



Record of Decision

DEC 25-H118

In the Matter of

Persons named in
or subject to order

Best Theratronics Ltd.

Purpose

Redetermination of the Commission's
February 14, 2025 Amendment to
Designated Officer Order 7396415

Date of the
Commission
Redetermination
Hearing

September 22, 2025

Date of Decision

October 22, 2025

RECORD OF DECISION – DEC 25-H118

Persons named in or subject to order: Best Theratronics Ltd.

Address/Location: 413 March Road, Kanata, Ontario, K2K 0E4

Purpose: Redetermination of the Commission's February 14, 2025
Amendment to Designated Officer Order 7396415

Order issued: November 6, 2024

Order amended: February 14, 2025

Date of the Commission Redetermination Hearing: September 22, 2025

Location: Virtual via MS Teams

Date of Decision: October 22, 2025

Panel of the Commission: P. Tremblay, President

Registrar: C. Salmon

Recording Secretary: C. Zou

Commission Counsel: C. Maheux

Person Named in and Subject to the Order Represented by		Document Number
Krish Suthanthiran	Owner, Best Theratronics Ltd.	CMD 25-H118.1
Mark Xu	Radiation Safety Officer, Best Theratronics Ltd.	
Marilee Jackson	Radiation Safety Specialist, Best Theratronics Ltd.	
Andrei Ciresianu	Director of Engineering, Best Theratronics Ltd.	
Andre Vachon	Manager, Human Resources, Best Theratronics Ltd.	
James Brady	Attorney, Best Theratronics Ltd.	
Lauri Luxton	Attorney, Best Medical International Inc.	
Pietro Zanetti	Consultant for Best Theratronics Ltd.	
CNSC staff		Document Number
R. Jammal	Executive Vice President & Chief Regulatory Operations Officer, Regulatory Operations Branch	CMD 25-H118
Kim Campbell	Acting Director General, Directorate of Nuclear Cycle and Facilities Regulation (DNCFR)	
Andrew McAllister	Director, Nuclear Processing Facilities Division, DNCFR	
Alison O'Connor	Project Officer, Nuclear Processing Facilities Division, DNCFR	
Pascale Bourassa	Director, Non-Proliferation and Export Controls Division, Directorate of Security and Safeguards (DSS)	
Lise Adelson	Licensing Officer, Non-Proliferation and Export Controls Division, DSS	
Julie Mecke	Senior Advisor, Non-Proliferation and Export Controls Division, DSS	
John Thelen	Director, Major Projects and Strategic Support Division, DNCFR	
Shehryar Gill	Project Officer, Major Projects and Strategic Support Division, DNCFR	
Nadia Petseva	Director, Accelerators and Class II Facilities Division, DNCFR	
Adam Dodd	Senior Project Officer, Accelerators and Class II Facilities Division, DNCFR	

Designated Officer Order 7396415, as amended by the Commission on February 14, 2025:
Amended

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1.0 INTRODUCTION

1. The Canadian Nuclear Safety Commission¹ (CNSC), pursuant to subsection 43(3) of the *Nuclear Safety and Control Act*² (NSCA) is considering a redetermination on its own initiative of Designated Officer [Order 7396415](#)³ (“the order”) issued to [Best Theratronics Ltd.](#) (“BTL” or “the licensee”) on November 6, 2024 and subsequently amended by the Commission on [February 14, 2025](#).⁴ The BTL facility is located in Ottawa, Ontario, within the traditional unceded territory of the Algonquin Anishnaabeg peoples.
2. BTL holds a Class IB nuclear substance processing facility operating licence, NSPFL-14.00/2029, which will expire on June 30, 2029. Under this licence, BTL is authorized to manufacture cyclotrons and medical equipment, including cobalt-60 (Co-60)-based external beam radiation therapy units and cesium-137 (Cs-137) self-contained irradiators for blood irradiation.
3. The order issued on November 6, 2024, included 3 conditions to BTL:
 1. Effective immediately, Best Theratronics Ltd. must not undertake the activities named in part IV (a)-(e) of licence NSPFL-14.00/2029, reproduced below, other than the possession and storage of nuclear substances and prescribed equipment. For clarity, this order does not impact Best Theratronics Ltd.’s authority to possess nuclear substances and prescribed equipment, or to possess and use prescribed information. Best Theratronics Ltd. must continue to maintain its inventory of nuclear substances and prescribed equipment in a safe and secure manner, in accordance with its licensing basis.
 - (a) *operate a Class IB nuclear facility located at 413 March Road, Ottawa, Ontario, including activities related to:*
 - i. *operating a particle accelerator/accelerators (cyclotron/cyclotrons);*
 - ii. *possessing nuclear substances for the purposes of manufacturing radiation devices and radioactive source teletherapy machines;*
 - iii. *possessing a radioactive source teletherapy machine, for the purposes of developing and testing of radioactive source teletherapy machines;*
 - (b) *possess, transfer, manage, and store nuclear substances arising from the activities regarding the particle accelerators;*
 - (c) *produce prescribed equipment;*
 - (d) *possess, transfer, use, import, export, manage, and store within the facility any nuclear substances that are required for, associated with, or related to manufacturing radiation devices, and development and testing of*

