

Cabinet Secretary for Rural Affairs & the Environment  
Richard Lochhead MSP

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Rob Gibson MSP  
Convener  
Rural Affairs, Climate Change and  
Environment Committee  
Scottish Parliament  
EDINBURGH  
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In 2014 Scotland Welcomes the World



1 April 2014

Dear Rob

## Update on Vulcan issues

As you know, I made a statement to Parliament on 11 March on the events at the Vulcan test reactor site. I would now like to give you, as convener of the RACCE Committee, an update on developments with the issues that this case raises. I am happy for this update to be shared with the Committee.

You will recall that, in my statement, I outlined our understanding of what we now know about the events involving the Vulcan site since January 2012, including the long period of secrecy, and then the hurried briefing of Scottish Ministers ahead of Philip Hammond's 6 March statement. I informed Parliament of our concerns about the Memorandum of Understanding between the UK Government and Devolved Administrations. I explained the Scottish Government's view that the exemption from radioactive substances legislation for defence establishments is an anomaly. No other environmental protection legislation has a similar Crown exemption. The exemption from radioactive substances legislation does not extend to civil nuclear sites with significant security concerns, such as the Dounreay site.

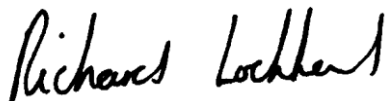
Following that statement, the First Minister wrote to the Prime Minister to set out our concerns about what has been revealed about the Ministry of Defence's culture of secrecy. I then wrote to Philip Hammond to set out the Scottish Government's intentions for changing aspects of environmental regulation in Scotland, and our views about the Crown exemption.

In due course, we will bring forward draft Regulations under the Regulatory Reform (Scotland) Act 2014, for the RACCE Committee to examine. As the Committee will know from its scrutiny, this Act allows us to introduce a new consistent, coherent, proportionate and transparent environmental regulation regime for Scotland, and so to remove the Crown exemption for MoD sites. We want to get rid of such anomalies and treat all those subject to regulation even-handedly and the forthcoming Regulations will enable us to do so. Paul Wheelhouse and I look forward to working with the RACCE Committee as these Regulations are developed.

In response to my letter, Philip Hammond has proposed a meeting between myself and Ministers from the MoD and DECC, to try to reach a common understanding on the balance of transparency and the requirement to safeguard national security. I will keep you informed of the outcome of these discussions.

Finally, I received the attached letter from SEPA updating me on the sequence of events that took place in 2012. You will note that initial contact was made to SEPA from the MoD in October 2012 and not September 2012 as I was originally informed. Whilst this error is unfortunate it does not change anything in relation to the concerns that I have expressed about the events at Vulcan and the failure of the MoD to be open and transparent about the incident.

Best wishes



**RICHARD LOCHHEAD**

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26 March 2014

Dear Cabinet Secretary

**Vulcan Reactor: SEPA timeline 2012**

You will, of course, remember the statement made in the UK Parliament on Thursday 6 March 2014 relating to the operation of the Vulcan reactor. This statement was made with very little warning and during the remainder of that day and over the next few days, we made our best endeavours to gather information and brief Scottish Ministers on SEPA's involvement with the Vulcan site during the year 2012.

I regret very much to inform you that, following more detailed scrutiny of our records, we realise that we made an inadvertent error in providing Ministers with our timetable of contact with MoD officials during 2012.

We briefed, in good faith, and it was used by yourself in your subsequent statement to the Scottish Parliament on Tuesday 11 March, that SEPA's first indicative notification of the reactor operational problems was provided by an MoD official, on a need-to-know basis, in September 2012. In fact, this initial notification was in late October 2012. That was followed by a brief initial meeting between MoD and SEPA on 31 October.

This initial meeting provided little detail and it led to more detailed information being provided to a SEPA official on the Vulcan site in December 2012, as we have previously stated and as reported in your statement

Cont/d....



Chairman  
David Sigsworth  
  
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James Curran

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So, to summarise, there is no change to our previous briefing in any regard – other than to confirm that the first engagement with MoD was in October 2012, not September 2012.

I very much regret this inadvertent error and apologise unreservedly.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Calum MacDonall', written in a cursive style.A small, stylized handwritten signature in black ink, appearing to read 'James Curran', located to the left of the printed name.

**James Curran**  
**Chief Executive**