

Prevention Services Division

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Division des services de prévention

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March 16, 2004

"The Employer"

Re: NB Mining Regulations 96-105, under the O.H. and S. Act, subsection 50 (1) and 50 (2) Of 96-105, notification to use diesel engines underground and sub-section 220 (3) of the General Regulation 91-191

This is in response to the employer's letter dated January 10, 2004 advising the Chief Compliance Officer of the employer's plan to operate an ST-8B Wagner Scooptram on the 850 Level. In addition, the employer is requesting a deviation from Subsection 220 (3) of the General Regulation 91-191 (requirement for rollover protection structure) for this piece of equipment.

In the employer's letter, the employer states that the employer has reviewed mining, mucking and tramming processes to which this vehicle will be repetitively exposed on 850m Level including the access ramps. Operations will be carried out in drifts where there are minimal grade differences and/or embankments. The addition of rollover protective structures on production equipment of this size is not physically possible and the vehicle design and application of this vehicle poses no risk to rollover within the employer's premises. The Joint Health and Safety Committee Co Chairs have reviewed the request acknowledging the operating conditions and limitations in which this vehicle will be applied.

Based on the information the employer has provided, a deviation from 220 (3) is granted. Please note that the deviation is effective February 9, 2004 when a verbal approval was given.

By copy of this letter, the Chief Compliance Officer has advised WHSCC staff and the JHSC Co-chairs of the decision.

Yours truly,

Chief Compliance Officer

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