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 Statutes of Canada (S.C.) 1997, c. 9.

³ [Order by a Designated Officer Under Paragraph 37\(2\)\(f\) and Subsection 35\(2\) of the Nuclear Safety and Control Act](#), issued November 6, 2024. This order was issued because BTL no longer held the Commission-approved financial guarantee of \$1.8 million; they only had a \$236,000 letter of credit in place.

⁴ DEC 25-H102.

radioactive source teletherapy machines;

(e) possess, transfer, use, import, export, and store prescribed equipment that is required for, associated with, or related to manufacturing of radiation devices and development and testing of radioactive source teletherapy machines, and manufacturing radioactive source teletherapy machines;

2. Best Theratronics Ltd. submit for Commission acceptance a financial guarantee that is in alignment with the Commission's decision on this matter from 2017 and in accordance with REGDOC-3.3.1, *Financial Guarantees for Decommissioning of Nuclear Facilities and Termination of Licensed Activities*.
3. Best Theratronics Ltd. provide a plan, acceptable to the Designated Officer, that describes the measures it will take to ensure that resumption of operations can be done in a safe and secure manner, protective of the environment and the public.
4. The Commission reviewed the order, confirming Conditions 1 and 3, and modifying Condition 2 for increased clarity. The February 14, 2025, amended order replaced Condition 2 with:

Best Theratronics Ltd. shall reestablish a financial guarantee acceptable to the Commission in the amount of \$1.8 million, and in accordance with REGDOC-3.3.1, *Financial Guarantees for Decommissioning of Nuclear Facilities and Termination of Licensed Activities*.
5. CNSC staff informed the Commission that, as of June 21, 2025,⁵ BTL had not reestablished its financial guarantee, as required by Condition 2 of the amended order and by Licence Condition G.3 of BTL's licence.⁶ The Commission sent a notice of redetermination to BTL on July 24, 2025, and scheduled a hearing to consider redetermination at its own initiative.

⁵ In section 2 of CMD 25-H118, CNSC staff reported that since February 14, 2025, the CNSC had been attempting to engage with BTL regarding its planned compliance with the amended order. On May 21, 2025, the CNSC issued a [letter](#) requesting the status of BTL's efforts on complying with the amended order. On June 21, 2025, BTL indicated that it had not reestablished its financial guarantee (CMD 25-H118, section 2).

⁶ Licence Condition G.3: Financial Guarantee of NSPFL-14.00/2029 requires that "The licensee shall maintain a financial guarantee for decommissioning acceptable to the Commission.". In addition, Licence Conditions Handbook NSPFL-14.00/2029 states that: "The financial guarantee for decommissioning the nuclear facility shall be reviewed and revised by the licensee every five years; when required by the Commission; or following a revision of the preliminary decommissioning plan that significantly impacts the financial guarantee. The next full review of financial guarantee is to take place in 2022." and "The licensee shall submit annually to the Commission, a written report confirming that the financial guarantees for decommissioning costs remain valid and in effect and sufficient to meet the decommissioning needs. The licensee shall submit this report by the end of March of each year, or at any time as the Commission may request."

