

Iran's Nuclear Program: Tehran's Reply to the IAEA on the "Implementation of Safeguards in Iran"

By [Permanent Mission of Iran to the IAEA](#)
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in response to [Report of the Director General on implementation of Safeguards in Iran](#) (GOV/2010/10)



IAEA Director General Yukiya Amano delivering his opening statement to the Board of Governors. (Photo: D. Calma/IAEA)

Communication dated 1 March 2010 received from the Permanent Mission of the Islamic Republic of Iran to the Agency regarding the implementation of safeguards in Iran

Explanatory note

by the

Permanent Mission of the Islamic Republic of Iran to the IAEA

on the

[Report of the Director General on implementation of Safeguards in Iran](#)

(GOV/2010/10)

1- The report (GOV/2010/10) is not balanced and factual since it has not duly reflected the cooperation, letters and explanations of the Islamic Republic of Iran to the questions of or communication made with the Agency.

2- The report, in contradiction to the Agency's statutory mandate, contained tremendous confidential technical details which create a lot of confusions for various groups of readers, diplomats, experts and the public at large.

3- The only new development since the last report by the former Director General is the successful enrichment activity up to 20% in order to produce the required fuel for the Tehran Research Reactor after Iran was disappointed due to lack of a responsible response to its legitimate request. But the lengthy text of the historical background and repeating obsolete issues such as alleged studies, so called American laptop, with details has created confusion for the public. The alleged studies, including baseless allegation on Green Salt Project, high explosive testing and missile re-entry vehicle, had been raised over 4 years ago, thus is not a new issue. The Safeguards Department has claimed that the intention of this report is to refresh the memories of the members of the Board of Governors at the cost of public confusion and damaging the Agency's credibility. Despite there has been no any other new development, this DG report (GOV/2010/10) complies with parts of the past DG's reports

which have been chosen selectively and incompletely, specifically focused on unproved and baseless allegations, so called alleged studies, and possible military dimension.

4- Pursuant to the official communication by Iran dated 7th February 2010 in which it officially notified the Agency about its decision to start enrichment activities up to 20%, Iran did not start the activity until the Agency officially had acknowledged the receipt of its notification and informed Iran on the same day that the inspectors have already been instructed to be present at FEP in Natanz on 9th February 2010. [Quote from the letter of the Agency by the Director of the Division of Operations B, Department of Safeguards, dated 8 February 2010: "I refer to your letter dated 8 February 2010 (Ref.M/137/315/5009) and I would like to inform you that our inspectors have been instructed to be at FEP on the 9th February 2010 to detach seal at the 30B cylinder containing LEU, maintain continuity of knowledge during re-batching to a 5B cylinder and seal both the 30B and 5B cylinder after the verification"]

The centrifuges used for this purpose were already under full scope safeguards including 24 hours surveillance of the Agency's camera and the routine inspections. Iran however decided to inform the Agency before taking any action and also to invite the inspectors to be present at the time of commencement of the 20% activity. Therefore, the text of paragraph 11 of the report is in contrary to the factual arrangement and is misleading.

5- The fact that all declared nuclear materials is accounted for and is remained peaceful and under the Agency full scope surveillance is not reflected and is a missed essential element of this report.

6- Mixing the notions of "all nuclear material", "declared nuclear material" and the issue of "assurances about the absence of undeclared nuclear material" in the context of Comprehensive Safeguards Agreement (CSA) and Additional Protocol, respectively, in a non-professional manner, has undermined the full cooperation of Iran in accordance with its CSA obligation and has misled the public.

7- The facts that the material of the alleged studies has lack of authenticity, that no nuclear material was used and no components were made as declared by the former Director General in respect of baseless alleged studies, are missing parts in this report.

