

**Prevention Services Division**

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**Division des services de prévention**

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October 20, 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, Rollover Protection

This is in response to the employer's letter dated October 4, 2004 advising the Chief Compliance officer of the employer's plan to operate an ST-8B Wagner Scooptram on the 575 to 850m Levels. This production scooptram is a remanufactured scooptram that first entered the employer's premises in 1999 and was later removed from service. 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 1000 to 1125m Levels 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.

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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