Matters for Decision

6. The Commission is required to determine,⁷ in accordance with paragraph 43(4)(i) of the NSCA,⁸ whether to confirm the amendment of Designated Officer Order 7396415—made by the Commission on February 14, 2025—or to cancel the amendment and confirm, amend, revoke or replace the order.

Commission Procedures

7. Whereas Rule 31 of the *Canadian Nuclear Safety Commission Rules of Procedure*⁹ (the Rules) provides that the Commission shall send a notice of redetermination to participants in the matter being redetermined, the Commission has varied this Rule pursuant to subrule 3(1) to ensure that the proceeding may be dealt with as informally and expeditiously as the circumstances and considerations of fairness permit. In this instance, the only party was BTL, as the entity named in and subject to the order. The Commission sent a notice of redetermination to BTL on July 24, 2025.^{10, 11}
8. Pursuant to section 22 of the NSCA, the President of the Commission established himself as a Panel for this redetermination hearing. The Commission held a virtual hearing on September 22, 2025, via MS Teams. The Commission, in making its decision, considered the amended order and the information referred to in the amended order, as well as oral and written submissions from CNSC staff (CMD 25-H118) and BTL (CMD 25-H118.1).

2.0 DECISION

9. With reasons described in more detail below, the Commission is exercising its authority to redetermine, at its own initiative, its February 14, 2025 amendment of Designated Officer Order 7396415. By this redetermination, the Commission amends Designated Officer Order 7396415 to remove the previous limitations on certain activities. It is specifically amended as follows:
 1. Condition 1 of the order is amended to allow for:
 - Transfer under part IV (b), (d) and (e) of licence NSPFL-14.00/2029
 - Export under part IV (d) and (e) of licence NSPFL-14.00/2029
 - Production of the 3 partially finished gamma cells (prescribed equipment) under part IV (c) of licence NSPFL-14.00/2029

⁷ Pursuant to subsection 43(3) of the NSCA, the Commission may, on its own initiative, redetermine any decision or order made by it or by an inspector or designated officer or any term or condition of a licence. On July 21, 2025, the Commission initiated a redetermination of the amended order.

⁸ Under paragraph 43(4)(i) of the NSCA, on considering a redetermination, the Commission may hear new evidence or rehear such evidence as it considers necessary and may, in the case of an amendment of an order, confirm the amendment or cancel the amendment and confirm, amend, revoke or replace the order.

⁹ SOR/2000-211.

¹⁰ Pursuant to Rule 31 of the Rules.

¹¹ Commission Registry's email to BTL, *Re: February 14, 2025, Order Amended by the Commission*, July 24, 2025.

2. Condition 2 of the order is replaced with the following conditions, now identified as Conditions 6 and 7:
 6. Within 55 calendar days of the issuance of this decision, Best Theratronics Ltd. is to provide to CNSC staff a revised Preliminary Decommissioning Plan in accordance with [REGDOC-2.11.2 Decommissioning](#), considering the reduction of sources in inventory as a result of this order.
 7. Within 140 calendar days of the Commission's decision on this matter, Best Theratronics Ltd. is to provide a proposed Financial Guarantee in accordance with [REGDOC-3.3.1, Financial Guarantees for Decommissioning of Nuclear Facilities and Termination of Licensed Activities](#) for the Commission's consideration and acceptance.
3. The following 4 new conditions are added as Conditions 2, 3, 4 and 5:
 2. Within 14 calendar days of the Commission's decision on this matter, Best Theratronics Ltd. shall submit to CNSC staff an updated itemized inventory of all sealed sources, depleted uranium and prescribed equipment in its possession under its Class IB licence.
 3. Within 14 calendar days of the Commission's decision on this matter, Best Theratronics Ltd. shall submit to CNSC staff a plan for shipping of sealed sources and should Best Theratronics Ltd. intend to ship other regulated material, an associated plan to do so.
 4. Within 125 calendar days of the Commission's decision on this matter, Best Theratronics Ltd. shall ship all Category 1 and Category 2 (Co-60 and Cs-137 sources) in its possession under its Class IB licence.
 5. Best Theratronics Ltd. shall report monthly to CNSC staff on the status of shipping of sealed sources and potentially other regulated material.
4. Condition 3 of the order is removed.

