclear Power Safety Inspectorate (hereinafter – VATESI) on their internet website not later than within 5 business days of the day of receiving the application from the economic entity, except for decisions referred to in Article 39¹ Paragraph 1 Subparagraph 2 of the Law on Nuclear Safety. In the case of decisions referred to in Article 39¹ Paragraph 1 Subparagraph 2 of the Law on Nuclear Safety the information shall be provided about the received and agreed schedule for submission of documents (hereinafter – the schedule) not later than within 5 business days of the day of taking the decision to agree on the schedule. The economic entity shall inform about documents submitted to VATESI for deliberation according to the schedule in the manner set forth in paragraph 6 of the Requirements.

3. Acting according to Paragraph 2 of the Requirements VATESI shall publish:

3.1. the information about one of the decisions in the area of nuclear energy referred to in Article 39¹ Paragraph 1 of the Law on Nuclear Safety with respect to which the application was received and accepted for deliberation;

3.2. the information about the nuclear facility to which the activity with respect to which the application for taking one of the decisions referred to in Article 39¹ Paragraph 1 of the Law on Nuclear Safety was filed is related (the nuclear facility’s name, location (address, if it is unavailable – the county, city, district, neighbourhood, village, street);

3.3. the applicant’s (legal person’s) name, legal form, corporate code, head office (address), contact details (phone number, e-mail address, if applicable, fax number);

3.4. the schedule submitted by the applicant and agreed on by VATESI. When the schedule changes VATESI shall publish the updated schedule within 5 business days of agreement on its changes;

3.5. the information about the time limit for taking the decision referred to in Article 39¹ Paragraph 1 of the Law on Nuclear Safety regarding which the application is filed;

3.6. the details of the contact person of VATESI – the forename and surname, position, phone number, e-mail address.

4. In addition to VATESI, the information about the start of the processes specified in Article 39¹ Paragraph 1 of the Law on Nuclear Safety and the possibility to access the documents necessary for taking decisions referred to in Article 39¹ Paragraph 1 of the Law on Nuclear Safety (including documents submitted according to the schedule) shall also be published by the economic entity on their internet website. In addition, the economic entity shall also have the right to publish this information in other ways deemed appropriate.

5. The economic entity shall publish the information about the application filed and accepted for deliberation with respect to decisions referred to in Article 39¹ Paragraph 1 Subparagraphs 1, 3–4 of the Law on Nuclear Safety not later than within 2 business days of submission of the information referred to in Paragraph 2 of the Requirements about the start of the processes specified in Article 39¹ Paragraph 1 of the Law on Nuclear Safety.

6. The economic entity shall publish the information about the submission of documents to be submitted according to the schedule in the case of decisions referred to in Article 39¹ Paragraph 1 Subparagraph 2 of the Law on Nuclear Safety or in other cases of submission of documents according to the schedule within 5 business days of the day of submission of each of them to VATESI (informing about the first time of submission of documents). Where several documents are submitted at the same time, the information about them may be submitted in one notification.

7. Acting in observance of Paragraphs 4–6 of the Requirements the economic entity shall publish:

7.1. the information about the decision in the area of nuclear energy referred to in Article 39¹ Paragraph 1 of the Law on Nuclear Safety regarding which the documents were submitted to VATESI;

7.2. the information about the nuclear facility to which the activity with respect to which the application for making one of the decisions referred to in Article 39¹ Paragraph 1 of the Law on Nuclear Safety was filed is related (the nuclear facility's name, location (address, if unavailable – the county, city, district, neighbourhood, village, street);

7.3. the economic entity's name, legal form, corporate code, head office (address), contact details (phone number, e-mail address, if applicable, fax number);

7.4. the information about where and when the documents can be accessed (specifying the address, the reception hours for persons seeking access to the information, and where the documents are made available by electronic means – the electronic address);

7.5. the information about the documents submitted to VATESI and accepted for deliberation;

7.6. the time limit within which the public is invited to submit comments, information, analyses or opinions (hereinafter – proposals) to the economic entity not shorter than the time limit specified in Paragraph 11 of the Requirements;

7.7. the information necessary for the submission of proposals (to what address (physical or electronic) or in what manner (e.g., on the internet website) proposals may be submitted, the information to be specified when submitting the proposal or the form of submission of the proposal);

7.8. the data of the economic entity's contact person – the forename and surname, position, phone number, e-mail address.

8. The information specified in Paragraphs 3 and 7 of the Requirements shall be provided in the Lithuanian and English languages. The economic entity publishing the information may decide to publish it in other languages.

