

# Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant COGEMA Resources Inc.

Subject Application to Amend Licences to Reflect the  
Name Change from COGEMA Resources Inc. to  
AREVA Resources Canada Inc.

Hearing Date May 19, 2006

## RECORD OF PROCEEDINGS

Applicant: COGEMA Resources Inc.

Address/Location: AREVA Resources Canada Inc., 817-825 45<sup>th</sup> Street West, P.O. Box 9204, Saskatoon, SK, S7K 3X5

Purpose: Application to amend licences to reflect the name change from COGEMA Resources Inc. to AREVA Resources Canada Inc.

Application received: April 18, 2006

Date(s) of hearing: May 19, 2006

Location: Canadian Nuclear Safety Commission (CNSC) Public Hearing Room, 280 Slater St., 14th. Floor, Ottawa, Ontario

Members present: A.R. Graham, presiding Member

Secretary: M. Leblanc  
Recording Secretary: M. Young  
General Counsel: J. Lavoie

**Licence:** Amended  
**Date of Decision:** May 19, 2006

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## **Introduction**

1. COGEMA Resources Inc. has applied to the Canadian Nuclear Safety Commission (CNSC<sup>1</sup>) to amend its licences to reflect the name change from COGEMA Resources Inc. to AREVA Resources Canada Inc. COGEMA Resources Inc. holds the CNSC licences for the three following uranium mine facilities in Saskatchewan:
  - Cluff Lake Decommissioning Mine and Mill Facilities, licence UMDL-MINEMILL-CLUFF.01/2009,
  - McClean Lake Mine and Mill Facilities, licence UMOL-MINEMILL-McCLEAN.04/2009 and
  - Midwest Excavation Site, licence UMSL-EXCAVATE-MIDWEST.06/indf

## Issues

2. In considering the application, the Commission was required to decide:
  - a) if AREVA Resources Canada Inc. is qualified to carry on the activity that the licences would authorize, pursuant to subsection 24(4) of the *Nuclear Safety and Control Act*<sup>2</sup> (NSCA);
  - b) if, in carrying on that activity, AREVA Resources Canada Inc. would make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed, pursuant to subsection 24(4) of the NSCA; and
  - c) whether the licences are being transferred, pursuant to subsection 24(8) of the NSCA.

## Hearing:

3. Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission to review the application.
4. The Panel of the Commission (hereafter referred to as the Commission), in making its decision, considered information presented for a hearing held on May 19, 2006 in Ottawa, Ontario. During the hearing, the Commission considered a written submission from CNSC staff (CMD 06-H119), which included the application from the licensee.

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<sup>1</sup> In this *Record of Proceedings*, the *Canadian Nuclear Safety Commission* is referred to as the “CNSC” when referring to the organization and its staff in general, and as the “Commission” when referring to the tribunal component.

<sup>2</sup> S.C. 1997, c. 9

5. The hearing was conducted in accordance with Rule 3 of the *Canadian Nuclear Safety Commission Rules of Procedure*<sup>3</sup>. In establishing the process, a standing panel on procedural matters determined that it was not necessary to hold a public hearing on the matter, and the hearing was conducted by a panel of one commission member, based on written submissions.

### **Decision**

6. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Proceedings*, the Commission is satisfied that AREVA Resources Canada Inc. is qualified to continue to carry out the activities that the amended licences will authorize considering there is no change in relevant circumstances associated with the name change, and in carrying out those activities, will continue to make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and measures required to implement international obligations to which Canada has agreed. Therefore,

the Commission, pursuant to section 24 of the Nuclear Safety and Control Act, amends the following licences issued to COGEMA Resources Inc. to reflect the name change from COGEMA Resources Inc. to AREVA Resources Canada Inc.:

- UMDL-MINEMILL-CLUFF.01/2009
- UMOL-MINEMILL-McCLEAN.04/2009
- UMSL-EXCAVATE-MIDWEST.06/indf

### **Issues and Commission Findings**

7. In making its licensing decision under section 24 of the NSCA, the Commission considered whether the name change of the proponent would have any impact on the qualifications of the licensee to carry out the activities authorized under the current licences, and the adequacy of the measures in place for protecting the environment, the health and safety of persons, national security and international obligations to which Canada has agreed. It also considered whether the name change was the result of a licence transfer, which is not permitted pursuant to subsection 24(8) of the NSCA.

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<sup>3</sup> SOR/2000-211

*Qualifications and Protection Measures*

8. In its submission, CNSC staff stated that the request to change the name from COGEMA Resources Inc. to AREVA Resources Canada Inc. would be administrative in nature and would not represent a transfer of the licences, pursuant to subsection 24(8) of the NSCA. CNSC staff further explained that the purpose of the name change would be to harmonize the business names of the AREVA group's various subsidiaries. The name AREVA is a registered trademark belonging to Société des Participations du Commissariat à l'Énergie Atomique, a France-based company, which is the largest shareholder of the AREVA group. COGEMA Resources Inc. has entered into a trademark licence agreement for the use of the AREVA trademark, and has obtained consent to use "AREVA" in the new name from Corporations Canada. CNSC staff confirmed that stakeholders will be notified of the name change, and that public interest in the matter is not an issue.
9. CNSC staff explained that the name change does not represent any physical works or changes to the form and substance of the existing licences, the existing facilities, the facility operations, the monitoring programs, licence conditions, or any other obligations under the existing licences or under the NSCA.
10. Based on this information, the Commission concluded that the name change would not affect the qualifications of the licensee nor the provisions it would make for the protection of the environment, the health and safety of persons, and to national security and the measures required to implement international obligations to which Canada has agreed.

*Canadian Environmental Assessment Act*

11. CNSC staff noted that an amendment to a licence, pursuant to subsection 24(2) of the NSCA, may be a "trigger" under paragraph 5(1)(d) of the *Law List Regulations*<sup>4</sup> of the *Canadian Environmental Assessment Act*<sup>5</sup> (CEAA). However, CNSC staff indicated that this proposed licence amendment is not considered a trigger since the licensee's change of name is not for the purpose of enabling a project to be carried out.
12. As such, the Commission has concluded that an environmental assessment of the project under the CEAA is not required.

**Conclusion**

13. The Commission has considered the information and submission of the CNSC staff as presented in the material available for reference on the record.
14. The Commission is satisfied that the name change does not represent a transfer of licence. The Commission is also satisfied that AREVA Resources Canada Inc. is qualified to carry

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<sup>4</sup> SOR/94-636

<sup>5</sup> S.C. 1992, c. 37

on the activities that the proposed amended licences will authorize. Finally, the Commission is satisfied that AREVA Resources Canada Inc. has made and is expected to continue to make adequate provision for the protection of the environment, the health and safety of persons and the maintenance of national security and the measures required to implement national obligations agreed to by Canada.

16. The Commission therefore amends the licences to reflect the name change from COGEMA Resources Inc. to AREVA Resources Canada Inc.

Marc A. Leblanc  
Secretary,  
Canadian Nuclear Safety Commission

Date of decision: May 19, 2006

Date of release of Reasons for Decision: June 30, 2006