10. Following this redetermination by the Commission, the full text of the amended order is as follows:

1. Effective immediately, Best Theratronics Ltd. must not undertake the activities named in part IV (a)-(e) of licence NSPFL-14.00/2029, except for the following:
 - a) possession, transfer and storage of nuclear substances under part IV (b) and (d)
 - b) export of nuclear substances as specified under part IV (d)
 - c) production, under part IV (c), of the 3 partially finished GammaCell units
 - d) possession, transfer, export and storage of prescribed equipment under part (e)

For clarity, this order does not impact Best Theratronics Ltd.'s authority to possess nuclear substances and prescribed equipment, or to possess and use prescribed information. Best Theratronics Ltd. must continue to maintain its inventory of nuclear substances and prescribed equipment in a safe and secure manner, in accordance with its licensing basis. Part IV (a)-(e) of

licence NSPFL-14.00/2029 is reproduced below:

(a) operate a Class IB nuclear facility located at 413 March Road, Ottawa, Ontario, including activities related to:

- i. operating a particle accelerator/accelerators (cyclotron/cyclotrons);*
- ii. possessing nuclear substances for the purposes of manufacturing radiation devices and radioactive source teletherapy machines;*
- iii. possessing a radioactive source teletherapy machine, for the purposes of developing and testing of radioactive source teletherapy machines;*

(b) possess, transfer, manage, and store nuclear substances arising from the activities regarding the particle accelerators;

(c) produce prescribed equipment;

(d) possess, transfer, use, import, export, manage, and store within the facility any nuclear substances that are required for, associated with, or related to manufacturing radiation devices, and development and testing of radioactive source teletherapy machines;

(e) possess, transfer, use, import, export, and store prescribed equipment that is required for, associated with, or related to manufacturing of radiation devices and development and testing of radioactive source teletherapy machines, and manufacturing radioactive source teletherapy machines;

2. Within 14 calendar days of the Commission's decision on this matter, Best Theratronics Ltd. shall submit to CNSC staff an updated itemized inventory of all sealed sources, depleted uranium and prescribed equipment in its possession under its Class IB licence.
3. Within 14 calendar days of the Commission's decision on this matter, Best Theratronics Ltd. shall submit to CNSC staff a plan for shipping of sealed sources and should Best Theratronics Ltd. intend to ship other regulated material, an associated plan to do so.
4. Within 125 calendar days of the Commission's decision on this matter, Best Theratronics Ltd. is to ship all Category 1 and Category 2 (Co-60 and Cs-137 sources) in its possession under its Class IB licence.
5. Best Theratronics Ltd. shall report monthly to CNSC staff on the status of shipping of sealed sources and potentially other regulated material.
6. Within 55 calendar days of the Commission's decision on this matter, Best Theratronics Ltd. is to provide to CNSC staff a revised Preliminary Decommissioning Plan in accordance with [REGDOC-2.11.2 Decommissioning](#), considering the reduction of sources in inventory as a result of this order.
7. Within 140 calendar days of the Commission's decision on this matter, Best Theratronics Ltd. is to provide a Financial Guarantee in accordance with [REGDOC-3.3.1, Financial Guarantees for Decommissioning of Nuclear Facilities and Termination of Licensed Activities](#) for the Commission's

consideration and acceptance.

11. The Commission notes that this redetermination does not absolve nor exempt BTL from complying with any other regulatory requirements such as regarding the export of sources,¹² including the requirement to apply for separate export licences for Category 1 and 2 radioactive sources.¹³
12. As outlined in the amended order, BTL is required to reduce its inventory and reestablish a financial guarantee acceptable to the Commission within the prescribed timelines. The Commission emphasizes the importance of timely compliance with the amended order.