8- The report lacks any reference to the fact that the United States did not permit the Agency to deliver to Iran the material related to the alleged studies, associated to the so called American laptop, thus the Agency's verification activities were jeopardized and its credibility damaged, since the Agency was obliged to deliver the material to Iran in accordance with the Work Plan (INFCIRC/711) agreed upon by the Islamic Republic of Iran and the Agency. One could easily notice the criticism of the former Director General in this respect.

9- It should be recalled that there were only six past outstanding issues which had been included in the agreed Work Plan (INFCIRC/711) and that all of them have been resolved. Also the part IV. 1 of the Work Plan reads as follows: "These modalities cover all remaining issues and the Agency confirmed that there are no other remaining issues and ambiguities regarding Iran's past nuclear program and activities." Therefore, no new issues should be raised such as "possible military dimension".

10- According to the Work Plan agreed upon by Iran and the Agency on 21 August 2007 (INFCIRC/711), the Alleged Studies have been fully dealt with by Iran and the item in the Work Plan is concluded. Any expectation of another round of substantive discussion or the Agency's request for providing information and access is absolutely in contravention with the spirit and the letter of such an agreement which both parties have been committed to. It should be recalled that the agreed Work Plan is the outcome of fruitful and intensive negotiations by three top officials in charge of Safeguards, Legal and Policy Making Organs of the Agency with Iran and eventually acknowledged by the Board of Governors. Therefore, it is highly expected that the Agency respects its agreement with Member States, otherwise the mutual trust and confidence which is essential for the sustainable cooperation shall be put in jeopardy.

II- SPECIFIC REMARKS

1- Comments on paragraphs 8 to 13 of the report on starting enrichment up to 20%:

All 20% enrichment activities have been declared to the Agency before taking any action. After official communications and in the presence of the Agency inspectors and under continuous surveillance of the Agency, the activities to produce up to 20% enrichment uranium in order to provide required material for the Tehran Research Reactor fuel were started. In this respect, immediately pursuant to the instruction for launching fuel production for the Tehran Research Reactor, the DIQ of PFEP facility was updated on 7 February 2010 and submitted to the IAEA before taking any action. Iran notified the IAEA through a letter that was responded and confirmed by the Agency on the same day (8 February 2010), that a small cylinder containing LEU was introduced to PFEP and connected to its feeding line in the presence of the Agency inspectors on 9th February 2010 and remained under the Agency's seal and surveillance. Moreover, the IAEA monitoring system, including cameras and seals are in place since 2003 and, therefore, the connection of the LEU cylinder to the system, besides the presence of the Agency inspectors, is also covered by continuous monitoring of the Agency's cameras as well as Agency seals. As a matter of fact, all the safeguards measures have been completely met for 20% enrichment process.

A draft safeguards approach for PFEP was presented in 2003. This draft was discussed through subsequent meetings and has not yet been finalized besides there was no need to stop the enrichment activities. Nevertheless, basically the foreseen measures are implemented and the Agency was informed of the 20% enrichment activities in advance and therefore there was no need to stop the work of this activity before finalizing the safeguards approach agreement while safeguards measures are in place.

As explained above, this facility is running as before under the Agency surveillance, Agency inspectors access, performing Agency's inspections, visual inspectors' observations, Agency's cameras and seals application while the safeguards approach review and its facility attachment is under discussion.

2- Comments on paragraphs 19-24 of the report regarding Heavy Water Related Projects:

1- UNSC resolutions against Islamic Republic of Iran had been issued illegally and have no legal basis; therefore they are not obligatory to the Islamic Republic of Iran.

2- The Agency's requests are even beyond the illegal UNSC resolutions since it just requesting to suspend the heavy water-related projects and the suspension be verified by the Agency. The resolutions have not requested the collection of information such as origin of the drums and production, taking DA samples, weight and amount of heavy water, etc. These are beyond the illegal UNSC resolutions and create ambiguities that whether the Agency's intention is gathering information for other purposes.

3- The Islamic Republic of Iran has officially announced on several occasions that no suspension including heavy water production is accepted. It has announced that the Agency be sure that the activities are continuing. Therefore, verification of suspension is not required. And it is not clear that why the Agency keeps intending to collect detailed information by requesting to have access to facilities and non nuclear materials.