CHAPTER III

ARRANGING FOR ACCESS TO THE DOCUMENTS NECESSARY FOR DECISION- MAKING REFERRED TO IN ARTICLE 39¹ PARAGRAPH 1 OF THE LAW ON NUCLEAR SAFETY AND SUBMISSION OF ANSWERS REGARDING PROPOSALS

9. Public access to the documents necessary for taking decisions referred to in Article 39¹ Paragraph 1 of the Law on Nuclear Safety submitted by the economic entity to VATESI and accepted by the latter for deliberation shall be granted by the economic entity who submitted those documents.

10. The economic entity must grant access to the documents in the territory of the municipality where activities pertaining to the decisions referred to in Article 39¹ Paragraph 1 of the Law on Nuclear Safety are planned to be carried out and/or must make available the documents by electronic means (the manner of granting access to the documents shall be selected by the economic entity).

11. The public shall have the right to access the documents necessary for taking decisions referred to in Article 39¹ Paragraph 1 of the Law on Nuclear Safety and submit proposals to the economic entity within one month after informing the public about the start of processes specified in Article 39¹ Paragraph 1 of the Law on Nuclear Safety (the day of publishing the information referred to in Paragraph 2 of the Requirements), and where the documents are submitted according to the schedule – within one month after publishing the information about the submission of the documents to VATESI (the day of publishing the information referred to in Paragraph 6 of the Requirements).

12. In the cases when Paragraph 49 of the Regulations on the Issue of Licences and Permits Necessary to Engage in the Nuclear Energy Activities, approved by Resolution No 722 of the Government of the Republic of Lithuania of 20 June 2012 On Approval of the Rules for Issuing Licences and Permits in the Area of Nuclear Energy is applicable, the applicant shall grant the public access to the documents, notifying, however, that they shall not be provided again with the application.

Amendments to the paragraph:

No [22.3-186](#), 06-08-2019, published in the RLA, 06-08-2019, ID code 2019-12909

13. Proposals regarding documents necessary for the taking decisions referred to in Article 39¹ Paragraph 1 of the Law on Nuclear Safety shall be submitted to the economic entity in writing. When submitting the proposal the following information shall be provided:

13.1. in the case of a natural person – the forename, surname, address and contact data (e.g., phone and fax numbers, e-mail address), specifying the preferred way of receiving the answer;

13.2. in the case of a legal person – the name, corporate code, head office address, the representative's forename, surname and contact data (e.g., phone and fax numbers, e-mail address), specifying the preferred way for receiving the answer;

13.3. when a proposal is delivered by a representative of the person submitting the proposal – the representative's forename, surname and address (where the representative is a natural person), the name, corporate code, head office address (where the representative is a legal person), the document demonstrating the representation, the person in whose name the representative is applying and contact data (e.g., phone and fax numbers, e-mail address), specifying the preferred way for receiving the answer.

14. Proposals of the public shall be submitted to the economic entity in writing in the following ways: by post, fax (if available), e-mail, on the internet website (in those cases when such a possibility is provided by the economic entity), served personally or in other ways. Where due to inability to write a natural person cannot submit written proposals such person may submit recorded oral proposals (e.g., provide an audio or video record) or where a person has no possibility to make a record of proposals – have them recorded (e.g., while visiting the economic entity who shall make their audio or video record). When publishing the information specified in Paragraph 7 of the Requirements the economic entity may indicate the manner of submission of proposals; however, in such case, proposals submitted not in the manner specified by the economic entity must also be registered and assessed by the economic entity.

15. The economic entity shall register and assess all proposals from the public. Within 20 business days of receiving the proposals from the persons who submitted proposals regarding

documents necessary for taking decisions referred to in Article 39¹ Paragraph 1 of the Law on Nuclear Safety the economic entity shall inform such persons in writing about the assessment of the proposals and about the reasons for not taking the proposals into account or for taking them into account only to a certain extent. The economic entity shall provide this information to each person who submitted the proposal (when the proposal is submitted in the manner requested by them) or shall publish the information on the internet. Where the information specified in this paragraph is published on the internet:

15.1. the person who submitted the proposal within the time limit indicated in this paragraph shall be informed in the manner requested by him when submitting the proposal where he/she can find the answer;

15.2. personal data of persons who submitted proposals may not be disclosed.

16. The economic entity taking account of proposals from the public shall submit to VATESI the documents revised according to the proposals from the public. The revised documents shall not be submitted to the public by the economic entity again (the public may access such documents during the process referred to in Paragraph 17 of the Requirements). Having decided not to take account of the proposals from the public the economic entity shall inform VATESI about the submitted proposals and provide the reasoning why it was decided not to take account of them. If no proposals are submitted by the public the economic entity shall inform VATESI accordingly. This provision shall also apply when the documents are revised by the economic entity after their public deliberation.

