

----- Original Message -----

From: Dorothy.Rimmer@hse.gsi.gov.uk

To: largeassociates@o2.co.uk

Sent: Monday, January 10, 2011 4:41 PM

Subject: EIR 2010010172 John Large

Partial disclosure

Dear Mr Large

Environmental Information Regulation Reference No: 2010010172

Thank you for your request for information about:

- 1. a summary or, if prepared, the detail of the S106 Agreement caveats on the proposed expansion flight paths likely to be applicable as referred to in paragraph 6 of page 1;**
- 2. quantify the 'low levels' of risk associated with the fuel remaining at the Dungeness A (Magnox) site referred to in paragraph 2 of page 2;**
- 3. a full and unabridged copy of the final report of the independent studies commissioned by the HSE in or about 2006 referred to in the 2nd bullet point of page 2; and**
- 4. if different to the risk assessment in the report of 3) foregoing (ie if the item 3) report only deals with aircraft crash risk), provide a copy of the studies that relate aircraft type and crash incidence to the projected 'calculated risk of a significant radiological release (per annum)' of the tabulated data of page 2;**

Your request was received on 18th January 2010 and I am dealing with it under the terms of the Environmental Information Regulations 2004 (the Regs).

I can confirm that the Health and Safety Executive can offer the following in response to your request for information:

- 1. a summary or, if prepared, the detail of the S106 Agreement caveats on the proposed expansion flight paths likely to be applicable as referred to in paragraph 6 of page 1;**

Heads of Terms relating to the Operational Restrictions Only for Section 106 Agreement Relating to Planning Applications Y06/1647/SH & Y06/1648/SH (attached)

- 2. quantify the 'low levels' of risk associated with the fuel remaining at the Dungeness A (Magnox) site referred to in paragraph 2 of page 2;**

The risks have not been quantified numerically. Instead, the qualitative judgement on Dungeness A is based on the principle that risk at this station, in its current shutdown state is greatly reduced, compared to levels of risk at the station in an operational state (when risks were fully quantified).

Additionally, the removal of nuclear fuel from the Dungeness A, which is currently underway, is expected to have progressed significantly by 2014 (when Lydd is projected to be handling 2m passengers per year), and will reduce further the consequences (and therefore risk) arising from an aircraft crash onto the station.

Further, Dungeness A, in its partially defueled, shutdown state, is judged to present less risk than Dungeness B, which is still operational and where the risk has been quantified.

The levels of risk presented by both stations remain within the targets laid out with HSE Nuclear Directorate's safety assessment principles (see <http://www.hse.gov.uk/nuclear/saps/index.htm>).

3. a full and unabridged copy of the final report of the independent studies commissioned by the HSE in or about 2006 referred to in the 2nd bullet point of page 2;

A copy of this report is enclosed, redactions have been made to this report under:

- Regulation 12(5)(a), where we believe disclosure would have an adverse effect on *international relations, defence, national security or public safety*, and
- Regulation 12(3), where we believe the information requested includes third party personal data.

As a result, pages 20-22 have been removed from the report in their entirety.

Regulation 12(5)(a) is a qualified exception that is subject to the public interest test. This means HSE has to balance the public interest factors favouring disclosure against those favouring non-disclosure. An explanation of the decision is given in the annex attached to this letter as well as the factors considered when deciding where the public interest lies.

4. if different to the risk assessment in the report of 3) foregoing (ie if the item 3) report only deals with aircraft crash risk), provide a copy of the studies that relate aircraft type and crash incidence to the projected 'calculated risk of a significant radiological release (per annum)' of the tabulated data of page 2;

This data comes from the report above, but the detailed data has been redacted for security reasons. The table provided in the brief summarises this data. Further work was undertaken by HSE in early 2009 to update the 2007 report based on updated crash data to 2006 (previously data was current to 2002). The equivalent updated data is provided below and the redacted report is also provided:

ESR Technology, Lydd airport Planning application: Dungeness Aircraft Crash Risk: Updated Review of Assessment, February 2009. The units are frequency of significant radiological release per reactor year

Status	Background	Airport Operations	Total
Current	5.0×10^{-8}	2.4×10^{-8}	7.4×10^{-8}
Airport by 2014	5.0×10^{-8}	1.9×10^{-8}	6.9×10^{-8}

Comparison with the 2007 data indicates that the new figures are all within 10% of the old ones, and the net change in total risk is a small reduction of 2.9% by 2014. The updated data supports the original NII decision.

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I would like to take this opportunity to apologise again for the delay you have experienced in relation to this request and to thank you for your email dated 8th January 2011 in response to my email of the 5th January. I have referred your request for an Internal Review of this case to HSE's FOI unit, who are responsible for conducting the reviews.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

If you are unhappy with the decisions made by HSE you may ask for an internal review within two calendar months of the date of this letter by writing to me.

If you are not content with the outcome of the internal review you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545700
Fax: 01625 524510
Email: mail@ico.gsi.gov.uk
Website: <http://www.informationcommissioner.gov.uk>

Yours sincerely

Dorothy Rimmer

Annex

The first exception to consider is `12(5)(a) International relations, defence, national security or public safety. This is subject to the public interest test. The factors for release are openness and transparency of information used by ND in making judgements. It also fosters availability of information. The factors against are the release of information that would aid the commission of a malicious act and the public would not expect HSE to release information that would aid such an act. The key aspect with this document is the quantity of detailed information that is available. It is probable that some of the information is available from other sources. However, it is brought together in one document for a specific purpose. The accumulation of the information into a single document significantly increases the potential for access to flight paths to vulnerable areas. This is an aspect which would help commission a malicious act and is the key driver in terms of the public interest test. Overall the balance is in favour of non release of the redacted information. Release of a redacted document shows the type of information that is used as part of the ND assessment process.

The second exception that applies is Regulation 12(3) of EIR (by reference of regulation 13) provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act. Personal data of third parties can only be disclosed in accordance with the data protection principles. There are aspects regarding this document that fall into that category and a need to protect individuals. Consequently, all personal data should be redacted.

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www.hse.gov.uk
Or contact the HSE Infoline on 0845 345 0055 or email hse.infoline@natbrit.com

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