4- Having considered that the Safeguards Agreement between the Agency and the Islamic Republic of Iran (INFCIRC/214) is governing the relation between the Agency and Iran it constitutes the legal basis for cooperation and the Agency's requests should be based on that Agreement. Thus, it is not clear why the Agency's requests goes beyond the Safeguards Agreement and even beyond the Additional Protocol, although the latter is not being implemented by Iran.

5- Accordingly, the Agency's request to take DA samples from the Heavy Water stored at UCF has no justification referred to Iran's Safeguards Agreement (INFCIRC/214). However, the Agency inspectors were allowed to perform their attribute test in order to confirm that they are not nuclear materials.

3- Comments on paragraph 28-35 of the report regarding design information (code 3.1)

1- Modified code 3.1 of Subsidiary Arrangement: Iran was implementing voluntarily the modified code 3.1 since 2003, but because of the illegal UNSC resolutions against Iran's peaceful nuclear activities, the implementation of modified code 3.1 was suspended. However, Iran currently is implementing code 3.1 of Subsidiary Arrangement.

2- In respect of FFEP DIQ (Fordow Site), Iran is committed to declare a facility to the Agency 180 days prior to introducing nuclear materials to it. However, Iran has voluntarily informed 18 months prior to introduction of materials to the site. Iran, in addition, provided its DIQ, granted unlimited access to the facility, held meetings and provided detailed information, permitted taking swipe samples and reference photos which under the provision of code 3.1 of 1976, Iran is not obliged to do so.

3- In respect of providing information on other new facilities, Iran will inform the Agency in accordance with the code 3.1 of 1976 and will provide the Agency with the required design information in its due time.

4- Any request of Design Information on Darkhovain NPP, Arak IR40, new enrichment facilities, etc, by the Agency should be in accordance with the code 3.1 of 1976.

4- Comments on paragraphs 37 of the report about Pyroprocessing R&D activities and Agency's request for providing information in this respect:

In fact there is not pyroprocessing R&D activity and the question raised has been a misinterpretation by the Agency inspectors on the scope of a research on studying electrochemical behaviour of uranyl nitrate in ionic liquid media. Therefore, requesting information on non-existed activity is meaningless.

5- Comments on paragraph 39 of the report about requesting access to additional locations (Additional Protocol):

The Additional Protocol is not a legally binding instrument and is voluntary in nature. Hence, many Member States including Iran are not implementing this voluntary protocol. Requesting Iran to ratify or implement the Additional Protocol, being a non-legally binding instrument, is in contravention with international law and the sovereign decision of any Member State. Therefore, suspension of implementation of the Additional Protocol does not constitute violation of its NPT Safeguards Agreement (INFCIRC/214) and any request by the Agency in the framework of the Additional Protocol is not legally justified.

Although the Islamic Republic of Iran voluntarily implemented the Additional Protocol for more than two and a half years, a few western countries in an opposite direction to this and other voluntary measures carried out by the Islamic Republic of Iran, illegally conveyed Iran's nuclear issue to the United Nations Security Council. Afterwards, Iran's voluntary measures were suspended based on the law adopted by the Iranian Parliament. Therefore, Iran should not be blamed for, but those countries which conveyed the issue to the UN Security Council instead.

6- Comments on paragraph 40-45 of the report on Possible Military Dimension:

1- Referring to the para 54 of the former DG report GOV/2008/4 that reads "However, it should be noted that the Agency has not detected the use of nuclear material in connection with the alleged studies, nor does it have credible information in this regard" that clearly rejected use of nuclear material and credible information in alleged studies. Therefore, the first sentence of para 40 of GOV/2010/10 is obviously contradicting the above assessment of the Agency. And also

creating any linkage between the peaceful nuclear materials in Iran with absence of possible military dimension is absolutely wrong.