CHAPTER IV PUBLISHING THE INFORMATION ABOUT DRAFT DECISIONS SPECIFIED IN ARTICLE 39¹ PARAGRAPH 1 OF THE LAW ON NUCLEAR SAFETY AND ARRANGING FOR ACCESS TO THEM

17. Acting in observance of Article 39¹ Paragraph 5 of the Law on Nuclear Safety VATESI shall publish on their internet website the following information about the draft decision referred to in Article 39¹ Paragraph 1 of the Law on Nuclear Safety and the possibility to access the draft and the documents submitted for the decision-making and to submit proposals:

17.1. the title of the draft decision;

17.2. the information about the nuclear facility to which the activity with respect to which the decision was drafted is related (the nuclear facility's name and location (address, if unavailable – the county, city, district, neighbourhood, village, street);

17.3. the applicant's (legal person's) name, legal form, corporate code, head office (address), contact details (phone number, e-mail address, if applicable, fax number and/or e-mail address, if available);

17.4. the time limit within which the public may access the draft decision and final documents submitted for the decision-making and to submit proposals to VATESI, which may not be shorter than the time limit specified in Article 39¹ Paragraph 6 of the Law on Nuclear Safety;

17.5. the information about where and when the documents can be accessed (specifying the address and the hours of reception of persons and where access to the documents is provided by electronic means – the electronic address);

17.6. the information necessary for the submission of proposals (to what address (physical or electronic) or in what manner (e.g., on the internet website) the proposals may be submitted and a model form for submitting the proposal to the State Nuclear Power Safety Inspectorate (Annex 1);

17.7. the details of the contact person of VATESI – the forename and surname, position, phone number, e-mail address.

18. Proposals from the public regarding draft decision shall be submitted to VATESI in writing in the following ways: by post, fax, e-mail, by electronic means, e.g., on a website (where VATESI provides for such a possibility), served personally or in other ways. Where a natural person due to inability to write cannot submit proposals in writing, such person may submit

recorded oral proposals (e.g., provide their audio or video record) or where a person has no possibility to make the record of the proposals – they shall be recorded for the person (e.g., their audio or video record shall be made upon arrival at VATESI).

19. VATESI shall register and assess all proposals submitted by the public. The information about their assessment, including the reasons for not taking the proposals into account or taking them into account only to a certain extent, together with the final decision shall be published by VATESI on their internet website not later than within 3 business days of the decision-making.

20. The information specified in Paragraph 17 of the Requirements shall be published in the Lithuanian and English languages. The information about the decision made and the reference to it shall be published in the Lithuanian and English languages. Additionally, by decision of VATESI this information may also be published in other languages.

CHAPTER V

PUBLIC DELIBERATION OF THE DOCUMENTS NECESSARY FOR TAKING DECISIONS REFERRED TO IN ARTICLE 39¹ PARAGRAPH 1 OF THE LAW ON NUCLEAR SAFETY AND OF THE FINAL DRAFT DECISIONS REFERRED TO IN ARTICLE 39¹ PARAGRAPH 1 OF THE LAW ON NUCLEAR SAFETY

21. Having decided to organise the public deliberation of the documents necessary for taking decisions referred to in Article 39¹ Paragraph 1 of the Law on Nuclear Safety and of the final drafts of decisions referred to in Article 39¹ Paragraph 1 of the Law on Nuclear Safety (hereinafter – the public deliberation) the place and time of the public deliberation shall be announced not later than 10 business days in advance. The public deliberation shall be announced through mass media and/or the internet website of the entity (the economic entity or VATESI) initiating the public deliberation. Additionally, the entity initiating the public deliberation may also notify about the public deliberation in other ways deemed appropriate.

22. In order to register proposals submitted during the public deliberation and the answers to them the entity initiating the public deliberation shall take the minutes of the public deliberation. To ensure the accuracy of the minutes an audio or video record may be made. If it is decided to make an audio or video record, participants of the public deliberation shall be notified about that at the beginning of the public deliberation.

23. The entity initiating the public deliberation shall register its participants in the list of participants of the public deliberation (Annex 2) which shall be enclosed in the minutes.

24. Where representatives of the entity initiating the public deliberation cannot provide the answer regarding the proposal during the public deliberation the answer shall be prepared after the public deliberation and shall be enclosed in the minutes to be published according to the procedure specified in Paragraph 26 of the Requirements and submitted to the person who submitted the question.

