



# 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 January 8-10, 2025 and January 13-14, 2025

The Commission has considered Ontario Power Generation's request<sup>1</sup> for a closed session at Part 2 of the public hearing to discuss confidential information pertaining to OPG's application for a licence to construct a BWRX-300 reactor at the Darlington New Nuclear Project (DNNP). This request was made pursuant to rule 12 of the [Canadian Nuclear Safety Commission Rules of Procedure](#) (the Rules).

This is the sixth request for confidentiality that OPG has submitted pertaining to information 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 five previous requests in three Records of Decision issued on [October 29, 2024](#)<sup>2</sup>, [November 28, 2024](#)<sup>3</sup>, and [December 3, 2024](#).<sup>4</sup>

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-H3.1B*, OPG, December 5, 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> *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, December 3, 2024.

Table 1: Ruling				
Document Title	Information will be Protected		Measure(s) to be Taken	Determination
	Yes	No		
1. Detailed Responses to Commission's Questions in <a href="#">CMD 24-H3-Q</a> <sup>5</sup> from Part 1 DNNP Licence to Construct Application Hearing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Commission rejects OPG's request for a closed session.	To the extent possible, information on the record for the hearing should be available to the public and discussions on that information should be held in a public forum. The Commission finds that OPG has not provided sufficient justification to be granted a closed session at this time.

The Commission has found that:

- the public interest in public hearings and disclosure of evidence outweighs the reasons given for the request to protect information

Therefore, the Commission rejects OPG's request for a closed session.

The Commission has the option to hold a closed session with OPG should the Commission determine that it requires additional confidential information to make a decision. If the Commission decides to hold a closed session, it will communicate this to hearing participants as appropriate.

\_\_\_\_\_  
 Pierre Tremblay  
 Commission President

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 Date

<sup>5</sup> Questions from Panel Members in the matter of OPG's application for a licence to construct one BXR-300 reactor at the DNNP site, CNSC, October 11, 2024.