

478-121

5-1-2009

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Eric D Smith
Realex, Div of United Industries Corp.
P.O. BOX 142642
St. Louis, MO 63114

MAY 1 2009

Subject: Label Notification(s) for Pesticide Registration Notice 2007-4

Dear Registrant:

The Agency is in receipt of your Application(s) for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 dated April 1, 2009 for:

EPA Registration 478-121 Real Kill Broadleaf Weed Killer

The Registration Division (RD) has conducted a review of this request for applicability under PRN 2007-4 and finds that the label change(s) requested falls within the scope of PRN-2007-4. The label has been date-stamped "Notification" and will be placed in our records.

Please be reminded that 40 CFR Part 156.140(a)(4) requires that a batch code, lot number, or other code identifying the batch of the pesticide distributed and sold be placed on nonrefillable containers. The code may appear either on the label (and can be added by non-notification/PR Notice 98-10) or durably marked on the container itself.

If you have any questions, please contact me directly at 703-305-6249 or Banza Djapao of my staff at 703-305-7269.

Sincerely,

A handwritten signature in black ink, appearing to be "Linda Arrington".

Linda Arrington
Notifications & Minor Formulations Team Leader
Registration Division (7505P)
Office of Pesticide Programs

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United States Environmental Protection Agency
Office of Pesticide Programs (H7505C)
Washington, DC 20460

Registration
Amendment
Other

OPP Identifier Number

Application for Pesticide:

Section I

1. Company/Product Number 478-121	2. Product Manager J. Miller	3. Proposed Classification
4. Company/Product (Name) Real Kill Broadleaf Weed Killer	PM# 23	<input checked="" type="checkbox"/> None <input type="checkbox"/> Restricted
5. Name and Address of Applicant (include ZIP Code) Realex, Div of United Industries Corp. P.O. Box 142642 St. Louis, MO 63114 <input type="checkbox"/> Check if this is a new address	6 Expedited Review. In accordance with FIFRA Section 3(c)(3)(b)(i), my product is similar or identical in composition and labelling to: EPA Reg. No. _____ Product Name _____	

Section II

<input type="checkbox"/> Amendment - Explain below	<input type="checkbox"/> Final printed label in response to Agency letter date
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "ME TOO" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - explain below

Explanation: Use additional page(s) if necessary. (For section I and Section II.)
 Notification per label change per PR Notice 2007-4. This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirement of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.

Section III

1. Material in Which This Product Will Be Packaged:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes * <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water-Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____		
* Certification must be submitted		If "YES," No. per container Unit package wgt _____			
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) of Retail Container		5. Location of Label Directions <input type="checkbox"/> On Label <input type="checkbox"/> On Labeling accompanying product	
6. Manner in Which Label Is Affixed To Product <input type="checkbox"/> Lithographed <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled				<input type="checkbox"/> Other _____	

Section IV

1. Contact Point (Complete items directly below for identification of the individual to be contacted, if necessary, to process this application)		
Name Eric D. Smith	Title Regulatory Affairs Manager	Telephone No. (include Area Code) 314-683-2455
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate, and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.		6 Date Application Received (Stamped) _____
2. Signature 		
3. Title Regulatory Affairs Manager		
4. Typed Name Eric D. Smith		5. Date April 1, 2009

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Realex

Division of United Industries
P.O. Box 142642
St. Louis, MO 63114-0642

NOTIFICATION PER PR NOTICE 98-10

April 1, 2009

Document Processing Desk (NOTIF)
Office of Pesticide Programs
United States Environmental Protection Agency
Room S4900, One Potomac Yard
2777 S. Crystal Drive
Arlington, VA 22202-4501

Attention: Joanne Miller
Product Manager 23

Subject: Real Kill Broadleaf Weed Killer
EPA Reg. No. 478-121

Please find the enclosed notification to update the Storage and Disposal Statement in accordance to PR Notice 2007-4.

This notification is consistent with the guidance in PR Notice 2007-4 and the requirements of EPA's regulations at 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156. No other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if the amended label is not consistent with the requirement of 40 CFR 156.10, 156.140, 156.144, 156.146, and 156.156, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA.