3.0 ISSUES AND COMMISSION FINDINGS

13. In making its decision, the Commission considered all the relevant submissions relating to the redetermination of the order.¹⁴ The Commission also considered the adequacy of the measures for protecting the environment, the health and safety of persons, national security and international obligations to which Canada has agreed.
14. The Commission's analysis is set out within the following sections of this *Record of Decision*:
 - Section 3.1: Submission by CNSC Staff
 - Section 3.2: Submission by Best Theratronics Ltd.
 - Section 3.3: Commission Findings

3.1 Submission by CNSC Staff

15. As BTL had not reestablished its financial guarantee, CNSC staff recommended that the Commission reconsider and redetermine the amended order. CNSC staff proposed amendments that focus on reducing the onsite inventory of Category 1 and Category 2 sources, as well as potentially other regulated materials under BTL's Class IB licence.¹⁵ CNSC staff recommended a phased approach through the following amendments:¹⁶
 1. Amend Condition 1 of the order to allow for:
 - Transfer to be a permittable activity under part IV (b), (d) and (e) of licence NSPFL-14.00/2029.
 - Export to be a permittable activity under part IV (d) and (e) of licence NSPFL-14.00/2029.

¹² Regulatory requirements related to the export of nuclear substances include the *Packaging and Transport of Nuclear Substances Regulations, 2015*, the *Nuclear Non-proliferation Import and Export Control Regulations* and those set out in *REGDOC-2.13.2, Import and Export, Version 2*.

¹³ Export licences are decided on by certain CNSC designated officers.

¹⁴ Pursuant to subsection 43(4) of the NSCA, on considering an appeal or a redetermination, the Commission may hear new evidence or rehear such evidence as it considers necessary.

¹⁵ CMD 25-H118, section 2.

¹⁶ CMD 25-H118, section 3.

- Production of the 3 partially finished gamma cells (prescribed equipment) to be a permissible activity under part IV (c) of licence NSPFL-14.00/2029.¹⁷

2. Add the following 4 new conditions:

- Within 14 calendar days of the Commission's decision on this matter, BTL submit to CNSC staff an updated itemized inventory of all sealed sources, depleted uranium and prescribed equipment in its possession under its Class IB licence.
- Within 14 calendar days of the Commission's decision on this matter, BTL submit to CNSC staff a plan for shipping of sealed sources and should BTL intend to ship other regulated material, an associated plan to do so.
- Within 125 calendar days of the Commission's decision on this matter, BTL is to ship all Category 1 and Category 2 (Co-60 and Cs-137 sources) in its possession under its Class IB licence.
- BTL is to report monthly to CNSC staff on the status of shipping of sealed sources and potentially other regulated material.

3. Revoke Condition 2 of the order and replace it with the following 2 conditions:

- Within 55 calendar days of the Commission's decision on this matter, BTL is to provide to CNSC staff a revised Preliminary Decommissioning Plan in accordance with [REGDOC-2.11.2 Decommissioning](#), considering the reduction of sources in inventory as a result of this order.
- Within 140 calendar days of the Commission's decision on this matter, BTL is to provide a Financial Guarantee in accordance with [REGDOC-3.3.1, Financial Guarantees for Decommissioning of Nuclear Facilities and Termination of Licensed Activities](#) for the Commission's consideration and approval.

4. Revoke Condition 3 of the order, which is no longer relevant since only limited non-Class IB operations had resumed at the BTL facility.

16. CNSC staff stressed the importance of BTL adhering to the established timelines for inventory reduction.¹⁸ CNSC staff explained that the recommended measures would help mitigate risks to the environment and to the health and safety of persons, lower the estimated cost of decommissioning, and consequently reduce the required financial guarantee, potentially making it easier for BTL to establish a financial guarantee acceptable to the Commission.¹⁹

¹⁷ Transcript, September 22, 2025, page 9.

¹⁸ Transcript, September 22, 2025, page 18.

¹⁹ CMD 25-H118, section 2.

