

STATE OF NEW YORK
DEPARTMENT OF LABOR
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12240-0100

----- X
In the Matter of : DECISION
Part 39 of Title 12 of the Official : AV 94*
Compilation of Codes, Rules and :
Regulations of the State of New York : DATED:
(cited as 12NYCRR39) : November 15, 1989
Subdivision 39.9(a) - Table I :
----- X

I, the Commissioner of Labor, pursuant to Section 30 of the Labor Law have reviewed the provisions of Subdivision 39.9(a) - Table 1 "High Explosives Quantity and Distance Table" relative to the quantities of high explosives stored in magazines and the distances that these magazines are to be separated from buildings, railways, highways and other magazines; and

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

I have similarly reviewed the provisions of Subpart K - Storage, of Commerce in Explosives, Part 55, Title 27, Code Federal Regulations (cited as 27CFR); 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 39, Subdivision 39.9(a) - Table 1 - "High Explosives Quantity and Distance Table".

APPLICABLE VARIANCE

A variance from subdivision 39.9(a) - Table 1 of Part 39 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York (cited as NYCRR39) as amended, effective August 1, 1973, is hereby GRANTED permitting those persons engaged in the storage of high explosives to comply with either the provisions of Subdivision 39.9(a) - Table 1 or the provisions of Section 55.218 "Table of distances for storage of explosive materials" and the "Notes to the Table of Distances for Storage of Explosives" of Subpart K - Storage, of Commerce in Explosives, Part 55, Title 27, Code of Federal Regulations, Revision of April 1, 1984.

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 39.9(a) - Table 1 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 affect by said Subdivision.

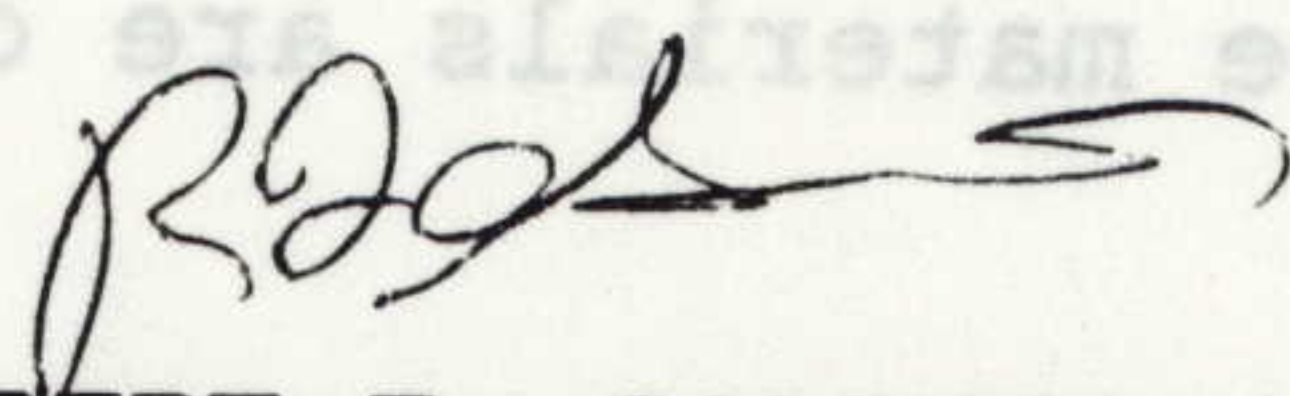
DATED: NOVEMBER 15, 1989

Notes to the Table of Distances for Storage of Explosives

THOMAS F. HARTNETT
COMMISSIONER OF LABOR

(1) Terms found in the table of distances for storage of explosive materials are defined in §25.11.

BY



ROBERT F. GOLLNICK; DIRECTOR
DIVISION OF SAFETY AND HEALTH

Magazines, "except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the distances specified from other magazines, inhabited buildings, railways, and highways, they should be separated from each other by not less than the distances shown for "Separation of magazines" and, in addition, they should be separated from each other by not less than the distances shown for "Separation of magazines" and, in addition, they should be separated from each other by not less than the distances specified from other magazines, inhabited buildings, railways, and highways.

* This Applicable Variance shall supercede Applicable Variance 81, Decision dated January 17, 1985.

(3) All types of blasting caps in strengths through No. 8 cap should be rated at 1 1/2 lbs. of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the manufacturer.

DJS/njp

(4) For quantity and distance purposes, detonating cord of 50 or 60 grains per foot should be calculated as equivalent to 2 lbs. of high explosives per 1,000 feet. Heavier or lighter core loads should be rated proportionately.

DATED: NOVEMBER 12, 1939

Notes to the Table of Distances for Storage of Explosives

THOMAS F. HARTWELL
COMMISSIONER OF LABOR

(1) Terms found in the table of distances for storage of explosive materials are defined in §55.11.