The following documents are enclosed in support of this submission:

1. Application for Pesticide (EPA Form 8570-1)
2. One copy of the proposed label with changes highlighted
3. Two clean copies of the proposed label

Please call me at 1-800-242-1166, Ext. 2455 you have questions or need further information.

Thank you very much for your attention to our application.

Sincerely,



Eric D. Smith
Regulatory Affairs Manager

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REAL KILL BROADLEAF WEED KILLER

[Treats Northern and Southern Grasses Bluegrass, Fescue, Zoysia, Bermuda, St. Augustine, Bentgrass, Centipede, Bahia, Rye]

[Kills the Weeds, not the Lawn • Kills 33+ Weed Types Roots and All • Kills 33+ Weeds]

[Kills weed roots • Kills Dandelion, Chickweed, Wild onion, Plantain, Poison ivy and many others. Weed details on back • See Results in Hours • Overnight results • Rainfast in hours • Rainproof in hours • Rainproof in hours – won't wash away • Economical Concentrate • Water-Based • 1 quart treats up to 16,000 square feet • Treats 16,000 sq. ft. of Southern grasses or 8,000 sq. ft. of Northern grasses • *Guaranteed Results or Your Money Back • GreenThumb® Satisfaction Guarantee • Ace Promise Satisfaction Guaranteed]

Active Ingredients:

* 2,4-D, dimethylamine salt	7.59%
† Mecoprop-p, dimethylamine salt	1.83%
‡ Dicamba, dimethylamine salt	0.84%
Other Ingredients:	89.74%

* 0.540 lb. 2,4-D acid equivalent per gallon or 6.30%. † 0.129 lb. Mecoprop-p acid equivalent per gallon or 1.51%. ‡ 0.059 lb. Dicamba acid equivalent per gallon or 0.69%. Contains the single isomer form of Mecoprop-p.

KEEP OUT OF REACH OF CHILDREN

CAUTION See back [panel] [booklet] for additional precautionary statements

NET CONTENTS 32 FL. OZ. (1 QUART)

MAY 01 2009
NOTIFICATION

OPTIONAL CLAIMS

[Won't harm lawn grasses • Won't harm the lawn • Especially effective on all types of hard-to-kill weeds • Kills 66+ types of weeds • Kills weed roots! • Kills all major broadleaf weeds • Dilutable concentrate • Clear-view measuring window • For home lawn care • Kills over 66 weed types including dandelions, chickweed, wild onions, plantain and poison ivy • Kills broadleaf weeds in lawns]

[Real-Kill Broadleaf Weed Killer kills all major broadleaf weeds, roots and all. And Real-Kill Broadleaf Weed Killer is formulated to kill only the weeds, not the lawn. Use as directed to kill all major broadleaf weeds in your lawn.] [Kills dandelions and many other broadleaf weeds]

[Real-Kill Broadleaf Weed Killer controls more than [66] [33] troublesome weeds including dandelions, clover, plantain and wild onion. It kills even woody weeds like poison ivy and poison oak in both northern and southern lawns.]

This *concentrated* formula covers 16,000 sq. ft. of Southern grasses or 8,000 sq. ft. of Northern grasses per quart.

[ALTERNATE: This *concentrated* formula covers up to 16,000 sq. ft. per quart. See specific directions for St. Augustine and other Southern grasses.]

WEEDS CONTROLLED: Bedstraw, Black Medic, Buckhorn, Burdock, Chickweed, Chicory, Clover, Dandelion, Dock, Ground Ivy, Heal-All, Henbit, Knotweed, Lambsquarters, Lespedeza, Mallow, Morning glory, Oxalis, Peppergrass, Pepperweed, Pigweed, Plantain, Poison Ivy, Poison Oak, Purslane, Ragweed, Sheep Sorrel, Shepherd's Purse, Speedwell, Spurge (Spotted), Wild Carrot, Wild Garlic, Wild Lettuce, Wild Onion, Yarrow and other problem broadleaf weeds.