17. CNSC staff reported that BTL had resumed limited non-Class IB operations at its facility.²⁰ It also reported that BTL currently holds a valid letter of credit in the amount of \$236,000.²¹
18. Based on an inspection conducted during the week of September 15, 2025, CNSC staff confirmed that BTL's inventory includes:²²
 - sealed sources²³ of approximately 83 kilocuries (kCi) of Cs-137
 - sealed sources of approximately 42 kCi of Co-60
 - 8,753 kg of depleted uranium
 - prescribed equipment,²⁴ including 3 partially finished GammaCell units containing Cs-137 sources
19. The Commission asked for more information on CNSC staff's assessment and verification of BTL's inventory. CNSC staff explained its assessment methodology, which included a review of BTL's inventory records and verifying that the observed inventory matched the records. CNSC staff added that, should the Commission authorize BTL to ship its inventory, CNSC staff would ensure that BTL's shipments meet regulatory requirements.²⁵
20. CNSC staff noted that, outside the scope of the current matter, it may propose amendments to the licence and/or licensing basis to establish an inventory limit consistent with the Preliminary Decommissioning Plan, the decommissioning cost estimate, and the financial guarantee.²⁶ Any proposed licence amendment would be subject to a Commission decision under a separate Commission proceeding.

3.2 Submission by Best Theratronics Ltd.

21. BTL requested the Commission's authorization to:²⁷
 - export approximately 83 kCi of Cs-137 to licensed storage facilities
 - export approximately 42 kCi of Co-60 for recycling purposes
 - export 8,753 kg of depleted uranium for recycling purposes
 - sell finished or partially finished GammaCell units containing Cs-137 sources
 - manufacture prescribed equipment

²⁰ From a recent inspection, CNSC staff inspectors noted general adherence to the Class IB operating restrictions in the amended order with one exception, where a notice of non-compliance was issued, requesting a plan to ensure that the prohibitions in the order continue to be adhered to (CMD 25-H118, section 2).

²¹ Transcript, September 22, 2025, page 23.

²² Transcript, September 22, 2025, pages 6-8.

²³ CNSC staff corrected an error on CMD 25-H118 concerning the classification of sealed sources, clarifying that they are not disused but instead fall into 3 broad categories: fit for purpose, recyclable, or waste (transcript, September 22, 2025, page 7).

²⁴ CMD 25-H118, section 2.

²⁵ Transcript, September 22, 2025, pages 15-17.

²⁶ Transcript, September 22, 2025, pages 9-10.

²⁷ CMD 25-H118.1. BTL's submission was filed on September 5, 2025, in response to the CNSC's notice of redetermination (Commission Registry's email to BTL, *Re: February 14, 2025, Order Amended by the Commission*, July 24, 2025).

22. Concerning BTL's request to export Co-60, Cs-137 and depleted uranium, CNSC staff confirmed that the request comprises the entirety of BTL's current inventory.²⁸
23. Regarding BTL's request to sell finished or partially finished GammaCell units containing Cs-137 sources and to manufacture prescribed equipment, CNSC staff confirmed that BTL currently does not possess any finished GammaCell units containing Cs-137 sources, but a total of 3 partially finished units. CNSC staff recommended that BTL be permitted to complete the manufacturing of these 3 units and to proceed with their transfer or export under Condition 1.²⁹ CNSC staff clarified that its recommendation regarding authorizing the production of prescribed equipment was limited to the 3 partially finished GammaCell units.³⁰
24. BTL noted its intent to export all radioactive materials, relocate operations to the United States and India, and relinquish its Class IB licence.³¹ However, it expressed interest in continuing to manufacture and ship prescribed equipment, such as cyclotrons, that do not contain radioactive sources.³² CNSC staff underscored that the manufacturing and servicing of such prescribed equipment is also a licensed activity. Under the current order, and in light of BTL's non-compliance with its licence requirements, CNSC staff reaffirmed that BTL must first reestablish a financial guarantee that accurately reflects its inventory. Only then would CNSC staff assess BTL's continued operations.³³
25. BTL noted its difficulty in maintaining a financial guarantee that accurately reflects its current inventory, citing cash flow challenges. BTL acknowledged that its objective is to remove nuclear substances from its site as quickly as possible, thereby reducing the required financial guarantee. BTL sought clarification on the applicable requirements during the interim inventory reduction period. Asked to address BTL's request for clarification, CNSC staff explained that the requirements are outlined in the recommended amendments and associated timelines, which ought to be sufficient to accommodate follow-ups and the time required to complete other regulatory processes, such as obtaining an export licence, fulfilling transportation requirements, and complying with sealed source tracking protocols.³⁴
26. BTL affirmed its intent to cooperate with the CNSC to establish a financial guarantee and to continue its business operations. BTL acknowledged its obligation to maintain a financial guarantee that accurately reflects its inventory. Recognizing the significant challenge of increasing the financial guarantee at this time, BTL indicated its plan to expedite inventory reduction.³⁵

²⁸ Transcript, September 22, 2025, pages 6-8.

