



Navy Command

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Our Reference: 04-09-2009-085524-001

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16 October 2009

Dear xxxxxxxxx

Request for Information

Further to my letter of 30 September 2009, I am now able to give you a substantive response to your request for the background data used to determine the minimum emergency counter measure zone around submarine operational berths at Southampton.

I can confirm that this Department holds information of the description specified in your request. I attach information which we have previously supplied to Southampton City Council in accordance with the Radiation (Emergency Preparedness and Public Information) Regulations (REPPiR) 2001. In addition, a letter from the nuclear regulators informing this Department of the conclusions of their assessment is also attached. In accordance with the Freedom of Information Act some of the information contained in this letter and the detailed technical information you have requested has been withheld under Section 24 (National Security), Section 26 (Defence) and Section 27(International Relations).

S24 (1) states a public authority is exempt from the duty to communicate information where such exemption is required for the purpose of safeguarding national security.

S26 (1) states that information is exempt if its disclosure under the Act would, or would be likely to, prejudice (a) the defence of the British Islands or of any colony, or (b) the capability, effectiveness or security of any relevant forces.

s27(1) states that information is exempt if its disclosure would, or would be likely to, prejudice (a) relations between the UK and any other state, (c) the interests of the UK abroad or (d) the promotion or protection by the UK of its interests abroad.

As these exemptions are qualified, we have considered the balance of public interest in disclosing and withholding information by maintaining the exemptions. It is recognised that there is widespread interest in safety issues concerning nuclear powered submarines. It is, moreover, important for the public to understand how and why important decisions are taken, and we, therefore, acknowledge there would be a measure of public interest in

releasing the information you have requested. However, consideration has also been given to the wider impact of releasing detailed technical information which has been accurately summarised in the information supplied to Southampton City Council.

The conclusion reached is that to release detailed technical data would reveal operational practices and techniques in relation to Royal Navy submarines which could compromise national security, the defence of the UK and the security of Royal Navy personnel. It has also been decided that disclosure could prejudice the UK's international relationships and interests. On balance, therefore, the public interest in withholding the information outweighs the public interest in its release, in other words that Section 2(2)(b) of the Act applies.

This letter constitutes the notice required to be given under section 17(1), (3) and (7) of the Act.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Head of Corporate Information, 6th Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.

Yours sincerely,

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