

# Record of Proceedings, Including Reasons for Decision

In the Matter of

Applicant Mr. E. Kolewaski

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Subject Revocation of the Order Issued to  
Mr. E. Kolewaski on April 3, 2008 and  
Confirmed by the Commission on  
May 15, 2008

Hearing  
Date October 9, 2008

## RECORD OF PROCEEDINGS

Applicant: Mr. E. Kolewaski

Address/Location: 2236 - 80<sup>th</sup> Avenue, Edmonton, Alberta

Purpose: Revocation of the Order issued to Mr. E. Kolewaski on April 3, 2008 and confirmed by the Commission on May 15, 2008

Order Issued: April 3, 2008

Date of hearing: October 9, 2008

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

Members present: M. Binder, Chair            M. J. McDill  
A.R. Graham                        A. Harvey  
C.R. Barnes

Secretary: K. McGee  
Recording Secretary: M. Young  
Senior General Counsel: J. Lavoie

<b>Applicant Represented By</b>	<b>Document Number</b>
<ul style="list-style-type: none"><li>• E. Kolewaski, (written submission)</li></ul>	CMD 08-H22.1 CMD 08-H22.1A
<b>CNSC staff</b>	<b>Document Number</b>
<ul style="list-style-type: none"><li>• A. Régimbald</li><li>• K. Mayer</li></ul>	CMD 08-H22

**Order:** Revoked

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## **Introduction**

1. On April 3, 2008, a Designated Officer of the Canadian Nuclear Safety Commission<sup>1</sup> (CNSC) issued an Order (the Order) to Mr. E. Kolewaski as the landlord of the premises located at 2236 - 80<sup>th</sup> Avenue, Edmonton, Alberta. Mr. E. Kolewaski previously leased the site to 588972 Alberta Ltd., operated as Enviropac Inc. The Order was issued to Mr. E. Kolewaski to provide CNSC regulatory control of the site, thus ensuring controlled access and prohibiting work at the site, due to contamination from Americium-241.
2. The Commission confirmed the Order on May 15, 2008<sup>2</sup>, pursuant to subsection 37(6) of the *Nuclear Safety and Control Act*<sup>3</sup> (NSCA).
3. CNSC staff initiated the cleanup of the premises located at 2236, 80<sup>th</sup> Avenue, Edmonton, Alberta through the work of a contractor. The contractor conducted the cleanup in August 2008.
4. Following the cleanup, CNSC staff concluded that the radiological criteria for the site have been met. CNSC staff recommended to the Commission that it revoke the Order issued to Mr. E. Kolewaski.

## Issue

5. Pursuant to subsection 43(3) of the NSCA, the Commission, on its own initiative, redetermined the Order issued to Mr. E. Kolewaski for the purpose of revoking the Order, pursuant to paragraph 43(4)(j) of the NSCA.

## Proceeding

6. Pursuant to section 22 of the NSCA, the President of the Commission established a panel of the Commission to consider the revocation of the Order.
7. The Commission, in making its decision, provided an opportunity to be heard to Mr. E. Kolewaski on October 9, 2008 in Ottawa, Ontario. During the proceeding, the Commission considered a written submission and an oral presentation from CNSC staff (CMD 08-H22), and written submissions from Mr. E. Kolewaski (CMD 08-H22.1 and CMD 08-H22.1A).

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<sup>1</sup> 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> Refer to the *Record of Proceedings* on “Opportunity to be heard on the Designated Officer Order Issued to Mr. E. Kolewaski with respect to the premises located at 2236, 80<sup>th</sup> Avenue, Edmonton, Alberta, previously leased to Enviropac Inc.”, hearing date May 15, 2008.

<sup>3</sup> S.C., 1997, c.9

**Decision**

8. Based on its consideration of the matter, as described in more detail in the following sections of this *Record of Proceedings*,

the Commission, pursuant to paragraph 43(4)(j) of the *Nuclear Safety and Control Act*, revokes the Order issued to Mr. E. Kolewaski on April 3, 2008.

**Issues and Commission Findings**

9. CNSC staff described the remediation activities conducted at 2236 - 80<sup>th</sup> Avenue, Edmonton, Alberta. CNSC staff stated that the on-site remediation process was thorough and comprehensive, and all nuclear substances and prescribed equipment were removed from the site. CNSC staff reported that the site was successfully decontaminated and no further CNSC regulatory control is required. CNSC staff stated that the conditions of the Order are no longer required and recommended that control of the location be returned to Mr. E. Kolewaski.
10. Mr. E. Kolewaski submitted that he is in agreement with the revocation of the Order.

**Conclusion**

11. The Commission has considered the information and submissions as presented in the material available for reference on the record for the proceeding.
12. Based on the above information, the Commission is satisfied that the cleanup criteria have been met and the premises located at 2236 - 80<sup>th</sup> Avenue, Edmonton, Alberta are no longer contaminated. The Commission agrees with CNSC staff's conclusion that regulatory control of the site is no longer needed.
13. The Commission, pursuant to paragraph 43(4)(j) of the NSCA, revokes the Order issued to Mr. E. Kolewaski on April 3, 2008.



OCT 3 1 2008

Michael Binder  
President,  
Canadian Nuclear Safety Commission

Date