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Chairs of Fire and Rescue Authorities in
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Public Access to Information about Sealed Radioactive Sources & Mobile Radioactive Apparatus

There has been concern about the current public access regime to information on the location and types of aggregations of sealed radioactive sources and mobile radioactive apparatus. It has been considered that possession of this information could be used to jeopardise national security and should therefore no longer be freely available to the public. The Secretary of State has decided that it is in the interests of national security for this information to be removed from the public domain.

A Direction under Section 25 (1) of the Radioactive Substances Act 1993 (the 1993 Act) was therefore signed by Elliot Morley on behalf of the Secretary of State for the Environment, Food and Rural Affairs on 22 March 2005. (Complementary action has been taken in Wales and Northern Ireland.) The Direction requires information relating to sealed radioactive sources and mobile radioactive apparatus registered in England to be restricted. It directs the Environment Agency that it should no longer keep information about applications and registrations under the 1993 Act relating to sealed radioactive sources and mobile radioactive apparatus on its public registers. A copy of the text of the Direction is attached for your information.

As a result, local authorities no longer receive information from the Environment Agency concerning new applications and registrations of sealed radioactive sources and mobile radioactive apparatus under sections 7 and 10 of the 1993 Act.

In view of the security implications, local authorities are asked to ensure that any such documents which have previously been sent to local authorities by the Environment Agency pursuant to sections 7 and 10 of the 1993 Act, will not be available for public inspection.

Members of the public can request information on environmental issues held by any public body under the Environmental Information Regulations 2004. Information on sealed radioactive sources and mobile radioactive apparatus fall within this disclosure regime, rather than under the Freedom of Information Act 2000. A public body, such

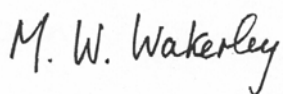
as the Environment Agency, a local authority or a fire and rescue authority, is required to consider any application for information about sealed radioactive sources or mobile radioactive apparatus in accordance with the regime set out in the 2004 Regulations. The duty to make available environmental information on request under regulation 5 is subject to certain exceptions, which include an exemption from disclosure on the grounds of national security, although this is also subject to a public interest test (regulation 12). Local authorities and fire and rescue authorities may wish to liaise with their local Environment Agency colleagues about any requests that they might receive, mindful that this information has been removed from public registers in the interest of national security. However, the responsibility for providing a reply to a request for information remains with the authority which originally received the request.

Arrangements have been made, by ODPM in conjunction with the Environment Agency, for fire and rescue authorities to continue to receive information that will enable them to prepare risk assessments for their areas. Local authorities will have to determine whether they need this information as part of their preparation for emergencies – including their forthcoming duties under the Civil Contingencies Act 2004. If local authorities decide they do require such information, then they may request it from fire and rescue authorities. As a fallback, should a local authority find it difficult to obtain the information through that route, they may make a request to the Environment Agency, with the caveat that they would not make the information available for public inspection. The Environment Agency may be contacted by phoning 08708 506 506 or via their website, www.environment-agency.gov.uk.

I would be grateful if you could pass this letter and the attachment to your officials responsible for this information in your organisation, exercising your discretion in view of the sensitivity of this issue.

This letter is also being sent to all local authority Chief Executives in England. This letter is copied to the Devolved Administrations for information.

Yours sincerely,

A handwritten signature in black ink that reads "M. W. Waterley". The signature is written in a cursive style with a clear, legible font.

Signed on behalf of Chris de Grouchy
Head of Radioactive Substances Division

*DIRECTION UNDER SECTION 25(1) OF THE RADIOACTIVE
SUBSTANCES ACT 1993*

The Secretary of State is of the opinion on grounds of national security that knowledge of the following information (relevant information) should be restricted, namely all information contained in or relating to-

- (a) applications made to the Environment Agency (the Agency) in relation to sealed radioactive sources under section 7 of the Radioactive Substances Act 1993 (the Act),
- (b) applications made to the Agency in relation to mobile radioactive apparatus under section 10 of the Act, and
- (c) registrations made by the Agency in pursuance of the applications referred to in (a) and (b).

For the purposes of this direction, sealed radioactive sources has the same meaning in this direction as it has under Council Directive 96/29/EURATOM of 13 May 1996.

In relation to England, by section 25(1) of the Act, the Secretary of State directs the Agency that the relevant information shall not be included in registers of information held by the Agency which are accessible by the public. This direction applies to relevant information whenever acquired or produced.

Signed.....
For and on behalf of the Secretary of State

Dated.....