

THE MINISTRY OF SCIENCE AND TECHNOLOGY

**Circular No. 17/2013/TT-BKHCN of July 30, 2013,  
guiding the implementation of provisions on  
declaration of the Additional Protocol to the  
Agreement between the Socialist Republic of Vietnam  
and the International Atomic Energy Agency for the  
Application of Safeguards in Connection with the  
Treaty on the Non- Proliferation of Nuclear Weapons**

*Pursuant to the Agreement between the Socialist Republic of Vietnam and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, which was concluded on October 2, 1989, and took effect on February 23, 1990;*

*Pursuant to the Additional Protocol to the Agreement between the Socialist Republic of Vietnam and the International Atomic Energy*

*Agency for the Application of Safeguards in Connection with the Treaty on the Non- Proliferation of Nuclear Weapons, which was concluded on August 10, 2007, and took effect on September 17, 2012;*

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

*Pursuant to the Government's Decree No. 20/2013/ND-CP of February 26, 2013, defining the functions, tasks, powers and organizational structure of the Ministry of Science and Technology;*

*At the proposal of the director of the Vietnam Agency for Radiation and Nuclear Safety;*

*The Minister of Science and Technology promulgates the Circular to guide the implementation of provisions on declaration of the Additional Protocol to the Agreement between the Socialist Republic of Vietnam and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons.*

**Article 1. Scope of regulation**

This Circular guides the implementation of provisions on declaration of the Additional Protocol to the Agreement between the Socialist Republic of Vietnam and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons.

**Article 2. Subjects of application**

This Circular applies to:

1. Organizations and individuals that conduct research and development activities involving the nuclear fuel cycle without the use of nuclear materials.
2. Organizations and individuals that have:
  - a/ Facilities subject to nuclear control, including those which have ceased activities involving nuclear materials or source nuclear materials and moved nuclear, materials or source nuclear materials;
  - b/ One or less than one effective kilogram of nuclear materials or source nuclear materials, including nuclear materials or source nuclear materials already moved;
  - c/ Nuclear materials or source nuclear materials which are exempted under the Agreement between the Socialist Republic of Vietnam and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non- Proliferation of Nuclear Weapons.
3. Organizations and individuals that are engaged in:
  - a/ Production or assembly of equipment and materials in the nuclear fuel cycle prescribed in Appendix I to this Circular;
  - b/ Exploitation or processing of uranium and thorium ores;
  - c/ Import, export, use or storage of source nuclear materials neither yet finished nor of purity suitable to the nuclear fuel generation or isotope enrichment, including also import and export of source nuclear materials for non-nuclear purposes;
  - d/ Storage or disposal of radioactive waste containing highly enriched plutonium or uranium or uranium-233, not covering the re-packaging, conditioning, or separation of elements for storage or burial;
  - dd/ Import or export of materials and equipment in the nuclear fuel cycle.

### **Article 3.** Interpretation of terms

In this Circular, the terms below are construed as follows:

1. *Research and development involving the nuclear fuel cycle* means research and development in transmutation of nuclear materials; enrichment of nuclear materials; manufacture of nuclear material nuclear reactors, limit structured; nuclear fuel recycling; disposal of radioactive wastes containing highly enriched plutonium or uranium or uranium-233 (not covering re-packaging or conditioning for storage or burial without separation of elements).

2. *Highly enriched uranium* containing at least 20% of uranium- 235 isotope.

3. *Zone* means an area delimited in relevant engineering information of a facility subject nuclear control or a facility that has one or less than one effective kilogram of nuclear materials or source nuclear materials in constant use;

#### **Article 4.** Provisions on declaration

##### **1.** First-time declaration

a/ Organizations or individuals that conduct the activities prescribed in Clauses 1 and 2, and at Points a, b, c and d, Clause 3, Article 2 of this Circular and are granted business lustration certificates or operation registration certificates after this Circular takes effect shall conduct first-time declaration with the Vietnam Agency for Radiation and Nuclear Safety within 45 days after obtaining business registration certificates or operation registration certificates.

Organizations or individuals that conduct the activities prescribed at Point d, Clause 3 of Article 2, when disposing of radioactive wastes, shall declare with the Vietnam Agency for Radiation and Nuclear Safety within 210 days after conducting the disposal.

Organizations or individuals that conduct the activities prescribed in Clauses 1 and 2, and at Points a, b, c and d, Clause 3, Article 2 of this Circular, and are granted business registration certificates or operation registration certificates before or on the effective date of this Circular, shall conduct first-time declaration with the Vietnam Agency for Radiation and Nuclear Safety within 45 days from the effective date of this Circular.

b/ Organizations or individuals that conduct the activities prescribed at Point dd, Clause 3, Article 2 of this Circular shall conduct declaration under Article 5 of the Minister of Science and Technology's Circular No. 25/2012/TT-BKHCN of December 12, 2012, providing the list of and requirements for controlling materials and equipment in the nuclear fuel cycle.

##### **2.** Annual declaration

Organizations or individuals that conduct first-time declaration under Clause 1 of this Article shall make and send annual declarations to the-Vietnam Agency for Radiation and Nuclear Safety before January 31st every year.

##### **3.** Additional declaration

Organizations or individuals that conduct the activities prescribed in Article 2 of this Circular shall make additional declarations according to Form No. 09/AP-KSHN in Appendix II to this Circular at the request of the Vietnam Agency for Radiation and Nuclear Safety.

Within 15 days after receiving a written request, an organization or individual shall make and send a declaration to the Vietnam Agency for Radiation and Nuclear Safety.

4. Organizations or individuals that conduct the activities prescribed in Article 2 of this Circular shall make declarations on their ten-year plans according to Form No. 08/AP- KSHN in Appendix II to this Circular and send them to the Vietnam Agency for Radiation and Nuclear Safety together with their first-time declarations and annual declarations.

**Article 5.** Dossier of declaration

1. A declaration form, provided in Appendix II to this Circular.
2. Technical documents, accompanied with materials and equipment.
3. Other relevant documents as required by the Vietnam Agency for Radiation and Nuclear Safety.

**Article 6.** Responsibilities of organizations and individuals to make declarations

Organizations and individuals that make declarations prescribed in Article 4 of this Circular shall:

1. Make truthful and adequate declarations.
2. Coordinate with the Vietnam Agency for Radiation and Nuclear Safety in verifying declared information.
3. Create favorable conditions for competent officers of the Vietnam Agency for Radiation and Nuclear Safety and international inspectors to verify declared information.
4. Appoint at least one person to take charge of declaration in accordance with this Circular.

**Article 7.** Effect

1. The Vietnam Agency for Radiation and Nuclear Safety shall guide, urge and inspect organizations and individuals in making declarations in accordance with this Circular.
2. This Circular takes effect on September 16, 2013.

3. Any problems arising in the course of implementation should be promptly reported to the Ministry of Science and Technology for amendment and supplementation.

*For the Minister of Science and Technology*

*Deputy Minister*

**LE DINH TIEN**

*(All forms provided in the Appendices to this Circular are not translated).-*

[www.LuatVietnam.vn](http://www.LuatVietnam.vn)