



U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Governmental, International and Public Affairs
Washington, D.C.

Enforcement Notice

PHMSA # 11-05
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Pipeline and Hazardous Materials Safety Administration October 2005 Notice of Hazardous Materials Regulations Enforcement

The Pipeline and Hazardous Materials Safety Administration (PHMSA) today gave notice to the regulated industry and its stakeholders of the 57 hazardous materials civil penalty cases it closed in the month of October 2005 for violations of the Hazardous Materials Regulations (HMR) (49 Code of Federal Regulations Parts 171 – 180). For calendar year 2005, PHMSA has closed a total of 349 hazardous materials civil penalty cases and collected \$1,568,578 in penalties.

It is the task of PHMSA's inspection and enforcement staff to improve compliance with the safety and training standards of the HMR by inspecting companies and individuals who offer hazardous materials for transportation or who manufacture, maintain, repair, recondition or test packages authorized for transporting hazardous materials.

Company	SUMMARY	Penalty
ALLCHEM Houston, TX (Shipper)	Offered isopropanol in an unauthorized, non-UN-standard packaging; Failed to close the packaging in accordance with the manufacturer's closure notification; failed to mark packagings with the shipping names and UN identification numbers for two different materials or with required orientation arrows. [173.202, 173.22(a)(2), 173.22(a)(4), 173.24(f)(2), 172.301(a), and 172.312(a)] Case No. 03-228-SB-SW	\$6,700
APCO, Inc. Lansing, MI (Shipper)	Failed to develop and adhere to a security plan, and failed to provide employee training. [172.800(b) and 172.704(a)(5)] Case No. 05-0306-SC-CE	\$3,465

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Company	SUMMARY	Penalty
ATLANTIC CITY MEDICAL CENTER Atlantic City, NJ (Shipper)	Offering regulated medical waste when the inner packages were not securely closed resulting in loose material within the bulk outer package; offering regulated medical waste in a bulk outer package when the inner packages were not marked and certified to the ASTM standards. [173.197(d)(3)(v), 173.197(e)(1)(ii), 173.197(e)(1)(i), and 173.22(a)(2)] Case No. 05-0172-SBG-EA	\$6,160
ATLAS WELDING SUPPLY CO., INC. Lakewood, NJ (Cylinder Retester)	Failed to maintain complete and accurate records of cylinder requalification; failed to provide recurrent employee training. [180.215(b)(1) and (2), 172.702(b), and 172.704(c)(2)] Case No. 04-371-CR-EA	\$1,800
AUTOMATIC FIRE CONTROL, INC. Oklahoma City, OK (Cylinder Retester)	Failed to calibrate the test equipment at a pressure within 500 psi of actual test pressures; offered helium, compressed, 2.2, UN1046, accompanied by a shipping paper that did not list a proper shipping name, a hazard class, and a UN identification number; failed to provide general awareness and function-specific employee training; failed to develop and adhere to a security plan, or provide employee security training. [180.205(g)(3)(i), 172.202(a)(1),(2), and (3), 172.702(b), 172.704(a)(1) and (2), 172.704(a)(4) and (5), 172.800(b), 172.802(a) and (b), and 172.200(a)] Case No. 05-0121-CR-SW	\$8,100
BADGER LAND CAR WASH EQUIPMENT CO., LLC Oak Creek, WI (Shipper)	Failed to develop and adhere to a security plan; failed to provide recurrent employee training, or create and retain records of training testing. [172.800(b), 172.802(a) and (b), 172.702(b), 172.704(c)(2), and 172.704(d)] Case No. 05-0249-SD-CE	\$4,275
BENBOW CHEMICAL PACKAGING, INC. Syracuse, NY (Shipper)	Failed to develop and adhere to a security plan, and failed to provide employee security training. [172.800, 172.802, and 172.704(a)(4) and (5)] Case No. 05-0031-SIBC-EA	\$3,900

