



THE NEWFOUNDLAND AND LABRADOR GAZETTE EXTRAORDINARY

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NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 63/02

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**NEWFOUNDLAND AND LABRADOR
REGULATION 63/02**

*Voisey's Bay Nickel Company Limited Primary
Production Order*
under the
Mineral Act
(O.C. 2002 - 326)

(Filed October 7, 2002)

Under the authority of section 31.1 of the *Mineral Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, October 7, 2002.

Deborah E. Fry
Clerk of the Executive Council

ORDER

Analysis

- | | |
|-------------------|---------------------------------------|
| 1. Short title | 4. Primary production in the province |
| 2. Interpretation | 5. Order continues in force |
| 3. Best interest | |

Short title **1.** This Order may be cited as the *Voisey's Bay Nickel Company Limited Primary Production Order*.

Interpretation **2.** (1) In this order

(a) "Act" means the *Mineral Act*;

(b) "lease" means the valid and subsisting lease number 184 dated September 30, 2002 issued to the lessee under the Act for an area situated near Voisey's Bay; and

(c) "lessee" means Voisey's Bay Nickel Company Limited.

(2) In interpreting this Order, the terms "mineral", "mineral ore" and "primary production" shall have the meanings given to them in the Act.

Best interest

3. The Lieutenant-Governor in Council is of the opinion that, as a matter of public convenience and general policy, it is in the best interest of the province to grant this order.

Primary production
in the province

4. The lessee shall complete primary production in the province of all minerals or mineral ores extracted or removed under the lease.

Order continues in
force

5. This Order shall continue in force until the time that it is varied, rescinded or repealed by an order of the Lieutenant-Governor in Council.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 64/02**

*Voisey's Bay Nickel Company Limited Copper
Concentrate Exemption Order*
under the
Mineral Act
(O.C. 2002 - 328)

(Filed October 7, 2002)

Under the authority of section 31.1 of the *Mineral Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, October 7, 2002.

Deborah E. Fry
Clerk of the Executive Council

ORDER

Analysis

- | | |
|-------------------|-----------------------------|
| 1. Short title | 3. Exemption |
| 2. Interpretation | 4. Order continues in force |

Short title

1. This Order may be cited as the *Voisey's Bay Nickel Company Limited Copper Concentrate Exemption Order*.

Interpretation

2. (1) In this order

(a) "Act" means the *Mineral Act*;

- (b) "development agreement" means the Development Agreement made as of September 30, 2002 among Her Majesty the Queen in Right of Newfoundland and Labrador, the lessee and Inco Limited;
- (c) "lease" means the valid and subsisting lease number 184 dated September 30, 2002 issued to the lessee under the Act for an area situated near Voisey's Bay; and
- (d) "lessee" means Voisey's Bay Nickel Company Limited.

(2) In interpreting this Order, the terms "copper concentrate" "project" and "proponent" have the meanings given to them in the development agreement.

Exemption

3. Subject to section 4, the lessee shall be exempt from the provisions of the Voisey's Bay Nickel Company Limited Primary Production Order with respect to all copper concentrate for the life of the project.

Order continues in
force

4. This Order shall continue in force until the time that it is rescinded or repealed

- (a) as contemplated in section 4.14.3 of the development agreement; or
- (b) under subsection 31.1(3) of the Act.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 65/02**

*Voisey's Bay Nickel Company Limited Matte
Plant Exemption Order*
under the
Mineral Act
(O.C. 2002 - 329)

(Filed October 7, 2002)

Under the authority of section 31.1 of the *Mineral Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, October 7, 2002.

Deborah E. Fry
Clerk of the Executive Council

ORDER

Analysis

- | | |
|-------------------|-----------------------------|
| 1. Short title | 4. Suspension of exemption |
| 2. Interpretation | 5. Termination of exemption |
| 3. Exemption | |

Short title **1.** This Order may be cited as the *Voisey's Bay Nickel Company Limited Matte Plant Exemption Order*.

Interpretation **2.** (1) In this order

(a) "Act" means the *Mineral Act*;

(b) "development agreement" means the Development Agreement made as of September 30, 2002 among Her Majesty the Queen in Right of Newfoundland and Labrador, the lessee and Inco Limited;

(c) "lessee" means Voisey's Bay Nickel Company Limited; and

(d) "production order" means the Voisey's Bay Nickel Company Limited Primary Production Order.

(2) In interpreting this Order, the terms "construction completion date", "government", "matte", "matte plant", "mine", "nickel concentrate" and "proponent" have the meanings given to them in the development agreement.

Exemption

3. (1) Subject to sections 4 and 5, if the proponent has constructed the matte plant, the lessee shall be exempt from the provisions of the production order with respect to shipments of nickel concentrate commencing on the construction completion date.