2- In section E of GOV/2010/10, there are claims based on baseless allegations. The Agency should not judge without investigation of all aspects of the allegations but, regrettably, it has done so. It has also to be recalled that the para 24 of the former DG report GOV/2008/15 says "It should be noted that the Agency currently has no information - apart from the uranium metal document - on the actual design or manufacture by Iran of nuclear material components of a nuclear weapon or of certain other key components, such as initiators, or on related nuclear physics studies" which is missing in this report and even in fact in contradiction with the judgment in this report.

3- It has to be recalled that pursuant to the negotiations between the former Director General and the then Secretary of Supreme National Security Council of Iran in 2007, the Islamic Republic of Iran took an important initiative in July 2007 to resolve all outstanding issues and remove any ambiguity concerning the nature of its peaceful nuclear activities in the past and present. It should be emphasized that the main objective of the subsequent Work Plan that was agreed between Iran and the Agency on 21 August 2007 (INFCIRC/711), was to resolve, in a step by step manner, all outstanding issues once and for all and to prevent the endless process from being dragged any further.

4- On the basis of the Work Plan, the Agency provided the Islamic Republic of Iran with a list of six outstanding issues as reflected in part II of INFCIRC/711. The six outstanding issues were: 1) Plutonium Experiments, 2) P1-P2 Centrifuges, 3) Source of Contamination in an equipment of a technical university, 4) Uranium Metal Document, 5) Polonium 210 and 6) Gachine Mine.

5- It was never the understanding of Iran and IAEA to categorize the so-called "Alleged Studies" summarily referred to in part III of INFCIRC/711 as an outstanding issue, otherwise the parties should have addressed it in part II of INFCIRC/711. One has to bear in mind the fact that the issues such high explosives and re-entry missile are outside the domain of the IAEA statutory mandate.

6- Moreover, if the so-called Alleged Studies were an outstanding issue, Iran and IAEA should have developed and agreed on a detailed modality for dealing with it as they did with respect to the six outstanding issues addressed in part II of INFCIRC/711. As a result, Iran and IAEA decided to make a short reference to the Alleged Studies in part III of INFCIRC/711 and to agree on a different approach for addressing it as follows:

"Iran reiterated that it considers the following Alleged Studies as politically motivated and baseless allegations. The Agency will however provide Iran with access to the documentation it has in its possession ... As a sign of good will and cooperation with the Agency, upon receiving all related documents, Iran will review and inform the Agency of its assessment." (Emphasis supplied).

7- According to the above understanding, the Agency was required to submit all documentation to Iran and then Iran was only expected to "inform the Agency of its assessment". No visit, meeting, personal interview, swipe sampling were foreseen for addressing this matter. Notwithstanding the above and based on good faith and in a spirit of cooperation, Iran went beyond the above understanding by agreeing to hold discussions

with the IAEA, provide necessary supporting documents and inform the Agency of its assessment. Meanwhile, by refusing to submit all documentation to Iran concerning the so-called Alleged Studies, IAEA did not fulfil its obligation under part III of INFCIRC/711.

8- In the former DG reports of November 2007 and February 2008, it has been stated that all six outstanding issues had been resolved and the Islamic Republic of Iran had responded to all questions about the outstanding issues in accordance with the Work Plan. Following the successful implementation of the Work Plan which led to the resolution of all six outstanding issues, the Government of the United States being dissatisfied about the results, began a political campaign on a part of the Work Plan entitled the Alleged Studies. Therefore, by interfering in the work of the IAEA and exerting various political pressures the Government of the United States attempted to spoil the cooperative spirit between the Islamic Republic of Iran and the IAEA.

