



U.S. Department  
of Transportation

Research and  
Special Programs  
Administration

400 Seventh Street, S.W.  
Washington, D.C. 20590

**JUN 17 2004**

DOT-E 9388  
(TENTH REVISION)

EXPIRATION DATE: **April 30, 2006**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Agrium U.S., Inc.  
Garner, IA

See Appendix A to this document for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of DOT Specification tank cars which have had the amount of liquefied gas loaded into the tank measured by a metering device. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.314(e) in that the amount of liquefied gas loaded into a tank car is measured by a metering device.
5. BASIS: This exemption is based on the application of Agrium U.S. Incorporated dated May 13, 2004, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

<b>Hazardous Material Description</b>			
<b>Proper Shipping Name</b>	<b>Hazard Class/ Division</b>	<b>Identification Number</b>	<b>Packing Group</b>
Ammonia, anhydrous	2.2	UN1005	N/A

7. SAFETY CONTROL MEASURES: Prescribed packagings are DOT Specification tank car tanks authorized for the transportation of ammonia solution and anhydrous ammonia, which have been loaded by the use of a metering device.

8. SPECIAL PROVISIONS:

a. Each tank car must be loaded using Agrium U.S., Incorporated's "Tank Car Loading Procedure" submitted by the applicant's letter of November 26, 1985 or Koch Nitrogen Company's "Rail Car Loading Procedure for Anhydrous Ammonia" dated March 12, 2004. A copy of these procedures must be available at each location where such loading takes place.

b. One out of every ten tank cars loaded by the use of the metering device must be gauged utilizing the fixed gauging equipment on the tank car to verify by calculation the amount of ammonia solution or anhydrous ammonia contained in the tank car.

c. The following information must be maintained and be made available to any representative of the DOT upon request for each tank car operated under the terms of this exemption:

- (1) Date loaded
- (2) Date shipped
- (3) Tank car reporting marks
- (4) DOT Specification
- (5) Tank car stenciled shell capacity (gallons)
- (6) Tank car stenciled tare weight (pounds)
- (7) Outage or innage table number
- (8) Water capacity of tank car (pounds)
- (9) Maximum permitted filling density (see §173.314 Table note 25)

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- (10) Specific gravity of NH<sub>3</sub> (@105°F=0.5796 and @115°F=0.5706)
- (11) Tank car outage (inches/gallons)
- (12) Gallons of liquid ammonia in tank car
- (13) Quantity of vapor ammonia in tank car
- (14) Total calculated ammonia (liquid & vapor) in tank car (pounds)

d. MARKING - Each tank car tank must be plainly marked "DOT-E 9388" in letters and numerals at least four inches high on a contrasting background above the DOT Specification marks.

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: The Federal Railroad Administration is to be notified if any unusual incident such as derailment of exterior tank car damage, occurs during the movement by contacting the:

Federal Railroad Administration  
Office of Safety, Assurance and Compliance  
RRS-12, Mail Stop 25  
1120 Vermont Avenue, N.W.  
Washington, D.C. 20005  
(202) 493-6247 or (202) 493-6229

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

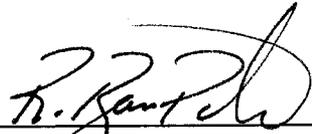
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipment made under the terms of this exemption.

Issued in Washington, D.C.:



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Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety

**JUN 17 2004**

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.  
Attention: DHM-31.

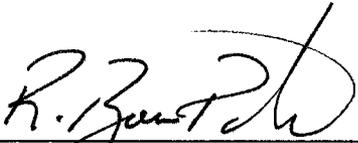
Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: Schoonover/ALB

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The following are hereby granted party status to this exemption based on their application(s) submitted in accordance with § 107.107 or § 107.109, as appropriate:

Company Name City/State	Application Date	Issue Date	Expiration Date
Koch Nitrogen Company Wichita, KS (Former grantee: Koch Pipeline Company, L.P.)	May 11, 2004	<b>JUN 17 2004</b>	Apr 30, 2006



*for* Robert A. McGuire  
Associate Administrator for  
Hazardous Materials Safety