



ORDER BY A DESIGNATED OFFICER UNDER PARAGRAPH 37(2)(f) OF THE
NUCLEAR SAFETY AND CONTROL ACT

CNSC File #7396415 (4.02.03)

Unclassified

Date of Order: November 06, 2024

TO:

Krishnan Suthanthiran
President
Best Theratronics Ltd.
413 March Road
Ottawa, ON
K2K 0E4 Canada

WHEREAS in July 2017, the Commission accepted Best Theratronics Ltd.'s financial guarantee of \$1,800,000 CAD for the future decommissioning of the facility in the form of two letters of credit (\$236,000 from BMO and \$1,564,000 from ICICI; respectively).

AND WHEREAS Best Theratronics Ltd. holds a Class 1 B Nuclear Substance Processing Facility Operating Licence (NSPFOL-14.00/2029) issued pursuant to the *Nuclear Safety and Control Act* that authorizes activities relating to the possession, use, management, storage, transfer, import, export and disposal of nuclear substances and prescribed equipment.

AND WHEREAS, the Best Theratronics Ltd.'s Class 1 B Nuclear Substance Processing Facility Operating Licence (NSPFOL-14.00/2029) has Licence Condition G.3 that states the licensee shall maintain a financial guarantee for decommissioning that is acceptable to the Commission.

AND WHEREAS, the CNSC has received confirmation from ICICI, the institution that held the \$1,564,000 standby letter of credit, that it expired in 2021.

AND WHEREAS, BTL is therefore not in compliance with licence NSLFOL-14.00/29.

AND WHEREAS, as of November 5th 2024, Best Theratronics Ltd., has not responded to CNSC's October 29th 2024 request for information on the status of the financial guarantee.



AND WHEREAS, the establishment of an acceptable financial guarantee ensures that there are sufficient funds available for decommissioning of the facility and the safe disposal of all high risk sealed sources and licensed material.

AND WHEREAS, this failure by Best Theratronics Ltd. to meet the requirement in its licence to maintain an acceptable financial guarantee in order to decommission and provide safe disposal of high-risk sealed sources and licensed material is of significant concern to the CNSC.

Therefore, in accordance with paragraph 37(2)(f) of the NSCA, I order:

- 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 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.

This order will remain in effect until all of the information required by this Order has been provided, actions required by this Order have been completed and that I am satisfied that Best Theratronics Ltd. can operate in accordance and in compliance with the licence issued by the CNSC.

Luc Sigouin
Designated Officer
Directorate of Nuclear Cycle and Facilities Regulation
Canadian Nuclear Safety Commission

Dated at Ottawa, Ontario, Canada this 6th day of November, 2024.