

FEB 23 1984

DIVISION OF INDUSTRIAL  
SAFETY SERVICE  
DISTRICT NO. 11

STATE OF NEW YORK  
DEPARTMENT OF LABOR  
TWO WORLD TRADE CENTER  
NEW YORK, NEW YORK 10047

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In the Matter of

Part 39 of Title 12 of the Official Compilation  
of Codes, Rules and Regulations  
of the State of New York

(cited as 12NYCRR 39)

Subdivision 39.11 (b)

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DECISION

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DATED: February 17, 1984

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I, the Commissioner of Labor, pursuant to Section 30 of the Labor Law have reviewed the provisions of Subdivision 39.11(b) of Industrial Code Rule 39, relative to the specific requirements for the marking of vehicles engaged in the intrastate transportation of explosives (i.e., transportation solely within the boundaries of New York State); and

I have also reviewed the provisions of the State Administrative Procedure Act - Overlapping Federal Regulations, Chapter 345 of the Laws of 1983, effective December 1, 1983; and

I have similarly reviewed the provisions of Subpart F - Placarding, of Title 49 of the Code of Federal Regulations (cited as 49 CFR); and

Upon these collective records, I, the Commissioner of Labor, find that the issuance of an applicable variance would not violate the spirit and purpose of Industrial Code Rule Subdivision 39.11(b).



APPLICABLE VARIANCE

A variance from Subdivision 39.11(b) of Part 39 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York (cited as NYCRR 39), as amended, effective August 1, 1973, is hereby GRANTED permitting those persons engaged in the intrastate transportation of explosives (i.e., transportation solely within the boundaries of New York State), to mark those vehicles with placards conforming to either the provisions of Subdivision 39.11(b) or Subpart F - Placarding, of Title 49 of the Code of Federal Regulations.

This variance shall apply and shall be applied by all enforcement officials to all persons and in all places to which Industrial Code Rule Subdivision 39.11(b) applies, with the same force and effect as if this variance were duly granted upon separate petition for the use and benefit of every person affected by said Subdivision.

LILLIAN ROBERTS  
COMMISSIONER OF LABOR

By

*Joseph F. Drayton*  
JOSEPH F. DRAYTON, DIRECTOR  
Division of Safety and Health