(2) When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways, and, in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosives stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways, and highways.

(3) All types of blasting caps in strengths through No. 8 cap should be rated at 1 1/2 lbs. of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the manufacturer.

(4) For quantity and distance purposes, detonating cord of 50 or 60 grains per foot should be calculated as equivalent to 9 lbs. of high explosives per 1,000 feet. Heavier or lighter core loads should be rated proportionately.

§55.218 Table of distances for storage of explosive materials.

Quantity of explosives		Distances in feet							
Pounds		Inhabited buildings		Public highways class A to D		Passenger railways—public highways with traffic volume of more than 3,000 vehicles per day		Separation of magazines	
over	not over	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded
2	5	70	140	30	60	51	102	6	12
5	10	90	180	35	70	64	128	8	16
10	20	110	220	45	90	81	162	10	20
20	30	125	250	50	100	93	186	11	22
30	40	140	280	55	110	103	206	12	24
40	50	150	300	60	120	110	220	14	28
50	75	170	340	70	140	122	254	15	30
75	100	190	380	75	150	139	278	16	32
100	125	200	400	80	160	150	300	18	36
125	150	215	430	85	170	159	318	19	38
150	200	235	470	95	190	175	350	21	42
200	250	255	510	105	210	189	378	23	46
250	300	270	540	110	220	201	402	24	48
300	400	295	590	120	240	221	442	27	54
400	500	320	640	130	260	238	476	29	58
500	600	340	680	135	270	253	506	31	62
600	700	355	710	145	290	266	532	32	64
700	800	375	750	150	300	278	556	33	66
800	900	390	780	155	310	289	578	35	70
900	1,000	400	800	160	320	300	600	36	72
1,000	1,200	425	850	165	330	318	636	39	78
1,200	1,400	450	900	170	340	336	672	41	82
1,400	1,600	470	940	175	350	351	702	43	86
1,600	1,800	490	980	180	360	366	732	44	88
1,800	2,000	505	1,010	185	370	378	756	45	90
2,000	2,500	545	1,090	190	380	408	816	49	98
2,500	3,000	580	1,160	195	390	432	864	52	104
3,000	4,000	635	1,270	210	420	474	948	58	116
4,000	5,000	685	1,370	225	450	513	1,026	61	122
5,000	6,000	730	1,460	235	470	546	1,092	65	130
6,000	7,000	770	1,540	245	490	573	1,146	68	136
7,000	8,000	800	1,600	250	500	600	1,200	72	144
8,000	9,000	835	1,670	255	510	624	1,248	75	150
9,000	10,000	865	1,730	260	520	645	1,290	78	156
10,000	12,000	875	1,750	270	540	687	1,374	82	164
12,000	14,000	885	1,770	275	550	723	1,446	87	174
14,000	16,000	900	1,800	280	560	756	1,512	90	180
16,000	18,000	940	1,880	285	570	786	1,572	94	188
18,000	20,000	975	1,950	290	580	813	1,626	98	196
20,000	25,000	1,055	2,000	315	630	876	1,752	105	210
25,000	30,000	1,130	2,000	340	680	933	1,866	112	224
30,000	35,000	1,205	2,000	360	720	981	1,962	119	238
35,000	40,000	1,275	2,000	380	760	1,026	2,000	124	248
40,000	45,000	1,340	2,000	400	800	1,068	2,000	129	258
45,000	50,000	1,400	2,000	420	840	1,104	2,000	135	270
50,000	55,000	1,460	2,000	440	880	1,140	2,000	140	280
55,000	60,000	1,515	2,000	455	910	1,173	2,000	145	290
60,000	65,000	1,565	2,000	470	940	1,206	2,000	150	300
65,000	70,000	1,610	2,000	485	970	1,236	2,000	155	310
70,000	75,000	1,655	2,000	500	1,000	1,263	2,000	160	320
75,000	80,000	1,695	2,000	510	1,020	1,293	2,000	165	330
80,000	85,000	1,730	2,000	520	1,040	1,317	2,000	170	340
85,000	90,000	1,760	2,000	530	1,060	1,344	2,000	175	350
90,000	95,000	1,790	2,000	540	1,080	1,368	2,000	180	360
95,000	100,000	1,815	2,000	545	1,090	1,392	2,000	185	370
100,000	110,000	1,835	2,000	550	1,100	1,437	2,000	195	390
110,000	120,000	1,855	2,000	555	1,110	1,479	2,000	205	410
120,000	130,000	1,875	2,000	560	1,120	1,521	2,000	215	430
130,000	140,000	1,890	2,000	565	1,130	1,557	2,000	225	450
140,000	150,000	1,900	2,000	570	1,140	1,593	2,000	235	470
150,000	160,000	1,935	2,000	580	1,160	1,629	2,000	245	490
160,000	170,000	1,965	2,000	590	1,180	1,662	2,000	255	510
170,000	180,000	1,990	2,000	600	1,200	1,695	2,000	265	530
180,000	190,000	2,010	2,010	605	1,210	1,725	2,000	275	550
190,000	200,000	2,030	2,030	610	1,220	1,755	2,000	285	570
200,000	210,000	2,055	2,055	620	1,240	1,782	2,000	295	590
210,000	230,000	2,100	2,100	635	1,270	1,836	2,000	315	630
230,000	250,000	2,155	2,155	650	1,300	1,890	2,000	335	670
250,000	275,000	2,215	2,215	670	1,340	1,950	2,000	360	720
275,000	300,000	2,275	2,275	690	1,380	2,000	2,000	385	770