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Company	SUMMARY	Penalty
BRITE CLEAN NJ, INC. Carteret, NJ (Shipper)	Failed to develop and adhere to a security plan; failed to provide security awareness employee training. [172.800(b), 172.802(b), 172.702(b), and 172.704(a)(4)] Case No. 04-626-SD-EA	\$3,935
CAL EAST COMPANY, INC. Atlanta, GA (Shipper)	Failed to develop and adhere to a security plan; failed to create and retain records of training testing; failed to retain copies of shipping papers for at least 375 days after shipment. [172.800(a) and (b)(7), 172.201(e), 177.817(f), 172.702(a) and (b), and 172.704(d)] Case No. 05-0287-SC-SO	\$4,250
CENTRAL SOLUTIONS, INC. Kansas City, KS (Shipper)	Failed to develop and adhere to a security plan. [172.800(b) and 172.802(b)] Case No. 05-0195-SD-SW	\$2,160
CLEVELAND STEEL CONTAINER CORPORATION Quakertown, PA (Drum Manufacturer)	Represented, certified, and offered UN1A2/Z2.4/80 drums as meeting the requirements of the Hazardous Materials Regulations when they were not capable of passing the drop test, leakproofness test, and hydrostatic pressure test; represented, certified, and offered UN1A2/Y2.0/100 drums as meeting the requirements of the Hazardous Materials Regulations when they were not capable of passing the drop test, leakproofness test, and hydrostatic pressure test; represented, certified, and offered UN1A1 pails as meeting the requirements of the Hazardous Materials Regulations when they were not capable of passing the drop test. [171.2(f)(1), 178.2(b), 178.601(b), 178.603, 178.604, and 178.605] Case No. 05-0106-DM-EA, 05-0108-DM-EA, and 05-0288-PM-EA	\$13,400
COASTAL WELDING SUPPLY, INC. Sulphur, LA (Shipper)	Offered corrosive liquids, n.o.s. (containing hydrochloric and nitric acids), in an unauthorized, non-UN standard packaging; offered this material without preparing a shipping paper; failed to provide employee training. [173.202, 173.22(a)(2), 172.200(a), 177.817(a), 172.604(a), 172.702(b), and 172.704(a)] Case No. 03-218-SD-SW	\$7,500

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Company	SUMMARY	Penalty
COMMERCIAL CHEMICAL PRODUCTS Dallas, TX (Shipper)	Failed to develop and adhere to a security plan; offered corrosive liquid, n.o.s., accompanied by a shipping paper that failed to contain a legibly signed shipper's certification; failed to conduct security awareness training; failed to retain records of hazmat training testing. [172.800(b), 172.802(b), 172.204(d), 172.704(a)(4), 172.702(b) and 172.704(d)] Case No. 04-752-SD-SW	\$3,420
CONTINENTAL PRODUCTS OF TEXAS Odessa, TX (Shipper)	Failure to develop and adhere to a security plan and provide employee security awareness training. [172.800(b), 172.702(b), and 172.704(a)(4)] Case No. 04-756-SD-SW	\$3,000
DANFOR SALES & SERVICE, INC. Nashua, NH (Cylinder Retester)	Failed to confirm that the retest apparatus was accurate to within one percent of the test pressure of the cylinders being tested and failed to calibrate the test equipment at a pressure within 500 psig of actual test pressures; failed to test at the required minimum test pressure. [180.205(g)(3)(i) and 180.209(a)(1)] Case No. 04-364-CR-EA	\$2,500
DAVID M. MERCHANT, INC. Boonsboro, MD (Shipper)	Failed to provide employee training or retain records; offered hazardous material accompanied by a shipping paper that failed to provide a proper shipping name, hazard class or division, ID number, packing group or signed shipper's certification; failed to retain copies of shipping documents for the required 375 days; offered explosives and explosive devices with shipping papers that failed to provide an authorized emergency response telephone number. [172.702(b), 172.704(d), 172.202(a), 173.204(d), 172.201, and 172.600] Case No. 04-005-SE-HQ	\$6,000
DIVERSITECH Conyers, GA (Shipper)	Failed to develop and adhere to a security plan. [172.800(b)] Case No. 05-0395-SP-SO	\$3,825

