



Record of Decision

DEC 23-H105

In the Matter of

Applicant Collège d'enseignement général et
professionnel de Trois-Rivières

Subject Request for exemption from subsection 31(2) of
the *Nuclear Substances and Radiation Devices
Regulations*

Date of Decision September 18, 2023

RECORD OF DECISION – DEC 23-H105

Applicant: Collège d’enseignement général et professionnel de Trois-Rivières

Address/Location: 3500 De Courval Street, Trois-Rivières, Quebec, G8Z 1T2

Purpose: Request for exemption from subsection 31(2) of the *Nuclear Substances and Radiation Devices Regulations*

Application received: February 20, 2023

Hearing: Public hearing in writing

Panel of the Commission: M. Lacroix, Presiding Member

Exemption: Granted

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1.0 INTRODUCTION	
1.	The Collège d’enseignement général et professionnel (Cégep) de Trois-Rivières has applied to the Canadian Nuclear Safety Commission ¹ (CNSC) to request an exemption, in accordance with section 7 of the Nuclear Safety and Control Act ² (NSCA). The Cégep de Trois-Rivières’ current nuclear substances and radiation devices licence, number 01205-1-24.3, expires on March 31, 2024, and authorizes the Cégep de Trois-Rivières to operate exposure devices that enable it to obtain radiographic images for the purpose of examining the internal structure and integrity of metals and other materials. The Cégep de Trois-Rivières is located in Trois-Rivières, Quebec, which is the traditional and unceded territory of the Abenaki people and the Wabanaki confederacy and the traditional land of the Huron-Wendat.
2.	The Cégep de Trois-Rivières is an educational institution providing training for future exposure device operators, enabling them to obtain their certification. The use of exposure devices is considered a high-risk activity under the CNSC risk classification.
3.	As part of its request submitted on February 20, 2023 , the Cégep de Trois-Rivières is seeking an exemption from subsection 31(2) of the Nuclear Substances and Radiation Devices Regulations ³ in order to amend the period for exchanging dosimeters worn on the torso by exposure device operators in training from 15 days, as prescribed in the Regulations, to monthly.
	<u>Issues</u>
4.	The Commission is required to determine whether and what requirements the Impact Assessment Act ⁴ imposes in relation to the activities sought to be authorized in the Cégep de Trois-Rivières’ request for an exemption for the nuclear substances and radiation devices licence. Satisfying any such requirements can be a prerequisite to licensing.
5.	With respect to the request for exemption, section 7 of the NSCA authorizes the Commission to exempt any activity, person, class of person or quantity of a nuclear substance, temporarily or permanently, from the application of the NSCA, its regulations, or any provision thereof.

¹ 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.

² S.C. 1997, c. 9.

³ SOR/2000-207.

⁴ S.C. 2019, c. 28, s. 1.

6.	<p>Section 11 of the General Nuclear Safety and Control Regulations (GNSCR)⁵ specifies that for the purpose of section 7 of the NSCA, the Commission may grant an exemption if doing so will not</p> <ul style="list-style-type: none">(a) pose an unreasonable risk to the environment or the health and safety of persons;(b) pose an unreasonable risk to national security; or(c) result in a failure to achieve conformity with measures of control and international obligations to which Canada has agreed.
	<p><u>Panel</u></p>
7.	<p>Pursuant to section 22 of the NSCA, the President of the Commission established a Panel of the Commission, consisting of Mr. Lacroix, to consider the request. A notice of hearing in writing was published on July 26, 2023. Pursuant to rule 3 of the Canadian Nuclear Safety Commission Rules of Procedure (the Rules),⁶ the Commission decided to vary the Rules to ensure that the hearing was dealt with as informally and expeditiously as the circumstances and the considerations of fairness permitted. Thus, there was no period of public consultation. In making its decision, the Commission considered CNSC staff's written submission (CMD 23-H105) and that of the Cégep de Trois-Rivières (CMD 23-H105.1).</p>
	<p>2.0 DECISION</p>
8.	<p>Based on its consideration of the matter, as described in more detail in the following sections of this Record of Decision, the Commission concludes that the revised dosimetry period proposed by the Cégep de Trois-Rivières still meets radiation protection objectives. The Commission is satisfied that the exemption sought will not harm the environment or the health and safety of persons. Therefore,</p>
	<p>the Commission, pursuant to section 7 of the <i>Nuclear Safety and Control Act</i> and section 11 of the <i>General Nuclear Safety and Control Regulations</i>, grants the request for exemption from subsection 31(2) of the <i>Nuclear Substances and Radiation Devices Regulations</i> for licence No.1205-1-24.3 issued to the Collège d'enseignement général et professionnel de Trois-Rivières, in order to extend the dosimeter-wearing period and carry out the exchange of dosimeters on a monthly basis rather than every 15 days as prescribed.</p>

⁵ SOR/2000-202.

⁶ SOR/2000-211.