Table of distances for storage of explosive materials.

Quantity in tons	Distances in feet		Quantity in tons	Distances in feet	
	Minimum	Maximum		Minimum	Maximum
1	10	10	1	10	10
2	15	15	2	15	15
3	20	20	3	20	20
4	25	25	4	25	25
5	30	30	5	30	30
6	35	35	6	35	35
7	40	40	7	40	40
8	45	45	8	45	45
9	50	50	9	50	50
10	55	55	10	55	55
15	70	70	15	70	70
20	85	85	20	85	85
25	100	100	25	100	100
30	115	115	30	115	115
35	130	130	35	130	130
40	145	145	40	145	145
45	160	160	45	160	160
50	175	175	50	175	175
55	190	190	55	190	190
60	205	205	60	205	205
65	220	220	65	220	220
70	235	235	70	235	235
75	250	250	75	250	250
80	265	265	80	265	265
85	280	280	85	280	280
90	295	295	90	295	295
95	310	310	95	310	310
100	325	325	100	325	325
105	340	340	105	340	340
110	355	355	110	355	355
115	370	370	115	370	370
120	385	385	120	385	385
125	400	400	125	400	400
130	415	415	130	415	415
135	430	430	135	430	430
140	445	445	140	445	445
145	460	460	145	460	460
150	475	475	150	475	475
155	490	490	155	490	490
160	505	505	160	505	505
165	520	520	165	520	520
170	535	535	170	535	535
175	550	550	175	550	550
180	565	565	180	565	565
185	580	580	185	580	580
190	595	595	190	595	595
195	610	610	195	610	610
200	625	625	200	625	625
205	640	640	205	640	640
210	655	655	210	655	655
215	670	670	215	670	670
220	685	685	220	685	685
225	700	700	225	700	700
230	715	715	230	715	715
235	730	730	235	730	730
240	745	745	240	745	745
245	760	760	245	760	760
250	775	775	250	775	775
255	790	790	255	790	790
260	805	805	260	805	805
265	820	820	265	820	820
270	835	835	270	835	835
275	850	850	275	850	850
280	865	865	280	865	865
285	880	880	285	880	880
290	895	895	290	895	895
295	910	910	295	910	910
300	925	925	300	925	925
305	940	940	305	940	940
310	955	955	310	955	955
315	970	970	315	970	970
320	985	985	320	985	985
325	1000	1000	325	1000	1000
330	1015	1015	330	1015	1015
335	1030	1030	335	1030	1030
340	1045	1045	340	1045	1045
345	1060	1060	345	1060	1060
350	1075	1075	350	1075	1075
355	1090	1090	355	1090	1090
360	1105	1105	360	1105	1105
365	1120	1120	365	1120	1120
370	1135	1135	370	1135	1135
375	1150	1150	375	1150	1150
380	1165	1165	380	1165	1165
385	1180	1180	385	1180	1180
390	1195	1195	390	1195	1195
395	1210	1210	395	1210	1210
400	1225	1225	400	1225	1225
405	1240	1240	405	1240	1240
410	1255	1255	410	1255	1255
415	1270	1270	415	1270	1270
420	1285	1285	420	1285	1285
425	1300	1300	425	1300	1300
430	1315	1315	430	1315	1315
435	1330	1330	435	1330	1330
440	1345	1345	440	1345	1345
445	1360	1360	445	1360	1360
450	1375	1375	450	1375	1375
455	1390	1390	455	1390	1390
460	1405	1405	460	1405	1405
465	1420	1420	465	1420	1420
470	1435	1435	470	1435	1435
475	1450	1450	475	1450	1450
480	1465	1465	480	1465	1465
485	1480	1480	485	1480	1480
490	1495	1495	490	1495	1495
495	1510	1510	495	1510	1510
500	1525	1525	500	1525	1525