

## Decree 70 on Nuclear Power Plants

On 22 June 2010 the Vietnam Government issued Decree No. 70/2010/ND-CP detailing and guiding the implementation of the Law on Atomic Energy regarding nuclear power plants (Decree 70).

Decree 70 regulates safety, construction, operation and decommissioning of nuclear power plants, and incident response actions.

Decree 70 applies to organisations and individuals, resident and offshore, that conduct activities relating to nuclear power plants in Vietnam.

The salient provisions are discussed below.

### Principles on the investment, building, operation and decommissioning of a nuclear power plant

- Investment in a nuclear power plant must comply with the national master plan on electricity development and relevant master plans.
- All activities relating to construction investment, operation and decommissioning of a nuclear power plant must ensure the highest requirements on safety and security.
- Investment in the building and operation of a nuclear power plant must achieve economic efficiency, contribute to socio-economic development, minimise adverse impact on the environment, and improve the living standards of local inhabitants.
- A nuclear power plant on the list of important works relating to national security must be specially protected to ensure its absolute safety in the course of survey, designing, building,

operation and management under the regulations on the protection of important works related to national security.

- The licensing of nuclear power plants must be conducted by the competent State body upon request by concerned organisations or individuals, such competent State body having responsibility for the selection of locations, designing, building, operation, exploitation or decommissioning of nuclear power plants.

### Revision of nuclear power development master plans

- A nuclear power development master plan must be reviewed every ten years with orientation for the subsequent ten year period.
- Such nuclear power development master plan must be formulated at the same time with and incorporated into the national electricity development master plan.

### Standards and regulations

- The Ministry of Industry and Trade (MOIT) will promulgate or accredit technical standards applicable to nuclear power turbine units.
- The Ministry of Science and Technology (MST) will promulgate or accredit technical standards and regulations on nuclear safety applicable to the selection of locations, design, construction, operation and dismantlement of nuclear power turbine units.
- The Ministry of Construction will promulgate or accredit construction standards and regulations applicable to nuclear power turbine units.

## Tasks and powers of State administration bodies in charge of nuclear power plants

The MOIT is assigned with the following tasks and powers:

- To revise, and direct the implementation of, nuclear power development master planning and plans
- To promulgate, disseminate, guide and organise the implementation of, relevant policies and laws
- To negotiate and conclude cooperation agreements and international treaties on nuclear power plants
- To issue trial operation licenses; to issue, amend, revoke or renew electricity activity licenses of nuclear power plants
- To approve the operating of nuclear power plants
- To guide and assist investors in implementing nuclear power investment projects
- To coordinate with State administration bodies at all levels in managing investment in the development and operation of nuclear power plants
- To conduct professional training for State administration bodies in charge of nuclear power plants

The MST has the following tasks and powers:

- To promulgate regulations on the safety of nuclear power plants
- To conduct nuclear control activities
- To assess safety in all of the stages of a nuclear power plant project
- To specify the required contents in a safety analysis report
- To conduct professional training for the nuclear safety management body
- To coordinate with the Ministry of Natural Resources and Environment (MONRE) in

guiding the contents of a radioactivity control plan and stipulating standards on radioactive emissions, management of radioactive waste and spent nuclear fuels

- To coordinate with concerned ministries and branches in guiding the establishment of restricted areas and areas for protection and observation of environmental radioactivity at nuclear power plants

Other ministries and ministerial-level agencies will, within the ambit of their tasks and powers, perform State management of nuclear power plants as assigned by the Government.

The People's Committee of the locality has the following tasks and powers:

- To organise ground clearance, to issue land use right certificates and supervise land use
- To resolve investor issues and propose to the Prime Minister or concerned ministries and branches on settling problems which fall beyond their competence

## Pre-feasibility study report of a nuclear power plant project

The investor must make a pre-feasibility study report of its nuclear power plant project. Such report must contain the following particulars:

- Necessity to invest in building the nuclear power plant, favourable and unfavourable conditions, regulations on exploitation and use of national natural resources (if any)
- Expected investment scale, the number of turbine groups and their output and constructed area, and items of the project
- Planned location of the plant, areas in which civilian residence is banned or restricted and land use needs
- Analysis and preliminary selection of

technologies, technical parameters; conditions on supply of materials, equipment, fuel, energy, services and technical infrastructure; training of human resources; plan on ground clearance and resettlement; the project's impact on the environment; assurance of radiation and nuclear safety, actions in response to radiation or nuclear incidents, management of radioactive waste and spent nuclear fuels; fire and explosion prevention and fighting; national security and defence; communications on project preparations

- Investment form, preliminary estimation of total investment capital, project implementation duration, plans on capital raising according to the implementation schedule and socio-economic efficiency of the project and investment phases
- Special recommendations to the National Assembly upon its consideration and decision on investment in the nuclear power plant

The Prime Minister will set up a State appraisal council with the Minister of Planning and Investment as its chairman to appraise the pre-feasibility study report of the nuclear power plant. Based on the results of such appraisal, the Government will propose to the National Assembly to consider and approve investment in such plant.

