



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh Street S W
Washington D C 20590

Mr Tim Neeser
MVE, Incorporated
Business Unit Manager
Bulk Distribution Products
P O Box 234
New Prague, MN 56071-0234

MAR - 8 1999

Dear Mr Neeser

In accordance with 49 CFR § 107 121(b), I hereby terminate exemption DOT-E 8602 issued to MVE, Incorporated, formerly Minnesota Valley Engineering On September 2, 1998, Ms Suzanne Hedgepeth, Director of the Office of Hazardous Materials Exemptions and Approvals (OHMEA), issued a letter informing MVE that the Research and Special Programs Administration (RSPA) proposed to terminate the exemption and provided MVE an opportunity to show cause within 30 days why the exemption should not be terminated

Based on numerous discussions between you and Mr Ryan Posten, Exemptions Program Officer, OHMEA, regarding this issue, he sent you a letter dated January 26, 1999, requesting a list of portable tanks that were manufactured in conformance with DOT-E 8602

In your letter of response dated February 9, 1999, you stated that, "we have never manufactured vessels per the drawing revisions noted on this exemption " Your statement confirms our observations that all portable tanks presently marked DOT-E 8602 do not meet the requirements of that exemption This constitutes a sufficient basis for termination Therefore, exemption DOT-E 8602 is terminated effective upon your receipt of this letter

This action does not resolve proceedings which may be initiated by the Office of Hazardous Materials Enforcement or RSPA's Office of the Chief Counsel for violations of the Hazardous Materials Regulations, 49 CFR Parts 171-180

Sincerely,

Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

CERTIFIED MAIL - RETURN RECEIPT REQUESTED