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Company	SUMMARY	Penalty
DREAMERS UNLIMITED, INC. d/b/a ROYBAL & SONS FIRE EQUIPMENT COMPANY Middletown, CT (Cylinder Retester)	Failed to confirm that the retest apparatus was accurate to within one percent of the test pressure of the cylinders being tested and failed to calibrate the test equipment at a pressure within 500 psig of actual test pressures; failed to maintain accurate records of testing; failed to provide general awareness and function specific training to hazmat employees. [180.205(g)(3)(i), 180.215(b)(2), and 172.704(a)(2) and (3)] Case No. 03-626-CR-EA	\$6,037
DYNAMOLD SOLVENTS, INC. Fort Worth, TX (Shipper)	Failed to develop and adhere to a security plan; offered acetone accompanied by a shipping paper that failed to include the required shipper's certification; failed to provide security awareness employee training. [172.800(b), 172.802(a) and (b), 172.204(a), 172.702(b), and 172.704(a)(4)] Case No. 05-0339-SD-SW	\$4,275
EAGLE INDUSTRIES, INC. Midwest City, OK (Cylinder Retester)	Failed to condemn a cylinder having excessive permanent expansion; failed to increase test pressure by the lesser of 10% or 100 psi during the second retest attempt; failed to demonstrate the accuracy of the test system with 500 psi of test pressure; failed to maintain current copies of CGA pamphlets and/or exemptions applicable to cylinders being tested. [180.205(i)(1)(iv) and (vii), DOT-E 8162, 180.205(g)(5), 172.702(c), 180.205(g)(3)(i), and 180.215(a)(4)-(6)] Case No. 03-515-CR-SW	\$11,760
ECONOMY POLYMERS & CHEMICALS Houston, TX (Shipper)	Failed to develop and adhere to a security plan; offered hazardous materials accompanied by shipping papers that failed to include the correct identification number and packing group, and listed the basic shipping description out of sequence; failed to provide employee training, including security awareness training. [172.800(b), 172.802(a) and (b), 172.202(a)(3) and (4), 172.202(b), 172.702(b), and 172.704(a)(1)-(4)] Case No. 05-0327-SIBC-SW	\$4,350
ELBERT SPECIALTY PRODUCTS, INC. Jacksonville, FL (Shipper)	Failed to develop and adhere to a security plan; failed to provide general awareness, function-specific, and safety employee training, or create and retain records of training testing. [172.800(b), 172.802(b), 172.702(b), 172.704(a)(1),(2) and (3), and 172.704(d)] Case No. 05-0016-SD-SO	\$2,760

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Company	SUMMARY	Penalty
ENERGY FREIGHT SYSTEMS Houston, TX (Non-Vehicle Operating Common Carrier)	Failed to develop and adhere to a security plan, and failed to provide security employee training; failed to register with RSPA/PHMSA. [172.800(b), 172.802(b), 172.702(b), 172.704(a)(4) and (5), 107.601(a)(6), 107.608(b), and 107.612] Case No. 05-0084-NVO-SW	\$4,000
FIRE EQUIPMENT, INC. Medford, MA (Cylinder Retester)	Failed to verify the accuracy of the test equipment (1) within one percent of the calibrated test pressure and corresponding expansion values and (2) at any point within 500 psi of the actual test pressure for test pressures at or above 3,000 psi; failed to maintain complete records of cylinder requalification. [180.205(g)(3) and (4) and 180.215(b)(2)] Case No. 05-0019-CR-EA	\$3,700
GREIF, INC. Delaware, OH (Drum Manufacturer)	Manufactured, marked, certified, and sold 55-gallon steel drums that were incapable of passing the drop test, leakproofness test, or hydrostatic test; manufactured, marked, certified, and sold fiber drums which were incapable of passing the drop test; manufactured, marked, certified, and sold 5-gallon closed-head steel drums which were incapable of passing the drop and vibration tests; failed to perform design qualification testing for certain open and closed head steel drums. [178.601(b) and (l), 178.602, 178.603, 178.604, 178.605, 178.606, and 178.608(a)] Case Nos. 04-133-DM-CE, 03-639-DM-EA, 03-387-DM-EA, 03-352-FDM-EA, 03-067-FDM-EA, 03-099-DM-EA, 03-151-DM-EA	\$74,500
HERITAGE SYSTEMS, INC. Napa, CA (Shipper)	Failed to develop and adhere to a security plan; failed to register with RSPA/PHMSA. [172.800(b), 107.601(a)(6), and 107.608(a) and (b)] Case No. 05-0239-SIBC-WE	\$2,280
HOLY REDEEMER HOSPITAL & MEDICAL CENTER, INC. Jenkintown, PA (Shipper)	Offered regulated medical waste, 6.2, in unauthorized plastic film bags that were not marked as meeting the prescribed ASTM standards and were not securely closed; failed to include an emergency response telephone number on the shipping paper. [173.197(e)(1)(i) and (ii) and 172.604(a)] Case No. 05-0107-SBG-EA	\$6,800