(2) The exemption under subsection (1) shall continue as long as the matte plant is operating and treating matte in sufficient quantities so that the tonnage of contained nickel in the matte processed by the matte plant is not less than the tonnage of contained nickel in the nickel concentrate shipped out of the province as permitted by this order, both on an annual basis and in total, over the life of the mine.

(3) The lessee shall provide to the government an annual accounting of the tonnages referred to in subsection (2) in respect of each year on or before the last day of February of the following year utilizing the assaying procedures set out in Schedule 4.13.2 of the development agreement.

Suspension of exemption

4. The exemption under subsection 3(1) shall be suspended while the matte plant is not operating, except during reasonable and necessary periods of routine maintenance and vacation shutdown of the matte plant in accordance with reasonable and prudent industry practices.

Termination of exemption

5. The exemption under subsection 3(1) shall terminate on the earlier of the date that

(a) the matte plant has, in the sole opinion of the government acting reasonably, ceased commercial operations; and

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Exemption Order*

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- (b) the exemption is rescinded under subsection 31.1(3) of the Act.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 66/02**

*Voisey's Bay Nickel Company Limited Nickel
Concentrate Exemption Order*
under the
Mineral Act
(O.C. 2002 - 327)

(Filed October 7, 2002)

Under the authority of section 31.1 of the *Mineral Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, October 7, 2002.

Deborah E. Fry
Clerk of the Executive Council

ORDER

Analysis

- | | |
|-----------------------------|-----------------------------------|
| 1. Short title | 5. Suspension of shipping rights |
| 2. Interpretation | 6. Determination of diligence |
| 3. Exemption | 7. Construction of hydromet plant |
| 4. Termination of exemption | |

Short title

1. This Order may be cited as the *Voisey's Bay Nickel Company Limited Nickel Concentrate Exemption Order*.

Interpretation

2. (1) In this order

(a) "Act" means the *Mineral Act*;

- (b) "development agreement" means the Development Agreement made as of September 30, 2002 among Her Majesty the Queen in Right of Newfoundland and Labrador, the lessee and Inco Limited;
- (c) "lease" means the valid and subsisting lease number 184 dated September 30, 2002, issued to the lessee under the Act for an area situated near Voisey's Bay;
- (d) "lessee" means Voisey's Bay Nickel Company Limited; and
- (e) "production order" means the Voisey's Bay Nickel Company Limited Primary Production Order.

(2) In interpreting this Order, the terms "commercial production date", "construction completion date", "decision", "demonstration plant", "demonstration plant completion date", "government", "hydro-met plant", "implementation plan", "nickel concentrate", "processing plant" and "proponent" have the meanings given to them in the development agreement.

Exemption

3. Subject to sections 4 and 5, the lessee shall be exempt from the provisions of the production order with respect to the quantity of nickel concentrate containing up to a maximum total of 355,000 tonnes of contained nickel commencing the later of

- (a) the date of the first shipment of nickel concentrate to the demonstration plant; and
- (b) the demonstration plant completion date.

Termination of
exemption

4. The exemption contained in section 3 shall terminate on the earliest of the

- (a) date on which the shipments of nickel concentrate by the lessee have reached a total of 355,000 tonnes of contained nickel;
- (b) construction completion date; and
- (c) date on which it is rescinded under section 31.1(3) of the Act.

Suspension of
shipping rights

5. The lessee may ship quantities of nickel concentrate out of the province up to the maximum total of 355,000 tonnes of contained nickel referred to in section 3 but where the proponent

- (a) has not delivered the decision to the government by November 15, 2008;
- (b) has not delivered to the government an implementation plan as required by section 4.7.4 or 4.7.5 of the development agreement; or
- (c) the proponent is not proceeding diligently to complete the engineering and construction of the processing plant as required by section 4.7.4 or 4.7.5 of the development agreement

the right of the lessee to ship nickel concentrate out of the province under section 3 shall be suspended, subject to sections 5.3 and 6.5.2 of the development agreement.

Determination of
diligence

6. Whether the proponent is proceeding diligently to complete the engineering and construction of the processing plant as required by section 4.7.4 or 4.7.5 of the development agreement shall be determined in accordance with section 4.7.6 of the development agreement.

Construction of
hydromet plant

7. (1) If the proponent has constructed a hydromet plant, in addition to the exemption in section 3, the lessee shall be exempt from the provisions of the production order with respect to the shipments of nickel concentrate containing up to a maximum total of 85,000 tonnes of contained nickel, commencing on the construction completion date.

(2) The exemption referred to in subsection (1) shall terminate on the earliest of the

- (a) commercial production date;
- (b) date on which the shipments of nickel concentrate by the lessee reach the total of 85,000 tonnes of contained nickel; and

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Concentrate Exemption Order*

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(c) date on which it is rescinded under subsection 31.1(3) of the Act.

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