²⁹ Transcript, September 22, 2025, pages 8-9.

³⁰ Transcript, September 22, 2025, pages 19-20.

³¹ Transcript, September 22, 2025, pages 13-14.

³² Transcript, September 22, 2025, pages 18-19.

³³ Transcript, September 22, 2025, pages 19-21.

³⁴ Transcript, September 22, 2025, pages 22-24.

³⁵ Transcript, September 22, 2025, pages 24-26.

3.3 Commission Findings

27. Based on the information submitted on record and summarized above, the Commission heard that BTL is experiencing difficulty reestablishing its financial guarantee in the amount of \$1.8 million, as required by Condition 2 of the amended order. The Commission underscores the seriousness of this matter, particularly in light of BTL's continued non-compliance with Condition G.3 of its licence. Despite being issued an order and having previously indicated its intention to reestablish the financial guarantee, BTL has failed to fulfill this requirement as set out in the February 14, 2025, amended order.³⁶ As stated in the order, the purpose of the financial guarantee is to ensure the safe disposal of high-risk sealed sources and licensed material, and this requirement must not be taken lightly.
28. Having heard BTL's expressed willingness to cooperate with the CNSC to return to compliance, the Commission finds it appropriate to redetermine the order in a manner that will enable BTL to return to regulatory compliance. The Commission is satisfied that the approach proposed by CNSC staff would enable BTL to divest itself of its inventory in accordance with CNSC regulatory requirements. This would mitigate risks to the environment, the health and safety of persons, national security, and Canada's international obligations.
29. As further described below, the Commission amends Designated Officer Order 7396415, and:
 - amends Condition 1 of the order
 - adds 4 new conditions as new Conditions 2 to 5
 - replaces Condition 2 of the order with 2 new conditions, identified as new Conditions 6 and 7
 - removes Condition 3 of the order
30. The Commission underscores the importance of BTL reducing its inventory and reestablishing a financial guarantee without delay. The Commission notes that failure to comply with the timelines prescribed in the amended order could lead to further action.
31. Given BTL's compliance history respecting financial guarantees, the Commission expects that CNSC staff will focus regulatory scrutiny on verifying BTL's compliance with requirements under licence condition G.3, and in particular the new activities authorized under Condition 1 of this amended order.

Condition 1 is amended and 4 new conditions are added

32. The Commission considered CNSC staff's recommended amendment to Condition 1 and the addition of 4 newly proposed conditions—focusing on reducing BTL's inventory—along with BTL's request to allow it to export all Co-60 sources, Cs-137 sources and depleted uranium in its current possession as well as to produce and sell the 3 partially finished GammaCell units containing Cs-137 sources.

³⁶ DEC 25-H102.

33. The Commission heard that BTL understands the requirement to promptly reduce its inventory and to establish a financial guarantee that accurately reflects the reduced inventory. The Commission also heard that BTL has expressed a willingness to cooperate with CNSC staff to return to compliance and that it intends to continue its business operations. The Commission finds that the proposed amendment to Condition 1 and the 4 newly proposed conditions will enable a comprehensive and timely approach to achieving inventory reduction. Accordingly, the Commission amends Condition 1, and accepts and includes the 4 newly recommended conditions in the amended order as Conditions 2, 3, 4 and 5, as set out in paragraph 10 of this *Record of Decision*, for this purpose.
34. The Commission emphasizes that the production of prescribed equipment is restricted to the completion of the 3 partially finished GammaCell units. It reiterates the importance of adhering to the timelines established in the amended order.
35. The Commission notes that this amendment does not absolve nor exempt BTL from any other regulatory requirements such as regarding the export of sources,³⁷ including to apply for separate export licences for Category 1 and 2 radioactive sources.³⁸