9- In spite of the fact that the so called Alleged Studies documents had not been delivered to Iran, the Islamic Republic of Iran carefully examined all the materials which have been prepared by US Government for power point presentations by the Agency, and informed the Agency of its assessment. In this context I recall the following important points:

i. The Agency has not delivered to Iran any official and authenticated document which contained documentary evidence related to Iran with regard to the Alleged Studies.

ii. The Government of the United States has not handed over original documents to the Agency since it does not in fact have any authenticated document and all it has are forged documents. The Agency didn't deliver any original documents to Iran and none of the documents and materials that were shown to Iran have authenticity and all proved to be fabricated, baseless allegations and false attributions to Iran.

iii. How can one make allegations against a country without provision of original documents with authenticity and ask the country concerned to prove its innocence or ask it to provide substantial explanations?

iv. The Agency has explicitly expressed in a written document dated 13 May 2008 that: "... no document establishing the administrative interconnections between "Green Salt" and the other remaining subjects on Alleged Studies, namely "Highly Explosive Testing" and "Re-entry Vehicle", have been delivered or presented to Iran by the Agency". This written document proves that in fact the documents related to the Alleged Studies lack any internal consistency and coherence in this regard. It is regrettable that this explicit fact expressed by the Agency has never been reflected in the DG reports.

10- Taking into account the above-mentioned facts, and that no original document exists on the Alleged Studies, and there is no valid and documentary evidence purporting to show any linkage between such fabricated allegations and Iran, and no use of any nuclear material in connection to the Alleged Studies (because they do not exist in reality), also bearing in mind the fact that Iran has fulfilled its obligation to provide information to the Agency, and its assessment, and the fact that former DG already indicated in his reports in June, September and

November 2008 that the Agency has no information on the actual design or manufacture by Iran of nuclear material components of a nuclear weapon or of certain other key components, such as initiators, or on related nuclear physics studies, therefore this subject

must be closed.

11- If it was intended to raise other issues in addition to the Alleged Studies (Green Salt, Re-entry Missile, High Explosive Test) such as possible military dimension, since all outstanding issues have been incorporated in the exhausted list prepared by the IAEA during the negotiations, then it should have been raised by the Agency in the course of the negotiations on the Work Plan. One can clearly notice that no issue and item entitled “possible military dimension” exists in the modalities.

12- According to the former DG report of GOV/2009/55, the Agency expressed that the authenticity of the documentation that forms the basis of the Alleged Studies cannot be confirmed. This proved the assessment of the Islamic Republic of Iran that the Alleged Studies are politically motivated and baseless allegations.

13- In accordance to the first paragraph of chapter IV of the Work Plan which reads that “These modalities cover all remaining issues and the Agency confirmed that there are no other remaining issues and ambiguities regarding Iran’s past nuclear program and activities”, introducing a new issue under the title of “possible military dimension” is contrary to the Work Plan.

14- Paragraph 5 of Chapter IV of the Work Plan reads: “The Agency and Iran agreed that after the implementation of the above Work Plan and the agreed modalities for resolving the outstanding issues, the implementation of safeguards in Iran will be conducted in a routine manner.”

15- In Paragraph 3, chapter IV of the Work Plan, the Agency has acknowledged that “the Agency’s delegation is of the view that the agreement on the above issues shall further promote the efficiency of the implementation of safeguards in Iran and its ability to conclude the exclusive peaceful nature of Iran’s nuclear activities”. On this basis, while the Work Plan has been implemented, the Agency is obliged to confirm the exclusive peaceful nature of Iran’s nuclear activities.

16- The Islamic Republic of Iran and the Agency have fully implemented the tasks agreed upon in the Work Plan; in doing so, Iran has taken voluntary steps beyond its legal obligation under the Comprehensive Safeguards Agreement.

17- The report GOV/2009/55 confirmed that Iran has completed its obligation on the Alleged Studies by informing the Agency its assessment, the Agency is hereby highly expected to announce that the safeguards implementation in Iran shall be conducted in a routine manner in accordance with the last paragraph of the work Plan (INFCIRC/711).

