

**Decision No. 45/2010/QĐ-TTg of June
14, 2010, promulgating the Regulation
on nuclear control**

THE PRIME MINISTER

*Pursuant to the December 25, 2001 Law on
Organization of the Government;*

Pursuant to the June 3, 2008 Law on Atomic Energy;

At the proposal of the Minister of Science and Technology,

DECIDES:

Article 1. To promulgate together with this Decision the Regulation on nuclear control.

Article 2. This Decision takes effect on August 15, 2010.

The Minister of Science and Technology shall organize and guide the implementation of this Decision.

Article 3. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and chairpersons of provincial-level People's Committees shall implement this Decision.

For the Prime Minister
Deputy Prime Minister
NGUYEN THIEN NHAN

Regulation on nuclear control

(Promulgated together with the Prime Minister's Decision No. 45/2010/QĐ-TTg of June 14, 2010)

Article 1. Scope of regulation

This Regulation provides for the control of the use, storage, export and import of nuclear materials, source nuclear materials; materials and equipment in the nuclear fuel cycle in Vietnam.

Article 2. Subjects of application

This Regulation applies to:

1. Vietnamese and foreign organizations and individuals that use, store, export or import nuclear materials, source nuclear materials; materials and equipment in the nuclear fuel cycle.

2. Competent state agencies and international organizations that perform nuclear control activities.

Article 3. Interpretation of terms

1. Nuclear accounting means the inventory and making of a balance sheet of nuclear materials and source nuclear materials.

2. Nuclear inventory means the counting and measurement of nuclear materials and source nuclear materials to determine the quantity of materials available in a given period of time at a certain facility or place.

3. Engineering dossier of a facility subject to nuclear control presents general information on the facility; plan of the facility; engineering particularities of the facility and equipment related to the process of nuclear accounting and supervising measures; type, quantity, position and transformation process of nuclear materials and source nuclear materials at the facility; and nuclear accounting processes applied by the facility.

4. Effective kilogram means a quantity determined as follows:

a/ For plutonium: It corresponds to a quantity weighing in kilograms;

b/ For uranium of an enrichment of 1% or higher: It corresponds to a quantity weighing in kilograms multiplied by the square of its enrichment;

c/ For uranium of an enrichment of between over 0.5% and under 1%: It corresponds to a quantity weighing in kilograms multiplied by 0.0001;

d/ For uranium of an enrichment of 0.5% or

lower and for thorium: It corresponds to quantity weighing in kilograms multiplied by 0.00005.

Article 4. Nuclear control principles

1. Nuclear control activities must comply with Vietnamese laws and treaties to which Vietnam is a contracting party.

2. Nuclear control activities must be conducted in a frequent, continuous and strict manner.

3. Nuclear control activities may not impede normal activities of organizations and individuals.

Article 5. Prohibited acts

1. Illegally getting access to, possessing, trading in, owning, producing, assembling, transporting or using materials and equipment subject to nuclear control.

2. Refusing to provide information or providing untruthful information on the use, storage, export or import of nuclear materials and source nuclear materials; or materials and equipment in the nuclear fuel cycle under this Regulation.

3. Obstructing lawful inspection and examination by competent agencies and organizations.

Article 6. Responsibilities of organizations and individuals that have facilities subject to nuclear control

1. Facilities subject to nuclear control include:

a/ Research nuclear reactors; nuclear power plants; uranium enrichment or nuclear fuel production facilities; facilities recycling, storing, disposing of or burying spent nuclear fuels;

b/ Places where exist nuclear materials or source nuclear materials of a quantity of over 1 effective kilogram.

2. Organizations and individuals that have facilities subject to nuclear control shall:

a/ Conduct nuclear accounting and

periodically report on nuclear accounting results at the request of the Vietnam Agency for Radiation and Nuclear Safety;

b/ Take measures to supervise nuclear materials and source nuclear materials;

c/ Submit engineering dossiers of their facilities to the Vietnam Agency for Radiation and Nuclear Safety before bringing nuclear materials and source nuclear materials into their facilities or before making changes in those dossiers;

d/ Keep nuclear accounting dossiers during the time of storing nuclear materials and source nuclear materials in their facilities;

e/ Submit to inspection and examination of the Vietnam Agency for Radiation and Nuclear Safety and concerned international organizations;

f/ Comply with other provisions of law regarding nuclear materials and source nuclear materials.

Article 7. Responsibilities of organizations and individuals that use and store other nuclear materials and source nuclear materials

1. Organizations and individuals that use and store nuclear materials and source nuclear materials other than those defined in Clause 1, Article 6 of this Regulation which weigh 0.001 kilogram or more for enriched uranium or for plutonium, or 1 kilogram for poor uranium and natural uranium or for thorium shall:

a/ Report on the use and places of use of nuclear materials and source nuclear materials and any change in reported information to the Vietnam Agency for Radiation and Nuclear Safety;

b/ Comply with the provisions of Points a, b, d, e and f, Clause 2, Article 6 of this Regulation.