Condition 2 is replaced with 2 new conditions

36. The Commission considered the recommended revocation of Condition 2 in the order, and its replacement with 2 new conditions requiring BTL to submit a revised Preliminary Decommissioning Plan and reestablish its financial guarantee, along with the associated timelines.
37. The Commission finds that the recommended replacement, together with the measures enabled by Conditions 1 through 5, constitute a timely and effective plan for BTL to reestablish an acceptable financial guarantee. Accordingly, the Commission replaces Condition 2 of the order with new Conditions 6 and 7, as set out in paragraph 10 of this *Record of Decision*.
38. While the amended order requires the revised Preliminary Decommissioning Plan to be submitted prior to inventory shipment, the Commission notes that the scheduled submission of the shipping plan will occur ahead of the revised Preliminary Decommissioning Plan. The Commission emphasizes that both the revised Preliminary Decommissioning Plan and the associated financial guarantee must accurately reflect BTL's reduced inventory. It further reiterates the importance of adhering to the timelines established in the amended order.
39. BTL reassured that the \$236,000 letter of credit was sufficient for decommissioning.³⁹ The Commission's position on this issue remains unchanged.

³⁷ Regulatory requirements related to the export of nuclear substances include the *Packaging and Transport of Nuclear Substances Regulations, 2015*, the *Nuclear Non-proliferation Import and Export Control Regulations* and *REGDOC-2.13.2, Import and Export, Version 2*.

³⁸ Export licences are decided on by certain CNSC designated officers.

³⁹ Transcript, September 22, 2025, pages 14-15.

from its previous consideration of this matter and does not accept BTL's assertion that the CNSC has failed to adhere to its own requirements.⁴⁰ Regardless of BTL's position regarding the supposed sufficiency the remaining financial guarantee instrument in place, BTL remains obligated to update its Preliminary Decommissioning Plan and maintain a financial guarantee, in accordance with licence condition G.3. BTL remains out of compliance with this requirement.

Condition 3 is removed

40. The Commission agrees that Condition 3 of the order is no longer relevant. The Commission notes that the current focus of the order remains on inventory reduction and the establishment of a financial guarantee acceptable to the Commission. Therefore, the Commission removes Condition 3 of the order.
41. The Commission notes that matters related to verifying adherence to Class IB operating restrictions and the resumption of authorized activities will be addressed through CNSC staff's regulatory compliance activities.⁴¹

4.0 CONCLUSION

42. The Commission has considered the information in the amended order issued to BTL and the information submitted by CNSC staff and BTL. Pursuant to paragraph 43(4)(i) of the NSCA, the Commission redetermined its February 14, 2025 decision at its own initiative. By this redetermination, it amends Designated Officer Order 7396415 in the manner described in this *Record of Decision*.
43. The Commission emphasizes the regulatory concern with BTL's attention to, and performance with respect to, its financial guarantee. The recent failure to maintain a financial guarantee, the inaccurate reports to the CNSC regarding the validity of its existing financial guarantee, inattention to the periodic review of its PDP and financial guarantee, and the failure to address these after being issued an order, are significant matters. Given BTL's compliance history with financial guarantee obligations, the Commission expects that CNSC staff will focus regulatory scrutiny on verifying BTL's adherence to the amended order.
44. From this proceeding, the Commission notes that there are communication issues between BTL and CNSC staff. The Commission expects BTL to be forthcoming and to work with CNSC staff in a transparent, timely, responsive and collaborative way. Where there are questions or uncertainties, BTL must seek clarification from CNSC staff. The Commission encourages CNSC staff to conduct regular site visits to prevent miscommunications or delays in executing the amended order.

⁴⁰ DEC 25-H102, paragraph 30.

⁴¹ CMD 25-H118, section 2.

45. The Commission emphasizes that BTL shall not undertake activities authorized under its Class IB licence, other than in accordance with the amended order.

October 22, 2025

Pierre F. Tremblay
President,
Canadian Nuclear Safety Commission

Date