[Optional Placement: NOTE: DO NOT USE ON FLORATAM VARIETY OF ST. AUGUSTINE GRASS IN FLORIDA.]

ADDITIONAL OPTIONAL WEEDS

Aster, Bedstraw, Bindweed, Bristly oxtongue, Carolina geranium, Carpetweed, Cinque foil, Cranesbill, Creeping woodsorrel, Cudweed, Deadnettle, Dog fennel, Dollarweed, English daisy, False dandelion, Fleabane, Filaree, Hairy bittercress, Hawkweed, Kochia, Matchweed, Mustard, Pearlwort, Pennycress, Pennywort, Prickly lettuce, Prostrate vervain, Puncturevine, Red sorrel, Scarlet pimpernel, Soliva, Spotted catsear, Spurweed, Thistle, Wild violet, Wild geranium, Yellow rocket

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[OPTIONAL PRODUCT FACT BOX]

PRODUCT FACTS	
What It Does:	Kills all Major Broadleaf Weeds Including Dandelion, Chickweed and Clover (See inside for complete list)
Where to Use: (icon weeds)	Lawns: Kills the Weeds not the Lawn
When to Use:	Do Not Apply when Daytime Temperatures are above 85° F as Lawn injury can occur
Questions & Comments: (icon phone) (icon computer)	Call 1-800-332-5553 or Visit our Website at www.spectracide.com

STOP. READ ENTIRE LABEL BEFORE USE

[STOP. READ ALL INSTRUCTIONS INSIDE BEFORE USING.]

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

SHAKE WELL BEFORE USING.



People and pets should not be allowed in treated areas until spray has dried.

MEASUREMENT CALCULATIONS

Calculate square feet by multiplying length by width. 1 fl. oz. = 2 tablespoons (6 teaspoons); 2 fl. oz. = 4 tablespoons; 4 fl. oz. = 1/2 cup; 8 fl. oz. = 1 cup; 16 fl. oz. = 1 pint; 32 fl. oz. = 1 quart

WHEN TO USE

- 1) SPRING: The best time to treat weeds is when they are small and growing.
- 2) FALL: Many problem weeds germinate in the fall and treatment then will eliminate many of next year's weeds.

HOW MUCH TO USE

SPOT TREATMENT

To spray small areas or individual weeds, use a pressure sprayer for better control. Do not use a hose-end sprayer. Mix 1 fl. oz. (2 Tbsp.) in one gallon of water. Shake well before spraying. Be certain to wet each weed.

[ALTERNATE: Do not use a hose-end sprayer to spot treat. To spray small areas or individual weeds, use a pressure sprayer for better control. Mix 1 fl. oz. (2 Tbsp.) in one gallon of water. Shake well before spraying. Be certain to wet each weed.]

ENTIRE LAWN

PRESSURE SPRAYERS (Optional Directions)

Measure amount of concentrate from chart below into sprayer tank and dilute with 1 gallon of water. Close tank sprayer and shake well before spraying. Use a spray pattern that gives small spray droplets without any fine mist to treat 250 sq. ft.

AMOUNT OF CONCENTRATE IN 1 GALLON WATER REQUIRED TO TREAT 250 SQ. FT. OF LAWN	
GRASS TYPE	AMOUNT OF CONCENTRATE
St. Augustine*, Bahia, Centipede	1/2 fl. oz. (1 Tbsp.)
Bermuda, Bentgrass	2/3 fl. oz. (4 tsp.)
Bluegrass, Fescue, Rye, Zoysia	1 fl. oz. (2 Tbsp.)

*DO NOT USE ON FLORATAM VARIETY OF ST. AUGUSTINE GRASS IN FLORIDA.

HOSE-END SPRAYERS (Optional Directions)

"CONCENTRATE ONLY" (DIAL) SPRAYERS

1. From the chart below determine amount of concentrate to be applied for each 250 sq. ft. of lawn.
2. Fill sprayer jar with enough concentrate to cover area to be treated. Do not add water to sprayer.
3. Set dial on sprayer to the setting from the chart below.
4. Attach sprayer to hose. Extend hose to the farthest area of lawn to be treated and work back toward faucet so that you do not walk over treated areas. Apply evenly to lawn.

