



# Record of Decision

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## Commission Ruling on Request to Protect Confidential Information under Rule 12, *Canadian Nuclear Safety Commission Rules of Procedure*

**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 beginning on January 8, 2025

With respect to the matter noted above, the Commission has considered Ontario Power Generation's [request for confidentiality](#)<sup>1</sup> for the following document. This request was made pursuant to rule 12 of the [Canadian Nuclear Safety Commission Rules of Procedure](#) (the Rules).

This is the fifth request for confidentiality that OPG has submitted pertaining to documents on the record for OPG's application for a licence to construct a BWRX-300 reactor at the DNNP. The Commission ruled on OPG's four previous requests in two Records of Decision issued on [October 29, 2024](#)<sup>2</sup> and November 28, 2024<sup>3</sup>.

In its consideration of OPG's request for confidentiality, the Commission also considered CNSC staff's [review](#)<sup>4</sup> of OPG's request.

The Commission's ruling on this request, for the purposes of this proceeding, is documented in Table 1 below.

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<sup>1</sup> *Request for Confidentiality of Material Submitted in Relation to CNSC Staff CMD 24-H3*, OPG, November 28, 2024.

<sup>2</sup> *Partial Record of Decision – Commission Ruling on Request to Protect Confidential Information in the matter of Ontario Power Generation's Application for a Licence to Construct a BWRX-300 Reactor at the Darlington New Nuclear Project*, CNSC, October 29, 2024.

<sup>3</sup> *Record of Decision – Commission Ruling on Request to Protect Confidential Information in the matter of Ontario Power Generation's Application for a Licence to Construct a BWRX-300 Reactor at the Darlington New Nuclear Project*, CNSC, November 28, 2024.

<sup>4</sup> *CNSC Staff Review of OPG's Request for Confidentiality in Relation to CNSC staff's CMD 24-H3 Reference Document NEDC-33926P*, CNSC, December 2, 2024.

Table 1: Ruling				
Document Title	Information will be Protected		Measure(s) to be Taken	Determination
	Yes	No		
1. NEDC-33926P - BWRX-300 Steel-Plate Composite Containment Vessel (SCCV) and Reactor Building Structural Design, revision 2, dated April 2024	✓	<input type="checkbox"/>	Only the non-confidential (redacted) version will be disclosed.	<p>The Commission finds that, in accordance with subrule 12(1) (b) of the Rules, the document contains 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 the redacted version of the document is sufficient to satisfy the public interest. The redacted version is attached to OPG's request for confidentiality.</p>

The Commission is satisfied that:

- as per subrule 12(1)(a) and (b) of the Rules, the above document includes information that involves nuclear security and confidential information of a commercial and 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 in item 1 be prohibited, as described in Table 1.

December 3, 2024

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 Pierre Tremblay  
 Commission President

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 Date