25. If the representatives of the public do not arrive within one hour from the beginning of the announced public deliberation it shall be considered that the public deliberation procedure took place and the respective entry shall be entered in the minutes of the public deliberation.

26. The minutes of the public deliberation shall be drawn up not later than within 5 business days after the deliberation. The minutes of the public deliberation shall be signed by the representative of the entity initiating the public deliberation. The minutes of the public deliberation shall be published on the internet website of the entity initiating the public deliberation within one business days of taking the minutes, except for the list of participants of the public deliberation and other information about personal data of the participants which is not subject to public disclosure. The video or audio record referred to in Paragraph 22 of the Requirements shall not be published.

27. During the public deliberation, the information shall be presented in the Lithuanian language or its translation into Lithuanian must be ensured.

CHAPTER VI

PROTECTION OF SENSITIVE INFORMATION

28. Where documents necessary for taking decisions referred to in Article 39¹ Paragraph 1 of the Law on Nuclear Safety contain sensitive information within the meaning of the Law on Nuclear Safety, the Law of the Republic of Lithuania on Public Administration or other laws:

28.1. when all information in the document is sensitive such document shall not be made public; however, the set of documents shall be provided so that the person who seeks access to the documents can make sure that the document was submitted (e.g., specifying the name, date and number of the document);

28.2. when sensitive information constitutes a part of the document, the access to such part shall be denied or where such part cannot be separated the sensitive information shall be removed.

29. When submitting the documents containing sensitive information that are necessary for taking decisions referred to in Article 39¹ Paragraph 1 of the Law on Nuclear Safety the applicant shall also submit to VATESI the electronic and printed copies of such documents processed according to the procedure set forth in Paragraph 28 of the Requirements.

CHAPTER VII FINAL PROVISIONS

30. With a view to improving the process of public participation in the decision-making process VATESI and economic entities shall ensure the possibility for the stakeholders of this process to express their opinion about the quality of the organisation of the process and submit proposals on its improvement. VATESI and economic entities must assess the expressed opinion and the submitted proposals.

(Model form for submitting the proposal to the State Nuclear Power Safety Inspectorate)

(Requisites of the person submitting the proposal)

Attn: State Nuclear Power Safety Inspectorate
A. Goštauto 12, LT-01108 Vilnius,
fax (8 5) 261 4487, e-mail: documents@vatesi.lt

PROPOSAL
FOR _____
(Title of the proposal)

_____ No _____
(Date and number when the proposal is registered by the person submitting it)

The proposal (comment, information, analysis or opinion) is provided for

(Title of the draft decision Law referred to in Article 39¹ Paragraph 1 of the republic of Lithuania Law on Nuclear Safety)

The proposal (comment, information, analysis or opinion) and its reasoning:

The proposal is submitted by:

(To specify the information about the person who submits this proposal:

- 1) In the case of a natural person – the forename, surname, address and contact data (e.g., phone and fax numbers, e-mail address);
- 2) In the case of a legal person – the name, corporate code, head office address, the representative's forename, surname and contact data (e.g., phone and fax numbers, e-mail address);
- 3) In the case of a proposal delivered by a representative of the person submitting the proposal – the representative's forename, surname and address (where the representative is a natural person), the name, corporate code, head office address (where the representative is a legal person), the document demonstrating the representation, the person in whose name the representative is applying and contact data (e.g., phone and fax numbers, e-mail address)

ATTACHED:

(Documents supporting the proposal may be attached)

Person submitting the proposal
(or his/her authorised person)

(Signature)

(Forename and surname)

(Model form of the list of the public deliberation participants)

(Public deliberation object’s name)

LIST OF PARTICIPANTS IN THE PUBLIC DELIBERATION

Place of the public deliberation:
Date of the public deliberation:
Start time of the public deliberation:

Seq. No	Forename and surname	Contact details: address, phone, e-mail	Where a legal person is represented – the name and contact details of the legal person	Signature

Representative of the economic entity initiating the public deliberation

(Position)

(Signature)

(Forename and surname)

Amendments:

1.
State Nuclear Power Safety Inspectorate, Order
No [22.3-186](#), 06-08-2019, published in the RLA, 06-08-2019, ID code 2019-12909
On amendment to Order No 22.3-182 of the Head of the State Nuclear Power Safety Inspectorate of 23 October 2017 approve the Nuclear Safety Requirements BSR-1.1.5-2017 ‘Rules of Procedure for Public Participation in Decision-making in the Area of Nuclear Energy’