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Grass Type	Dial Setting	Area Treated	Oz. in Sprayer
St. Augustine*, Bahia, Centipede	1/2 fl. oz.	250 sq. ft.	1/2 fl. oz.
		1,000 sq. ft.	2 fl. oz.
Bermuda, Bentgrass	2/3 fl. oz.	250 sq. ft.	2/3 fl. oz.
		1,000 sq. ft.	2 2/3 fl. oz.
Bluegrass, Fescue, Rye, Zoysia	1 fl. oz.	250 sq. ft.	1 fl. oz.
		1,000 sq. ft.	4 fl. oz.

*DO NOT USE ON FLORATAM VARIETY OF ST. AUGUSTINE GRASS IN FLORIDA.

EXAMPLE: To treat 1,000 sq. ft. of Fescue lawn, add 4 fl. oz. of concentrate to the sprayer with sprayer dial set on 1 fl. oz. Check the directions you received when you purchased your sprayer for further details on the proper use of your dial sprayer.

"CONCENTRATE-PLUS-WATER" SPRAYERS

For sprayers that require [the] addition of water as well as concentrate prior to application [treating]:

- 1) From the following chart [chart below], determine amount of concentrate required to treat each 250 sq. ft. of lawn.
- 2) Pour concentrate into sprayer jar to the required "fl. oz." level.
- 3) Then add the appropriate amount of water to the "gals." level. Replace sprayer top on jar and shake well before spraying.
- 4) Attach sprayer to hose. Extend hose to the farthest area of lawn to be treated and work back toward faucet so that you do not walk over treated areas. Apply evenly to lawn.

OUNCES OF CONCENTRATE TO USE FOR:

Sq. Ft. to Be Treated	St. Augustine* Bahia Centipede	Bermuda Bentgrass	Bluegrass,Fescue, Rye, Zoysia	Gallons of Water
250	1/2	2/3	1	1
1,000	2	2 2/3	4	4
5,000	10	13 1/3	20	20
8,000	16	21 1/3	32	32

*DO NOT USE ON FLORATAM VARIETY OF ST. AUGUSTINE GRASS IN FLORIDA.

EXAMPLE: To treat 1,000 sq. ft. of Fescue pour in concentrate to the 4 fl. oz. mark and add water to the 4 gallon mark. Check the directions you received when you purchased your sprayer for further details on the proper use of your sprayer.

READY SPRAY NOZZLE (Optional Directions)

[Option Marketing Phrase for a Ready-Spray Product: Just connect to your garden hose and spray!]

[HOW TO USE]

HOSE END SPRAYER INSTRUCTIONS [Dial Button]

1. Shake container well before using.
2. Connect a garden hose to the Ready-Spray nozzle. Make sure the dial on the nozzle is in the "OFF" position with the [green] safety tab in the valve notch.
3. Turn on water at faucet. Extend hose to the farthest area to be treated and work back toward the faucet so you don't come in with the treated area
4. To BEGIN spraying, point nozzle toward lawn or plants to be treated and 1.) bend the green safety tab (located at right of [yellow] dial) back and hold, 2.) using your other hand, QUICKLY turn the dial clockwise until it stops. Water will automatically mix with the product.
5. Spray until wet to control weeds listed on page 4. Walk at a steady pace while spraying using an even sweeping motion, slightly overlapping treated areas. One quart will treat 16,000 sq. ft. of Southern and 5,000 sq. ft. of Northern grasses. Calculate square feet by multiplying length by width. Refer to sight gauge to guide coverage (example: when bottle is half empty, you should have covered half the area).
6. To STOP spraying, QUICKLY turn the dial in the opposite direction of "ON" (counter clockwise) until it stops and the safety tab engages into the notch. Turn water off at faucet. To relieve pressure before removing nozzle from hose, bend the safety tab back and turn dial "ON" until water stops spraying.
7. To STORE unused product, make sure the dial is in the "OFF" position with the [green] safety tab in the valve notch. Place in a cool area away from heat, sunlight or open flame.

