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Our ref: FOI 723-12 AIT 30-03-2012-115830-004
Your ref:

24 April 2012

Dear Ms Thompson, ,

Thank you for your email dated 29 March 2012, which has been considered to be a request for information in accordance with the Freedom of Information Act 2000.

You have asked for all documents relating to tests carried out on the depleted uranium penetrator and the subsequent results of the tests of the penetrator which was delivered to DERA at Maryport.

I can confirm that we hold information that meets the terms of your request. However, some of the information falls within the exemptions Defence 26 and Commercial Interests 43 of the FOI Act. These being qualified exemptions are subject to a Public Interest Test (PIT).

We have now completed the PIT and reviewed this information as follows:

Although this information is held by the MOD some of the information has been withheld from release by us using the following exemptions; Section 26 Defence, **26(1)(a)** (information which, if disclosed, would prejudice the defence of the British Islands or any colony), **26(1)(b)** (information which, if disclosed, would prejudice defence or the capability, effectiveness or security of relevant forces)

Also Section 43 Commercial Interests, **43(1)** (information is exempt information if it constitutes a trade secret), **43(2)** (information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding the information))

A small amount of personal information (names of officials, etc) has been redacted under section 40 as this is not within scope of your request.

Having carried out the necessary Public Interest Tests it has been concluded that, in all the

circumstances of this case, the public interest in maintaining the exemption in respect of information which is subject to commercial confidentiality agreements and contains design details that would assist others in duplicating or reducing the operational effectiveness of current UK munitions outweighs the public interest in disclosure. Further details are provided below.

The enclosed information relates to testing for health and safety purposes and testing to examine the metallurgical properties of the recovered penetrator. The following documents are enclosed:

- a. DERA/Ranges/Land(ESK)/ECR/121/001, DATED 28 OCTOBER 1997. A letter containing redacted text which relates to personal information or to information which is subject to commercial confidentiality agreements or would assist others in duplicating or reducing the operational effectiveness of current UK munitions.
- b. DRPS LABORATORIES RESULT SHEET – LABORATORY JOB NO 931/97. A letter containing redacted text which relates to personal information.
- c. An unclassified summary of the content of two classified reports which contain information subject to commercial confidentiality agreements or which would assist others in duplicating or reducing the operational effectiveness of current UK munitions.

MOD interpretation of the health significance of the results

It might be helpful if we explain that the health and safety testing consisted of the measurement of the amount of Protactinium-234m (shown as 234m Pa in the enclosures). This is in equilibrium with the parent Uranium-238 which, according to publicly available Royal Society reports entitled “The health hazards of depleted uranium munitions”, represents about 50% of the activity in a DU sample.

Having determined the DU activity, any possible health impact can be assessed by the methods described in the Royal Society reports. Deliberate collection of a sample of “Friable Oxides” represents an unrealistic worst case possibility for ingestion of loose contamination, however, even if this value is used in the Royal Society’s worst case assessment procedure, the radiation dose that an individual might receive from the ingestion of this material is only 10% of the current UK annual dose limit for a member of the public. For a more realistic scenario, based on the average of the smear sample results and the Royal Society procedure for determining a central estimate, the dose would be 0.8% of the current UK limit.

Limitations in search

Dstl staff operate in the capacity of the MOD’s Radiation Protection Advisers and hence most likely to hold information of the type requested. Dstl are also aware of and have contacts within a wide range of MOD Departments with depleted uranium (DU) munitions interests.

This reply is based on the results of a search of the electronic records held by Dstl and on information provided by our contacts in other Departments. No manual search has been carried out of Dstl’s extensive archives of hard copy files as this would fall under section 12 where cost of compliance exceeds appropriate limit. Additionally, our search of the electronic records has not provided any evidence to suggest the existence or likely existence of any other relevant documents.

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, 2nd 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 Commissioners website, <http://www.ico.gov.uk>.

Yours sincerely

Dstl FOI Department