3.0 APPLICABILITY OF THE <i>IMPACT ASSESSMENT ACT</i>	
9.	In coming to its decision, the Commission was first required to determine whether any requirement under the <i>Impact Assessment Act</i> applied to the request for exemption from a regulatory requirement and whether an impact assessment was needed.
10.	The <i>Impact Assessment Act</i> came into force on August 28, 2019. Pursuant to the <i>Impact Assessment Act</i> and the <i>Physical Activities Regulations</i> ⁷ made under it, impact assessments are to be conducted in respect of projects identified as having the greatest potential for adverse environmental effects in areas of federal jurisdiction. A request for exemption from a regulatory requirement is not a project designated under the <i>Physical Activities Regulations</i> .
11.	The Commission is satisfied that there is no requirement under the <i>Impact Assessment Act</i> for an impact assessment to be completed. The Commission is also satisfied that there are no other applicable requirements of the <i>Impact Assessment Act</i> to be addressed in this matter. ⁸
4.0 ISSUES AND COMMISSION FINDINGS	
12.	The Cégep de Trois-Rivières has submitted to the Commission a request for exemption from subsection 31(2) of the <i>Nuclear Substances and Radiation Devices Regulations</i> , which stipulates that a person to whom a licensee has provided a dosimeter ⁹ shall return it to the licensee at the end of the 15-day period beginning on the first day that the person wore the dosimeter. With this request, the Cégep de Trois-Rivières is seeking to amend the exchange period for dosimeters worn by exposure device operators in training from the 15-days prescribed in the Regulations to monthly.
13.	In its request, CMD 23-H105.1, the Cégep de Trois-Rivières explained that training for future certified exposure device operators and candidates in the industrial radiography certification process is spread over a 3-week period. The Cégep de Trois-Rivières also stated that its training activities are conducted inside shielded vaults and that dosimetry records indicate that no doses were received by candidates during their training.

⁷ SOR/2019-285.

⁸ The *Impact Assessment Act* can impose other requirements on federal authorities in respect of authorizing projects that are not designated as requiring an impact assessment, including projects that are to be carried out on federal lands or projects outside of Canada. This request for exemption from the Regulations does not engage any such applicable requirements of the *Impact Assessment Act*.

⁹ Paragraph 30(3)(c) of the Regulations requires that the dosimeter (i) has been issued by a licensed dosimetry service, (ii) has not been used by another person since its last reading, and (iii) is designed so that it can be worn on the trunk of the body.

14.	CNSC staff confirmed that the operators under the licence in question are atypical, given that the licensee is a training facility for future exposure device operators to obtain their certification. CNSC staff also confirmed that exposures are carried out inside a shielded enclosure, that the doses to the exposure device operators are very low, and that operators have not received a recorded measurable dose on their dosimeters in the last 5 years.
15.	CNSC staff confirmed that this exemption will have no impact on the environment or on the health and safety of persons, given that only the frequency at which dose is assessed will be amended and that only a very low dose to workers has been observed over the past 5 years. CNSC staff added that an exemption from subsection 31(2) of the <i>Nuclear Substances and Radiation Devices Regulations</i> will have no impact on national security or on the measures of control and international obligations to which Canada has agreed.
16.	<p>Following its review of the documents on the record, the Commission is satisfied that the requested exemption meets the requirements of section 11 of the GNSCR and will not</p> <ul style="list-style-type: none">(a) pose an unreasonable risk to the environment or the health and safety of persons;(b) pose an unreasonable risk to national security; or(c) result in a failure to achieve conformity with measures of control and international obligations to which Canada has agreed. <p>The Commission supports its decision on the fact that exposures are carried out inside a shielded enclosure, that the doses to operators of exposure devices are very low, and that operators have not received a recorded measurable dose on their dosimeters in the last 5 years.</p>
17.	The exemption will remain in effect until such time as CNSC staff notify the Commission of any relevant changes, including, but not limited to, changes to regulatory requirements, licensee activities, and licensee compliance with regulatory requirements.
	5.0 CONCLUSION
17.	The Commission has considered the Cégep de Trois-Rivières' request for exemption for its nuclear substances and radiation devices licence. The Commission has also considered the information and submissions of the Cégep de Trois-Rivières and CNSC staff as set out in the material available for reference on the record.

18.	Based on its consideration of the evidence on the hearing record and in accordance with section 7 of the <i>Nuclear Safety and Control Act</i> and section 11 of the <i>General Nuclear Safety and Control Regulations</i> , the Commission grants the exemption from subsection 31(2) of the <i>Nuclear Substances and Radiation Devices Regulations</i> for licence No. 1205-1-24.3 issued to the Collège d'enseignement général et professionnel de Trois-Rivières, in order to extend the dosimeter-wearing period and to carry out the dosimeter exchange on a monthly basis rather than every 15 days as prescribed.

Original version in French signed by (e-Doc 7119308)

Marcel Lacroix
Presiding Member
Canadian Nuclear Safety Commission

September 18, 2023

Date