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KOCH NITROGEN COMPANY

September 10, 2004

BY HAND DELIVERY

Associate Administrator for Hazardous Materials Safety
Attention: Exemptions, DHM-31
Research and Special Programs Administration
U.S. Department of Transportation
400 7th Street, SW
Washington, DC 20590-0001

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Re: Application for Exemption from 49 C.F.R. § 177.834(i)(3)

Dear Sir or Madam:

Pursuant to 49 C.F.R. § 107.105, Koch Nitrogen Company (the "Applicant") hereby submits this application for exemption from the cargo tank loading attendance requirements set forth in 49 C.F.R. § 177.834(i)(3) to allow the use of video monitoring devices to observe the loading of anhydrous ammonia (Class 2.2, UN1005) into cargo tanks in lieu of personnel stationed within 7.62 meters (25 feet) of the cargo tanks. We propose that this exemption apply at all Koch Nitrogen Company locations wherein video monitoring devices have been installed. The required information is provided in the same sequence as set forth in 49 C.F.R. § 107.105.

(a) General

- (1) This application is submitted to the addressee in duplicate.
- (2) The name, street and mailing address of the Applicant and the individual designated as the agent of the Applicant for all purposes related to this application is as follows:

Koch Nitrogen Company
4111 East 37th Street North
Wichita, Kansas 67220

Contact:
Stephen P. Nowicki
Director of Transportation Compliance
Tel: (316) 828-7217
Fax: (316) 529-6165
Email: nowickis@kochind.com

- (3) Not applicable. The Applicant is a citizen of the United States.
- (4) Not applicable.

(b) Confidentiality: Not applicable.

(c) Description of exemption proposal

(1) The Applicant seeks relief from 49 C.F.R. 177.834(i)(3), which provides as follows:

a qualified person 'attends' the loading or unloading of a cargo tank if, throughout the process, he is alert and is within 7.62 m (25 feet) of the cargo tank.

(2) The proposed mode of transport is motor vehicle.

(3) Koch Nitrogen proposes to use video cameras to monitor the truck loading of anhydrous ammonia remotely from a control room by an individual that is responsible for: monitoring the loading process; trained in the anhydrous ammonia loading procedure; and capable of and having the means to shut down loading operations in the event of a problem. All sites operating under this exemption will have the following controls in place:

- a) Truck loading bays, which consist of two independent loading connections per bay, will be equipped with a wide angle camera capable of capturing an unobstructed view of both loading connections including the load arms, valves, hoses, domes and relief valves;
- b) Cameras will be connected to a remote video monitor located in the loading control room and will be monitored at all times by the responsible party during the loading process.
- c) Each loading control room will be equipped with a remote shut-down switch that, upon activation, will immediately terminate the loading process;
- d) Existing procedure training will be expanded to include instruction on the proper use of the monitoring equipment and how to activate the remote shut-down switch if an abnormal condition is observed;
- e) In the event that the remote monitoring equipment becomes inoperable during the loading process, personnel will be required to immediately return to the loading area and monitor the loading operation within 7.62 m (25 feet).

(4) The Applicant requests that the exemption remain effective for three years.

(5) KNC's ammonia truck loading locations vary in several aspects including: annual truckload volume outbound; number of truck drivers on the property at a given time, location of control room relative to actual loading connections; geographical climate variances; and the physical infrastructure encountered by the truck driver during the loading of cargo tanks. While some locations are well suited to facilitate drivers staying within 25' of the loading operation, others are not, and even those that are could be more effectively observed during loading from a remote location at certain times (i.e. extreme cold in the winter, for example). This exemption application seeks to provide KNC the ability to use remote video monitoring devices to observe the loading operation, in lieu of the 25' requirement, at any location in which KNC local operations managers, in consultation with trained safety professionals, find that the use of such devices would enhance the responsible person's ability at that site to observe loading operations.

(6) Not applicable.

(7) The hazardous material planned for transport under the exemption is anhydrous ammonia (for domestic transportation, Class 2.2, UN1005).

(8) Cargo tanks that comply with Department of Transportation specifications will be used in the loading process.

(9) Not applicable.

(10) Not applicable.

(d) Justification of exemption proposal.

(1) During truck loading operations between approximately June 1999 to date, KNC has encountered about 25 situations in which: cargo tank pressure relief valves “tripped” resulting in the release of small quantities of ammonia vapor; minor leaks occurred apparently due to equipment seals, faulty valves or connections; or cargo tanks were over filled. During this same approximate time frame, KNC has loaded approximately 164,000 truckloads of anhydrous ammonia. KNC is not aware of any incidents as defined in 49 CFR 171.15(b) related to this application.

(2) KNC does not anticipate that the use of remote video monitors to observe loading, in lieu of the 25’ requirement, will present any increased risk to the safety of personnel or property.

(3) (i) KNC considers the use of remote monitoring devices to observe the loading of anhydrous ammonia equally as effective as the current requirement of 49 C.F.R. § 177.834(i)(3) to remain within 25’ of the loading operation. Both procedures require the responsible party to be alert. A video monitor viewed from a control room, in which is located a loading line emergency shutoff switch, is equally as effective as a emergency shut down that could be executed from within 25’ of the physical connection.

Based on the information provided above, Koch Nitrogen Company respectfully requests that your office grant the exemption from the cargo tank loading attendance requirements set forth in 49 C.F.R. § 177.834(i)(3).

Sincerely,



Stephen P. Nowicki
Director of Transportation Compliance
Koch Nitrogen Company

cc: Mike Moore, Koch Nitrogen Company, Marshalltown, Iowa
Laurie Sahatjian, Koch Industries, Inc., Wichita, Kansas
Karim Shehadeh, Blank Rome LLP, Washington, DC