### Feasibility study report of a nuclear power plant project

Investors must formulate a feasibility study report for the nuclear power plant project after the National Assembly approves investment in building the plant. In addition to the contents required in the pre-feasibility study, which must be included in this feasibility study, the additional requirements are as follows:

- Objectives of investment; assessment of electricity needs of the region and the whole country
- Description of sizes and areas of construction of the works and work items under the project; plan

on connection to the national power system

- Implementation plans and solutions, including an overall plan on compensation, support and resettlement upon land recovery by the State; architectural design plans for the works in the plant; plans on security assurance as stipulated by law; plan on employment of human resources; schedule and method of project management
- Capital sources and capability to disburse capital according to the schedule; plan on loan repayment

### Environmental impact assessment report

The investor of a nuclear power plant project must prepare an environmental impact assessment report. An environmental impact assessment report must be made concurrent with the feasibility study report and must contain the following principal details:

- Listing and description of work items of the project, including constructed areas, duration and work volume; technology(ies) for operating each work item and the whole project
- General assessment of the current state of radiation and non-radiation environment in the project location and surrounding areas; suitability of the environment
- Assessment of environmental impact of radiation and non-radiation which may occur in the project implementation, and environmental and socio-economic factors impacted by the project; forecast of possible environmental risks caused by the project; assessment of environmental impact of radiation in the case of a nuclear accident
- Measures to reduce adverse impact on the environment; prevention and response actions to environmental incidents
- Commitment to take environmental protection measures in the course of construction and operation of the works
- List of the works and programs to manage

and oversee environmental matters during the implementation of the project

- Estimated funds for construction of environmental protection work items in the total fund estimation of the project
- Opinions of the local People's Committee and representatives of the community in the project area

The MONRE will coordinate with the MST in guiding the environmental impact assessment report for a nuclear power plant; set up appraisal councils or select appraisal service providers to appraise environmental impact assessment reports for nuclear power plants; and approve environmental impact assessment reports after they are appraised.

### Construction license of a nuclear power plant

The investors of a nuclear power plant must prepare application documents for the construction license and submit them to the MST. The MST will consider such documents and issue a construction license for the nuclear power plant after consulting the National Council for Nuclear Safety.

### Revocation of construction licenses

The construction license of a nuclear power plant may be revoked in the following cases:

- A serious violation is detected in the application documents for the license
- The investor fails to commence construction within five years after being licensed

### Responsibilities of investors in the course of construction and installation

- To inspect the conditions for commencing construction
- To inspect the capacity of work construction and

installation contractors against the bid dossiers and signed contracts

- To inspect and supervise the quality of supplies, materials and equipment to be installed and supplied by contractors under signed contracts
- To inspect and supervise contractors' observance of regulations on control of nuclear materials, radiation and nuclear safety
- To facilitate safety inspection by the radiation and nuclear safety agency
- To organise and coordinate with the local authorities and concerned bodies in conducting communication about the nuclear power project
- To request the local People's Committee, police department and army to coordinate in assuring security for the construction site of the nuclear power plant
- To implement action plans in response to any occurrence of radiation or nuclear incident on the construction site of the nuclear power plant and the surrounding areas
- To perform other obligations as stipulated by law

### Licensing the trial operation of a nuclear power plant

- The investor of a nuclear power plant must prepare an application to the MOIT for issuance of a license for trial operation of the plant.
- The MOIT will grant a license for trial operation of the nuclear power plant after consulting the MST and the National Council for Nuclear Safety.
- The safety control body of the MOIT and the radiation and nuclear safety body of the MST will inspect and supervise the trial operation of such nuclear power plant.
- The MOIT will provide detailed guidelines on the contents of the application file, order and procedures for licensing such trial operation.

## Licensing of electricity activity of a nuclear power plant

For official operation of a nuclear power plant, the organisation owning the plant must submit an application file to the MOIT for issuance of an electricity activity license for the nuclear power plant. Such application file must contain:

- A written request for issuance of an electricity activity license
- A report on safety analysis after trial operation
- An operation program and a fuel renewal plan
- A plan on assurance of operation quality
- A plan of action in response to incidents
- A report on trial operation

The radiation and nuclear safety body will appraise the report on safety analysis after trial operation as well as the plan of action in response to incidents.

The MOIT will issue an electricity activity license for the nuclear power plant after consulting the MST and the National Council for Nuclear Safety.

The MOIT will provide detailed guidelines on the contents of the application file, order and procedures for issuance of an electricity activity license for a nuclear power plant.

## Effectiveness

Decree 70 took effect on 10 August 2010.

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