

**BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION**

IN THE MATTER OF:
Kel-Tech, Inc. (Respondent)

PHMSA CASE NUMBER

12-0120-SDIBC-SW

FINAL ORDER

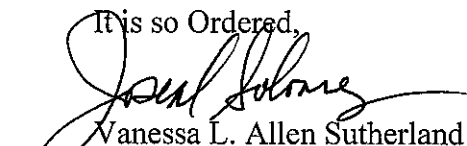
By this Order, I find that Kel-Tech, Inc. (Respondent) committed four (4) violations of the Hazardous Materials Regulations (HMR), 49 C.F.R. Parts 171-180, and I assess Respondent a \$3,775 civil penalty.

On January 24, 2013, the Office of Chief Counsel issued a Notice of Probable Violation (Notice) to Respondent proposing a \$3,775 civil penalty for four (4) violations of the HMR. On February 19, 2013, Respondent submitted a payment in the amount of \$3,775. By paying the full amount of the civil penalty proposed in the Notice, Respondent admitted the violations as alleged in the Notice (49 C.F.R. § 107.315). Therefore, I find Respondent committed the violations as set forth in the Notice.

These violations shall constitute a prior violation under 49 U.S.C. § 5123 in the event Respondent commits any future violation of the Federal hazardous materials transportation law, 49 U.S.C. § 5101 et seq., or the HMR.

By paying the proposed civil penalty, Respondent waived all rights to further respond to the Notice and to appeal this Order. Accordingly, PHMSA accepts Respondent's February 19, 2013 payment in full satisfaction of the civil penalty proposed in the Notice and PHMSA shall close this case with prejudice.

Dated: 3/12/2013

It is so Ordered,

Vanessa L. Allen Sutherland
Chief Counsel

CERTIFICATE OF SERVICE

This is to certify that on the 13th day of March 2013 the undersigned served in the following manner the designated copies of this Order to each party listed below:

Mr. Frankie Keller
President
Kel-Tech, Inc.
3408 East Highway 158
PO Box 11383
Midland, Texas 79702

Original Order
Certified Mail Return Receipt

Enforcement Officer
Office of Hazardous Materials Enforcement
1200 New Jersey Avenue, SE
Washington, D.C. 20590-0001

One Copy
Electronic

Billy C. Hines, Jr.
Chief, Hazardous Materials Enforcement Office
Southwest Region, PHH-45
8701 S. Gessner Road Suite 1110
Houston, TX 77074

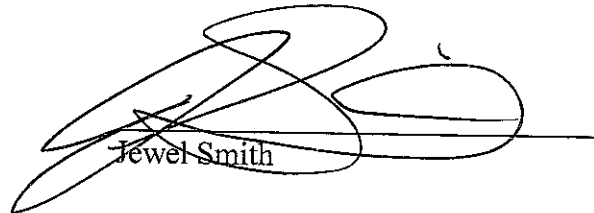
One Copy
Electronic

Alice M. Koethe, Attorney
Pipeline and Hazardous Materials
Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

One Copy to File

U.S. DOT Dockets
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

One Copy
Personal Delivery


Jewel Smith