



Partial Record of Decision

Commission Ruling on Request to Protect Confidential Information

Requestor: Ontario Power Generation Inc.

Matter: 24-H3 — Ontario Power Generation's Application for a Licence to Construct a BWRX-300 Reactor at the Darlington New Nuclear Project

Proceeding: Two-Part Public Hearing, Part 1 held on October 2, 2024 and Part 2 to be held the week of January 8, 2025

With respect to the matter noted above, the Commission has considered Ontario Power Generation's requests^{1,2,3,4} for confidentiality for documents. These requests were made pursuant to rule 12 of the [Canadian Nuclear Safety Commission Rules of Procedure \(the Rules\)](#). The Commission also considered submissions⁵ from the following 6 commenters:

- Canadian Nuclear Association
- Canadian Environmental Law Association
- CANDU Owners Group
- Ipsos Custodes
- Mississaugas of Scugog Island First Nation
- Steve Lawrence

The Commission appreciates the participation of all commenters and values the feedback received. The submissions from all commenters were taken into consideration when weighing the requirements of Rule 12, including considering whether the protection of the information outweighs in importance the public interest in public hearings and disclosure of evidence, and whether the measures are designed so as not to affect the public nature of the proceeding except to the extent necessary to adequately protect information.⁶

At this time, the Commission rules only on documents that it is satisfied contain information that pertains to national or nuclear security, per subrule 12(a) of the Rules. The outstanding documents

¹ [Request for Confidentiality of Material Submitted in Relation to NK054-CORR-00531-10740](#), OPG, July 26, 2024, e-Doc [7351104](#)

² [Request for Confidentiality of Material Submitted in Relation to CMD #24-H3.1](#), OPG, July 26, 2024, e-Doc [7351122](#)

³ [Request to Protect Confidential Information in the Matter of OPG Confidential DNNP Submission Package #6\(b\) Construction and Commissioning Program Confidential Deliverables in Support of the Licence to Construct Application for the CNSC Review](#), OPG, March 28, 2023, e-Doc [7351139](#)

⁴ [Request for Confidentiality of Material Submitted in Relation to CMD #24-H3](#), OPG, July 26, 2024, e-Doc [7351128](#)

⁵ [Public Comments on the Request for Confidentiality](#), CMD 24-H3.2, e-Doc [7370443](#)

⁶ [Canadian Nuclear Safety Commission Rules of Procedure](#), section 12(2).

in respect of which OPG has requested confidentiality remain under consideration by the Commission, pending the receipt of additional information from OPG. The Commission will publish an additional Record of Decision respecting the remaining documents.

The Commission rules as follows with respect to the documents listed in Table 1.

Table 1: Ruling				
Document Title	Information will be Protected		Measure(s) to be Taken	Determination
	Yes	No		
1. NK054-REP-00531-10000 – Construction Site Threat and Risk Assessment – New Nuclear at Darlington R003 (e-Doc 6907558, confidential paper record)	✓	<input type="checkbox"/>	Only the summary will be disclosed.	<p>The Commission finds that, in accordance with subrule 12(1)(a) of the Rules, the document contains information that pertains to nuclear security.</p> <p>The Commission is satisfied that the information available to the public in the <i>BWRX-300 Preliminary Safety Analysis Report</i>⁷ (PSAR) is sufficient to satisfy the public interest.</p>
2. NK054-REP-61400-00001 Preliminary Safety Analysis Report (PSAR) Security Annex: Darlington BWRX-300 Security Assessment R000 (e-Doc 6907558, confidential paper record)	✓	<input type="checkbox"/>	Only the summary will be disclosed.	<p>The Commission finds that, in accordance with subrule 12(1)(a) of the Rules, the document contains information that pertains to nuclear security.</p> <p>The Commission is satisfied that the information available to the public in the PSAR is sufficient to satisfy the public interest.</p>
3. NK054-REP-01210- 00169, BWRX-300 Darlington New Nuclear Project (DNNP) Independent Third-Party Review Report of Preliminary Fire Protection Design (e-Doc 6911109 pages 510-580)	✓	<input type="checkbox"/>	Only the summary will be disclosed.	<p>The Commission finds that, in accordance with subrule 12(1)(a) and (b) of the Rules, the document contains information that pertains to nuclear security and confidential information of a commercial and technical nature that is consistently treated as confidential.</p> <p>The Commission is satisfied that the information available to the public in Section 9A.6 of the PSAR</p>

⁷ *BWRX-300 Preliminary Safety Analysis Report*, NK054-SR-01210-00001 R001, OPG, March 7, 2023, e-Doc [7009546](#)

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				is sufficient to satisfy the public interest.
4. NK054-REP-01210- 00163, BWRX-300 Darlington New Nuclear Project (DNNP) Probabilistic Safety Assessment Summary (e-Doc 6911109 643-802)	✓	<input type="checkbox"/>	Only the summary will be disclosed.	<p>The Commission finds that, in accordance with subrule 12(1)(a) and (b) of the Rules, the document contains information that pertains to nuclear security and confidential information of a commercial nature that is consistently treated as confidential.</p> <p>The Commission is satisfied that the information available to the public in Chapter 15 of the PSAR is sufficient to satisfy the public interest.</p>
5. NK054-REP-01210- 00158, BWRX-300 Darlington New Nuclear Project (DNNP) Hazard Analysis Results (e-Doc 6911109 pages 804-834)	✓	<input type="checkbox"/>	Only the summary will be disclosed.	<p>The Commission finds that, in accordance with subrule 12(1)(a) and (b) of the Rules, the document contains information that pertains to nuclear security and confidential information of a technical nature that is consistently treated as confidential.</p> <p>The Commission is satisfied that the information available to the public in Chapter 2 of the PSAR is sufficient to satisfy the public interest.</p>
6. NK054-REP-01210-00191 – BWRX-300 Darlington New Nuclear Project (DNNP) Out of Core Criticality Safety Analysis Demonstration (R000) (e-Doc 7308572 pages 10211-10299)	✓	<input type="checkbox"/>	Only the summary will be disclosed.	<p>The Commission finds that, in accordance with subrule 12(1)(a) and (b) of the Rules, the document contains information that pertains to nuclear security and confidential information of a commercial and technical nature that is consistently treated as confidential.</p> <p>The Commission is satisfied that the information available to the public in Section 15.5 of the PSAR is sufficient to satisfy the public interest.</p>

Where the Commission has ruled in favour of confidentiality, the Commission is satisfied that:

- as per subrule 12(1)(a) and (b) of the Rules, the above documents include both information that involves nuclear security and confidential information of a commercial, scientific, or technical nature that is treated consistently as confidential and the person affected has not consented to the disclosure; and
- as per 12(2)(a) and 12(2)(b) of the Rules, protection of the information outweighs in importance the public interest in public hearings and disclosure of evidence, and the measures are designed so as not to affect the public nature of the proceeding except to the extent necessary to adequately protect the information.

Therefore, as per subrule 12(3)(b) of the Rules, the Commission requires that the publication of information given to the Commission be restricted, as described in Table 1.

**Tremblay,
Pierre**

Digitally signed by Tremblay, Pierre
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CN="Tremblay, Pierre"
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October 29, 2024

Pierre Tremblay
Commission President

Date