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Company	SUMMARY	Penalty
JOHNSON MATTHEY CATALOG CO., INC. d/b/a ALFA AESAR Ward Hill, MA (Shipper)	Offered titanium tetrachloride, 8, 6.1, poison inhalation hazard, in unauthorized packaging. [173.22(a)(2) and 173.227] Case No. 05-0332-SD-EA	\$10,125
KNOX FIRE EXTINGUISHER Knoxville, TN (Cylinder Retester)	Failed to confirm the accuracy of the test equipment to within one percent of actual test pressure; failed to maintain complete records of cylinder re-qualification; failed to create and retain records of employee training testing. [180.205(g)(3)(i), 180.215(b)(2), and 172.704(d)] Case No. 04-554-CR-SO	\$1,950
THE LAWRENCE McFADDEN COMPANY Philadelphia, PA (Shipper)	Offered paint, 3, in five-gallon pails that were not authorized because the required cover was not used to complete the packaging; offered hazardous materials in a packaging marked as meeting a UN standard, when the packaging was not marked with the proper UN certification marking; offered paint, 3, accompanied by a shipping paper that contained additional information within the basic shipping description. [173.173(b)(1), 173.202, 173.24(f)(2), 178.503(a)(5)(ii), 178.503(a)(8), 173.22(a)(2), 172.201(a)(4), and 172.202(b)] Case No. 05-0109-BMS-EA	\$5,575
MAHOGANY COMPANY OF MAYS LANDING, INC. Mays Landing, NJ (Shipper)	Failed to develop and adhere to a security plan; failed to close packaging in accordance with the manufacturer's closure notification; failed to maintain records of re-inspection and retest for intermediate bulk containers marked as having been tested in 2003; failed to provide recurrent and security awareness employee training. [172.800(b), 172.802(a) and (b), 173.202(c), 180.352(f), 172.702(b), 172.704(a)(4), and 172.704(c)(2)] Case No. 05-0206-SIBC-EA	\$9,675

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Company	SUMMARY	Penalty
McBAR INTERNATIONAL INC. Laredo, TX (Freight Forwarder)	Failed to develop and adhere to a security plan, and failed to provide security awareness and in-depth security employee training; failed to register with RSPA/PHMSA; failed to provide employee training, or create and retain records of training testing; offered a hazardous material accompanied by a shipping paper that contained additional information within the basic shipping description and did not include the required shipper's certification. [172.800(b), 172.608(b), 172.612, 172.702(b), 172.704(a) and (d), 172.201(a)(4), and 172.204(a)] Case No. 05-0163-FF-SW	\$7,640
MONTGOMERY HOSPITAL Norristown, PA (Shipper)	Offered regulated medical waste, 6.2, in a bulk outer packaging containing inner plastic film bags that were not authorized because they were not securely closed, were not marked as meeting the prescribed ASTM standards for impact and tear resistance, and were not separated from rigid containers in the same bulk outer packaging. [173.22(a)(2), 173.197(d)(3)(v), and 173.197(e)(1)(i) and (ii)] Case No. 05-0176-SBG-EA	\$5,250
MOORE FIRE EQUIPMENT COMPANY Albany, NY (Cylinder Retester)	Failed to perform the hydrostatic retest on a cylinder; failed to maintain a complete record of hydrostatic testing; failed to maintain applicable copies of the correct Hazardous Materials Regulations; failed to provide hazmat training to employees; refused to make records available for inspection by a duly authorized representative of the Secretary of Transportation. [49 USC 5121(c), 173.34(e)(1)(ii), 173.34(e)(2)(v)(A), 173.34(e)(4), 173.34(e)(8), 172.702(a), 172.704(c)(1), 172.704(d)] Case No. 03-384-CR-EA	\$38,300
ORGO-THERMIT, INC. Manchester, NJ (Shipper)	Offered hazmat for transportation in unauthorized non-UN Standard packaging. [173.62, 173.22(a)(2)(i)] Case No. 04-380-SE-EA	\$5,040
PACKLESS INDUSTRIES Waco, TX (Shipper)	Failed to develop and adhere to a security plan; failed to conduct hazmat and security training; failed to maintain records or periodic retest for intermediate bulk containers. [182.800(b), 172.702(a), (b) and (d), 172.704(a)(1)-(4) and 180.352(a)] Case No. 04-522-SD-SW	\$9,200

