

September 23, 2008  
Canadian Press

## **Judge: N.B. Energy Department Doesn't Have To Release Candu Study**

New Brunswick's Energy Department does not have to release any portion of a study into the feasibility of building a second, multibillion-dollar nuclear reactor in the province, a judge has ruled.

ST. JOHN, NB (CP) -- Last February, the daily New Brunswick Telegraph Journal filed a request under the province's Right to Information Act for two studies into the proposed reactor at Point Lepreau.

Energy Minister Jack Keir promptly released a study by MZ Consulting Inc, but he denied the newspaper's request for a Team Candu study, saying its release could cause financial loss and reveal commercial secrets and advice to a cabinet minister.

The newspaper then took the matter to court.

But late last week, Court of Queen's Bench judge George Rideout ruled against disclosing the study.

Rideout was persuaded by other arguments made by an intervenor, Atomic Energy of Canada Ltd.

The judge cited agreements struck between the corporate partners of Team Candu to conclude that "the information is confidential and protected by law from disclosure."

Before starting work on the proposed reactor, the members of Team Candu signed confidentiality and non-disclosure agreements with one another.

Team Candu consists of AECL, a federal Crown corporation, and the private-sector technology and engineering firms SNC Lavalin Nuclear Ltd., Hitachi Canada Ltd., GE-Hitachi and Babcock and Wilcox.

AECL argued that the confidentiality is protected by law, and that it was necessary for the formation of Team Candu.

The confidential and commercially sensitive information in the study includes modeling of the rates of return, competitive pricing for exported power and the commercial and financial risk involved in building a second reactor.

The judge also cited the confidentiality clauses in the agreement between AECL and the Energy Department.

The legislation does not allow for the ruling to be appealed.