

**WorkSafe Services**

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**Services de travail sécuritaire**

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December 17, 2008

"The Employer"

Re: NBMA Article 96-105, subsection 50(1) & 50(2) of 96-105, Use of Diesel Engines Underground and Deviation request from - subsection 220(3) of Reg. 91-191, Requirements for Rollover Protective Structures

The Chief Compliance Officer is writing to acknowledge receipt of the employer's letter dated December 16, 2008, notifying the WHSCC that the employer will be using the following diesel equipment underground:

Mine Equipment No: VL 290  
Name of Manufacturer:  
Model: R2900G  
Vehicle Type: Scooptram  
Year: 2008  
Serial No.: JLK 00844  
Diesel Engine: D.I. & Turbo Charged  
Manufacturer: Caterpillar  
Model No.: C 15 ATTAAC ACERT  
Serial No.: LHX 15348  
HP: 447  
Cooling: Liquid  
Scrubber Type: Diesel Oxidation Catalyst model AS # 237-7873  
Engine Certification No.: CANMET DNR 1185  
Fuel Tank Capacity: 854  
Hydraulic Fluid Capacity: 140  
Fire Suppression System: Yes LT-101-A-30 (2 manual actuators, 8 nozzles)

The employer is requesting a deviation to subsection 220(3) of regulations 91-191, *Occupational Health and Safety Act* for the above-mentioned vehicle. The employer indicates that the employer has reviewed mining and tramming processes to which this vehicle will be repetitively exposed on two specific sites, including access ramps, according to stipulations 1 and 2 of a letter dated July 23, 1997 from WHSCC. Stated operations are carried out in drifts where there are minimal grade differences and/or embankments.

The employer's request for a deviation is based on previous letters that have documented case studies that clearly illustrate that the addition of rollover protective structures on production equipment of this size is not physically possible. The vehicle design and application of this vehicle within the employer's premises poses no risk to rollover, thus the element of risk from rollover as a result of the mining process or drift design is minimal. Also, as per stipulation 3 of the aforementioned letter dated July 23, 1997, the employer has attached a copy of the Joint Health and Safety Committee's recommendation. This letter is signed by the joint co-chairs and indicates that the Joint Health and Safety Committee

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agrees with the deviation request and acknowledges 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