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Company	SUMMARY	Penalty
PEACH STATE LABS Dalton, GA (Shipper)	Failed to develop and adhere to a security plan. [172.800(b) and 172.802(b)] Case No. 04-560-SD-SO	\$2,400
TODD PEIFER d/b/a PEIFER'S FIRE EXTINGUISHERS Pillow, PA (Cylinder Retester)	Failed to insure the accuracy of the test system before conducting cylinder hydrostatic tests; failed to calculate elastic expansion for cylinders tested; failed to maintain complete records of cylinder retests. [173.34(e)(4)(iii)(A), 173.34(e)(4)(iv), 173.34(e)(1)(i) and (ii), 173.34(e)(8)(ii)(B), and DOT-E 10915 para. 7.b.2] Case No. 03-058-CR-EA	\$2,000
PETRA CHEMICAL COMPANY Dallas, TX (Shipper)	Failed to develop and adhere to a security plan; offered hypochlorite solution in an intermediate bulk container that was past due for retest. [172.800(b), 173.35(a), 178.813(a), and 180.352(b)] Case No. 04-753-SIBC-SW	\$5,850
PRE-TEST LABORATORY Georgetown, TX (Shipper)	Offered and transported radioactive material, special form, n.o.s., while failing to have the required emergency response information; failed to provide recurrent employee training, or create and retain records of training testing; offered and transported radioactive material, Type A Package, without completing and carrying a shipping paper. [172.200(a), 172.201(a), 172.602(a), 172.702(b), 172.704(d), 173.22(a)(1), and 177.817] Case No. 05-0264-RMS-SW	\$8,100
THE READING HOSPITAL AND MEDICAL CENTER Reading, PA (Shipper)	Offered regulated medical waste, 6.2, when the inner plastic bags were not closed as required. [173.197(e)(1)(ii) and 173.22(a)(2)] Case No. 05-0331-SBG-EA	\$3,375

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Company	SUMMARY	Penalty
RESOURCE SERVICES, INC. Fort Smith, AR (Drum Reconditioner/Ship per)	Offered and transported methanol, 3, in a packaging that had not been tested for leakproofness before reuse; failed to close a packaging in accordance with the manufacturer's closure notification; offered and transported methanol accompanied by a shipping paper that did not list the hazard class, UN identification number, and packing group; failed to provide general awareness and function-specific employee training; failed to register with RSPA/PHMSA. [173.202(a), 172.202(a)(2)-(4), 172.601(a)(6), 172.702(b), 172.704(a)(1) and (2), 107.608, 173.22(a)(4), 173.28(b), 173.24(f)(2), 173.22(a)(2)] Case No. 03-208-DRSD-SW	\$4,000
SOLUOL, INC. West Warwick, RI (Shipper)	Failed to close packaging in accordance with the manufacturer's closure notification; offered coating solution, 3, in portable tanks marked as meeting a DOT specification, when they were not retested at the required intervals and when records of testing were not maintained; failed to develop and adhere to a security plan; offered coating solutions, 3, in unauthorized, non-standard packagings; failed to provide security awareness employee training, or create and retain records of training testing. [173.202(a), 173.22(a)(2), 173.202(c), 172.702(b), 172.704(a)(4), 172.704(d), 172.800(b), 172.802(b), 180.605(a), 180.605(c)(3), and 180.605(g),(h), and (i)] Case No. 05-0146-SIBC-EA	\$15,125
TNT WELDING COMPANY Morgan City, LA (Shipper)	Failed to develop and adhere to a security plan, and failed to provide employee security training; failed to register with RSPA/PHMSA; failed to provide security awareness employee training, or create and retain records of training testing. [182.800(b), 107.601(a)(6), 107.612, 107.608(b), 172.702(b), 172.704(a)(1) and (3), and 172.704(a)(4) and (5)] Case No. 05-0039-SC-SW	\$4,500