7- Comments on paragraph 48-49 of the report about suspension:

Uranium enrichment and heavy water research reactor are not suspended, since there is no logical and legal justification to suspend such peaceful activities which are in the framework of the IAEA’s Statute and the NPT and under surveillance of the Agency. It should be reminded that Iran implemented suspension for more than 2.5 years voluntarily, as a non-legally binding and confidence building measure.

III- Iran’s full cooperation with the Agency

The report prepared by the Safeguards department of the Agency for the new Director General on Implementation of the Safeguards Agreement in the Islamic

Republic of Iran, despite of deficiencies explained above, once again confirmed Iran's cooperation with the Agency. The following are examples of Iran's cooperation which are reflected in the report (GOV/2010/10):

A) Full-scope safeguards of the nuclear enrichment activities and materials in Natanz:

1. "The nuclear material at FEP (including the feed, product and tails), as well as all installed cascades and the feed and withdrawal stations, are subject to Agency containment and surveillance." (para 5)

2. "The results of the environmental samples taken at FEP as of 21 November 2009 indicate that the maximum enrichment level as declared by Iran in the relevant Design Information Questionnaire (DIQ) (i.e. less than 5.0% U-235 enrichment) has not been exceeded at that plant." (para 6)

3. "Since the last report, the Agency has successfully conducted 4 unannounced inspections at FEP, making a total of 35 such inspections since March 2007." (para 6)

4. "Between 14 and 16 September 2009, the Agency conducted a PIV at the PFEP, the results of which confirmed the inventory as declared by Iran." (para 7)

5. "On 14 February 2010, Iran, in the presence of Agency inspectors, moved approximately 1950 kg of low enriched UF6 from FEP to the PFEP feed station." (para 12)

6. "The Agency inspectors sealed the cylinder containing the material to the feed station. Iran provided the Agency with mass spectrometry results." (para 12)

B) Verification activities in Fordow Fuel Enrichment Plant (FFEP)

7. "The Agency met with Iran between 25 and 28 October 2009, at which time it carried out design information verification (DIV) at FFEP..." (para 14).

"Since 26 October 2009, the Agency has conducted five DIVs at FFEP." (para 17)

8. "During three of these five DIVs, the Agency took environmental samples." (para 17)

C) Reprocessing Activities

9. "The Agency has continued to monitor the use and construction of hot cells at the Tehran Research Reactor (TRR) and the Molybdenum, Iodine and Xenon Radioisotope Production (MIX) Facility." (para 18)

10. "The Agency carried out an inspection and a DIV at TRR on 11 November 2009, and on 23 January 2010 at the MIX facility. There were no indications of ongoing reprocessing related activities at those facilities." (para 18)

D) Fuel Manufacturing Plant (FMP)

11. "On 13 January 2010, the Agency carried out a DIV at the Fuel Manufacturing Plant (FMP). It confirmed that no new process equipment had been installed at the facility and

that no new assemblies, rods or pellets had been produced since May 2009.” (para 22)

E) Other areas

12. “On 8 February 2010, the Agency carried out a DIV at the IR-40 reactor at Arak. The Agency verified that the construction of the facility was ongoing.” (para 23)

13. “Under cover of a letter dated 11 February 2010, Iran submitted an updated DIQ for UCF...” (para 25)

14. “Under cover of a letter dated 13 December 2009, Iran submitted an updated DIQ for UCF which included, inter alia, the layout of the laboratory.”(para 26)

15. “On 17 January 2010, the Agency carried out an inspection and a DIV at UCF.” (para 27)

16. “The total amount of uranium in the form of UF6 produced at UCF ... remains subject to Agency containment and surveillance.” (para 27)

17. “On 9 January 2010, the Agency conducted a DIV at the Jaber Ibn Hayan Multipurpose Research Laboratory (JHL) in Tehran....” (para 37)

18. The continued cooperation between the Islamic Republic of Iran and the Agency has resulted that “the Agency continues to verify the non-diversion of declared nuclear material in Iran...” (para 46)

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