

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF ENERGY OF THE UNITED STATES OF AMERICA
AND
THE MINISTRY OF FINANCE OF THE SOCIALIST REPUBLIC OF VIET NAM
CONCERNING
COOPERATION TO PREVENT THE ILLICIT TRAFFICKING
IN NUCLEAR AND OTHER RADIOACTIVE MATERIAL

The Department of Energy of the United States of America (DOE) and the Ministry of Finance of the Socialist Republic of Viet Nam (MOF), hereinafter referred to collectively as the “Participants”;

Desiring to cooperate to prevent the illicit trafficking in nuclear and other radioactive material through technical and methodological cooperation, including the improvement of technical systems for the detection and identification of these materials at selected seaport(s) in Viet Nam,

Have reached the following understanding:

I. SCOPE OF COOPERATION

1. The DOE, through its National Nuclear Security Administration, may provide technical assistance, at no cost to the MOF, through its implementing agent, the General Department of Customs, in the form of equipment and materials, as well as training and services, for use at selected seaport(s) of Viet Nam as mutually determined in writing by the Participants, for the purpose of detecting and interdicting illicit trafficking in nuclear and other radioactive material. As used herein, “special nuclear material” means plutonium, and uranium enriched to 20 percent or more in the isotope U-235. “Other radioactive material” includes, but is not limited to, radioactive sources suitable for use in radiological dispersal devices.

2. The first installation is to be at the Port of Cai Mep in Ba Ria-Vung Tau Province. The specific location and other details of this and each such installation are to be mutually determined by the Participants and set forth in writing as provided for in paragraph 7 of this Section I.
3. DOE technical assistance may include:
 - a. delivery and installation in selected seaport(s) in Viet Nam mutually determined in writing by the Participants of equipment for customs control (including testing, setup, and demonstration of the equipment);
 - b. delivery of spare parts kits, test equipment, replacement equipment, and other maintenance equipment to maintain the DOE-provided equipment, subject to the Participants' mutual consent;
 - c. training of MOF personnel and other appropriate personnel in detection of special nuclear material and other radioactive material, and in the proper use and maintenance of equipment provided by the DOE;
 - d. technical support for maintenance of the equipment provided by DOE, as set forth in a maintenance and sustainability plan mutually determined by the Participants; and
 - e. additional areas of cooperation of mutual interest to the DOE and the MOF.
4. Upon mutual consent of both Participants, representatives of the DOE may make technical evaluations of the equipment supplied under this Memorandum of Understanding (Memorandum) starting from the date of installation of the equipment. Such evaluations, whose scheduling and duration are to be jointly determined by the Participants, may include: assessment of the technical condition of the DOE-provided equipment, and the skills of the equipment operators.
5. DOE and the MOF may conduct technical workshops, consultations, site surveys, engineering surveys, verification inspections and acceptance testing of materials and installed equipment. Joint working groups of technical experts may be formed to exchange technical information and to make proposals on technical and training matters to ensure the effective implementation of this Memorandum.

6. The MOF should endeavor to ensure that equipment and materials provided under this Memorandum are afforded priority processing to allow prompt engineering approvals, and equipment and materials deliveries to their ultimate destination in Viet Nam.
7. This Memorandum serves as the general framework for the Participants' cooperative activities. The specific terms of any technical assistance provided under this Memorandum are expected to be set forth in contracts, or written annexes to this Memorandum, between the DOE and the MOF or their designated implementing agents.

II. PROVISION OF INFORMATION

The MOF may furnish DOE, on a voluntary basis, through the Embassy of the United States of America in Ha Noi, with general data on detections or seizures of special nuclear material and other radioactive material made as a result of the use of the equipment and materials supplied under this Memorandum.

III. NON-TRANSFER OF EQUIPMENT

Unless the written consent of the DOE has first been obtained, the MOF is not to transfer any equipment provided by the DOE pursuant to this Memorandum, other than to other ministries, bureaus, agencies or departments of the Government of Viet Nam.

IV. TAX AND CUSTOMS TREATMENT OF EQUIPMENT

The Participants understand that the DOE and its designated implementing agents are not to pay any taxes, duties or other charges on equipment, materials, training or services provided under this Memorandum.

V. GENERAL PROVISIONS

1. All activities of each Participant and its designated implementing agents under this Memorandum are to be carried out in accordance with the laws

and regulations of that Participant's Government and applicable international agreements to which that Participant's Government is party.

2. Any question concerning implementation of this Memorandum is to be resolved through consultations by the Participants.

VI. EFFECTIVE DATE, MODIFICATION, AND DURATION


Implementation of this Memorandum may begin upon signature by both Participants. This Memorandum may be modified in writing by the Participants' mutual consent. Any such modification may take effect upon signature by the Participants. If either Participant wishes to end its cooperation under this Memorandum, it should endeavor to provide at least 90 days' advance written notice to the other Participant.

Signed at Ha Noi, in duplicate, this second day of July, 2010, in the English and Vietnamese languages.

FOR THE DEPARTMENT OF ENERGY OF THE UNITED STATES OF AMERICA:	FOR THE MINISTRY OF FINANCE OF THE SOCIALIST REPUBLIC OF VIET NAM:
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Michael W. Michalak
U.S. Ambassador to Viet Nam



Do Hoang Anh Tuan
Deputy Minister