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Company	SUMMARY	Penalty
WALCO INTERNATIONAL, INC. d/b/a DVM RESOURCES Oklahoma City, OK (Shipper)	Offered flammable liquid, n.o.s., in unauthorized, non-UN standard packaging; offered isopropanol while failing to execute a proper shipping paper. [173.202(a), 173.22(a)(2), 173.24(c), 172.200(a), 172.201(d), 172.202(a), and 172.204(a)] Case No. 04-234-SB-SW	\$9,625
WING SALES, INC. Moonachie, NJ (Shipper)	Offered cigarette lighters filled with a flammable gas without obtaining an approval; offered cigarette lighters in unauthorized non-UN standard packaging; executed a shipping paper with additional information interspersed in the basic shipping description; failed to obtain a new approval after modifying already approved lighters. [172.102 – Special Provision N10, 173.21(i), 172.101(h), 172.102(c)(5), 172.201(a), and 172.202(a)(1)-(3) and (5).] Case No. 02-385-SB-EA	\$3,750
WORLDWIDE BATTERY CO., LLC Anderson, IN (Shipper)	Failed to develop and adhere to a security plan; failed to register with RSPA/PHMSA; failed to provide general awareness, function-specific, and safety employee training, or create and retain records of training testing; failed to provide in-depth security training. [172.800(b), 172.802(a) and (b), 107.608(a) and (b), 107.612, 172.702(b), 172.704(a)(1)-(3) and (5), and 172.704(d)] Case No. 05-0318-SBAT-CE	\$5,350
XL ADHESIVES, INC. Calhoun, GA (Shipper)	Failed to develop and adhere to a security plan; failed to register with RSPA/PHMSA; failed to provide employee training, including security awareness training. [107.601(a)(6), 107.608(a) and (b), 172.800(b), 172.802, 172.702(b), 172.704(a)(1)-(4)] Case No. 05-0324-SC-SO	\$5,325
ZYVAX, INC. Ellijay, GA (Shipper)	Failed to develop and adhere to a security plan; failed to close jerricans in accordance with the manufacturer's closure notification. [172.800(b), 178.601(b), 173.22(a)(4), and 173.24(f)(2)] Case No. 05-0229-SD-SO	\$4,575

Total number of cases - 57
Total civil penalties - \$371,582

Hazardous Materials Initiatives and Training:

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PHMSA uses a number of tools in meeting its goal to improve hazardous materials safety. Enforcement is but one useful safety tool and training is another. The PHMSA Office of Hazardous Materials Initiatives and Training (OHMIT) provides products and programs that aid the regulated industry's compliance with the HMR. Last year, the PHMSA Hazmat Safety Assistance Team reached over 13,000 individuals in the hazmat community, provided over 330 hazmat awareness presentations, and distributed over 40,000 standard information packets. The OHMIT training program includes Multimodal Hazardous Materials Transportation Training Seminars held throughout the country that drew nearly 1,000 participants last year. For 2006, seminars are planned for Seattle, WA, March 14-15; Newark, NJ, May 16-17; and Chicago, IL, August 22-23. For more information on hazardous materials seminars and one day work shops, go to the PHMSA hazardous materials web site at <http://hazmat.dot.gov/training/training.htm>.

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