

Information Circular

INFCIRC/797

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Communication dated 8 June 2010 received from the Permanent Mission of the Islamic Republic of Iran to the Agency regarding the Director General's Report to the Board of Governors GOV/2010/28

The Secretariat has received a Note Verbale dated 8 June 2010 from the Permanent Mission of the Islamic Republic of Iran transmitting the text of a letter from the Resident Representative of the Islamic Republic of Iran to the Director General regarding the section “A.2 Qom: Fordow Fuel Enrichment Plant” of the report by the Director General to the Board of Governors on “Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran” (GOV/2010/28).

As requested by the Permanent Mission, the aforementioned letter is circulated herewith for the information of all Member States.

In the name of God



**Permanent Mission of
ISLAMIC REPUBLIC OF IRAN
to the International Atomic Energy Agency (IAEA)**

No. 079/2010

4 June, 2010

**His Excellency Mr. Yukiya Amano
Director General
IAEA, Vienna**

In the name of God, the most Gracious and the most Merciful

Excellency;

With reference to your report to the Board of Governors (GOV/2010/28 dated 31 May 2010), I would like to bring the following to your attention on the section "A.2-Qom: Fordow Fuel Enrichment Plant" of the report:

- 1- The information which a Member State should submit to the Agency is defined in Article 43 of the Safeguards Agreement (INFCIRC/153) that reads:

"The design information to be provided to the Agency shall include, in respect of each facility, when applicable:

(a) The identification of the facility, stating its general character, purpose, nominal capacity and geographic location, and the name and address to be used for routine business purposes;

(b) A description of the general arrangement of the facility with reference, to the extent feasible, to the form, location and flow of nuclear material and to the general layout of important items of equipment which use, produce or process nuclear material;

(c) A description of features of the facility relating to material accountancy, containment and surveillance; and

(d) A description of the existing and proposed procedures at the facility for nuclear material accountancy and control, with special reference to material balance areas established by the operator, measurements of flow and procedures for physical inventory taking"

- 2- Based on the above Article, the Agency made a standard format of DIQ for Enrichment facilities, the Islamic Republic of Iran provided design information by submitting the DIQ of Fordow Fuel Enrichment Plant (FFEP) on 20 & 28 October 2009.

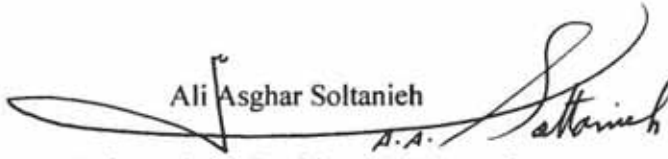
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*Permanent Mission of
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to the International Atomic Energy Agency(IAEA)*

- 3- According to Articles 8, 42, 43 and 44 of the Safeguards Agreement (INFCIRC/214), the Islamic Republic of Iran fulfilled its obligation in providing the DIQ of FFEP.
- 4- It is clear that the Agency's requests in providing additional information regarding the chronology of the design, construction and original purpose of FFEP are beyond our safeguards obligation. In addition requesting access to the companies involved in the design and construction is neither foreseen in the Safeguards Agreement nor in its Subsidiary Arrangement. Therefore, the Agency's requests stipulated in paragraph 15 of the report (GOV/2010/28) are beyond the Safeguards Agreement and there are no legal bases for such requests, and the Agency is not mandated to raise any question beyond the Safeguards Agreement.
- 5- Regarding paragraph 16 of the report, I would like to mention that:
In response to the Agency's request for providing related information on FFEP (attachment1), the Islamic Republic of Iran submitted the requested information in 17 February 2010 (attachment2).
According to the progress of completion of the site and present status of FFEP, necessary information is incorporated in the provided DIQ on 28 October 2009 and DIV's have been conducted accordingly by the Agency inspectors. Therefore, it is expected that the Agency's report be, merely, based on actual facts. Hence, it is very surprising to us to see that the paragraph 16 of the report contains such a baseless view.

Please accept, Sir, the assurance of my highest consideration


Ali Asghar Soltanieh
A.A.
Ambassador & Resident Representative