2. Organizations and individuals that use and store nuclear materials and source nuclear

materials in quantities smaller than those specified in Clause 1 of this Article are not required to fulfill the responsibilities specified at Points a and b, Clause 1 of this Article, unless the Vietnam Agency for Radiation and Nuclear Safety so requests.

Article 8. Responsibilities of organizations and individuals that use and store materials and equipment in the nuclear fuel cycle

1. Within 7 working days after having materials and equipment in the nuclear fuel cycle, to report such to the Vietnam Agency for Radiation and Nuclear Safety.

2. To submit to inspection and examination by the Vietnam Agency for Radiation and Nuclear Safety and concerned international organizations.

Article 9. Responsibilities of organizations and individuals that export or import materials and equipment subject to nuclear control

1. Materials and equipment subject to nuclear control include:

a/ Nuclear materials and source nuclear materials;

b/ Materials and equipment in the nuclear fuel cycle under the guidance of the Ministry of Science and Technology.

2. Organizations and individuals that export or import materials and equipment subject to nuclear control shall:

a/ Report on the export or import of materials and equipment subject to nuclear control to the Vietnam Agency for Radiation and Nuclear Safety;

b/ Submit to inspection and examination by the Vietnam Agency for Radiation and Nuclear Safety.

Article 10. International inspection

1. International inspection means nuclear control performed by the International Atomic Energy Agency to verify reported information and compliance with treaties on nuclear control to which Vietnam is a contracting party.

2. International inspection covers:

a/ Examining engineering dossiers, nuclear accounting reports and operation dossiers of facilities and equipment subject to nuclear control;

b/ Inventorying nuclear materials and source nuclear materials;

c/ Applying measures to supervise and prevent unauthorized access; performing independent measuring operations; verifying operating functions and the inspection of measuring devices; and taking other technical measures when necessary.

3. International inspection shall be conducted in the form of case-by-case inspection, periodical inspection or extraordinary inspection.

a/ Case-by-case inspection shall be conducted for the first time for engineering dossiers and upon any change in engineering dossiers or when necessary to verify quantities and composition of exported or imported nuclear materials and source nuclear materials.

b/ Periodical inspection shall be conducted under plans jointly approved by the Ministry of Science and Technology and the International Atomic Energy Agency.

c/ Extraordinary inspection shall be conducted at the request of the International Atomic Energy Agency.

Article 11. International inspectors

1. International inspectors appointed by the International Atomic Energy Agency to carry out

international inspection activities in Vietnam must be approved by the Vietnamese State.

2. In the course of conducting the inspection in Vietnam, international inspectors shall comply with Vietnamese law and will enjoy privileges and immunities as provided by Vietnamese law.

Article 12. Responsibilities of the Ministry of Science and Technology

1. To develop and manage a nuclear control database within the national information system on radiation and nuclear safety, which contains:

a/ A list of facilities subject to nuclear control and other places where exist nuclear materials and source nuclear materials; the process of nuclear accounting and supervisory measures to be applied at these facilities and places;

b/ Information on nuclear materials and source nuclear materials subject to nuclear control;

c/ Data on the export and import of materials and equipment subject to nuclear control;

d/ Information on the operation of facilities subject to nuclear control;

e/ Inspection and examination conclusions of the Vietnam Agency for Radiation and Nuclear Safety;

f/ International inspection conclusions;

g/ Periodical reports on national nuclear accounting.

2. To stipulate and specifically guide the following:

a/ The nuclear accounting process and compilation of reports on nuclear materials and source nuclear materials;

b/ Engineering dossiers of facilities subject to nuclear control;

c/ Reports of organizations and individuals

defined in Articles 8 and 9 of this Regulation;

d/ A list of materials and equipment subject to nuclear control;

e/ Process and procedures for recognizing organizations and individuals that are no longer subject to nuclear control.

3. To inspect and examine the compliance with regulations on nuclear control.

4. To assume the prime responsibility for, and coordinate with ministries and sectors in, reaching agreement with the International Atomic Energy Agency on plans on international inspection in Vietnam and implementing these plans.

5. To assume the prime responsibility for, and coordinate with the Ministry of Foreign Affairs in, exchanging and processing information under nuclear control treaties to which Vietnam is a contracting party.

6. To assume the prime responsibility for, and coordinate with the Ministry of Finance in, conducting nuclear control of the export and import of materials and equipment subject to nuclear control.

7. To assume the prime responsibility for, and coordinate with the Ministry of Industry and Trade in, conducting nuclear control of nuclear power plants.

8. To coordinate with the Ministry of Foreign Affairs in approving inspectors appointed by the Vietnam Agency for Radiation and Nuclear Safety.

9. To make annual or extraordinary reports on nuclear control at the request of the Prime Minister.-

For the Prime Minister
Deputy Prime Minister
NGUYEN THIEN NHAN