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NORTHERN LAWNS (covers 8,000 sq. ft.)	SOUTHERN LAWNS (covers 16,000 sq. ft.)
Bluegrass, Fescue, Rye, Zoysia	Bahia, Bermuda, Bentgrass, Centipede, St. Augustine
NOTE: Do not use on Floratam variety of St. Augustine grass in Florida. If you are unsure as to what type of grass you have, contact your county extension agent.	

USE TIPS

- 1) For best results, mow before treating weeds.
- 2) Do not treat when air temperatures exceed 85° F or damage to grass may occur.
- 3) Do not water within 6 hours after treatment. Poor weed control may result if rainfall occurs within 6 hours of application.
- 4) **For new lawns**, treat within 24 hours after seeding. **On established lawns**, wait 3 weeks after treatment before re-seeding. Once new grass has started to grow, wait until it has reached a height of 2 inches before treating.
- 5) Do not allow spray to get on vegetables or ornamental plants since injury may result. Do not spray around roots of trees and ornamentals. Clover will be damaged if sprayed.
- 6) Whether using a hose-end sprayer or pressure sprayer, avoid sprays which are too fine because they can drift and damage other plants.
- 7) If certain tough weeds are not dead within 3 weeks, repeat treatment. Broadcast application is not necessary; follow spot treatment directions.

USE TIPS FOR READY-SPRAY NOZZLE

- (Replaces #6) Avoid sprays which are too fine because they can drift and damage other plants.
- (Replaces #7) If certain tough weeds are not dead within 3 weeks, spot treat.
- It will take about 20 minutes to apply this bottle. Actual time will vary depending on water pressure.

OPTIONAL CLAIMS AND DIRECTIONS FOR REFILLING A CHEMSICO SPOT WEED KILLER A POWER PUMP WITH A SINGLE USE REFILL

[Easy to mix • Just add water • Makes one gallon • Single-use refill • No measuring required • Power Sprayer Refill]

To refill the Chemsico Spot Weed Killer A Power Pump: [Mix 10 ozs.] [pour in the entire contents of this 10 oz. bottle] and dilute to a gallon with the water. See the Power Pump label for complete directions.

The Power Pump can be refilled up to 5 times with Real-Kill Broadleaf Killer.

IMPORTANT: Do not refill more than 5 times. Do not use any product other than Real-Kill Broadleaf Weed Killer in this Power Pump. Incompatible chemicals may damage the pump making it unsafe to use.

STORAGE AND DISPOSAL

Storage: Store in a cool, dry area away from heat or open flame. **Disposal: If empty:** Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. **If partly filled:** Call your local solid waste agency for disposal instructions. Never place unused product down any indoor or outdoor drain.

PRECAUTIONARY STATEMENTS**Hazards to Humans and Domestic Animals**

CAUTION: Harmful if swallowed or absorbed through skin. Avoid breathing vapor and spray mist. Avoid contact with skin, eyes and clothing. When using this product, wear long-sleeved shirt, long pants, socks, shoes and rubber gloves. Wear goggles when applying this product. After using this product, rinse gloves before removing, remove clothing and launder separately before reuse, and promptly and thoroughly wash hands and exposed skin with soap and water. Remove saturated clothing as soon as possible and shower. Do not allow people (other than applicator) or pets on treatment area during application. Do not enter treatment areas until spray has dried. The maximum number of broadcast applications per treatment site is 2 per year.

FIRST AID

If Swallowed: Call a Poison Control Center or doctor immediately for treatment advice. Have person sip a glass of water if able to swallow. Do not induce vomiting unless told to do so by a Poison Control Center or doctor. Do not give anything by mouth to an unconscious person. **If on Skin or Clothing:** Take off contaminated clothing. Rinse skin immediately with plenty of water for 15-20 minutes. Call a Poison Control Center or doctor for treatment advice. **If in Eyes:** Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a Poison Control Center or

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doctor for treatment advice. **If Inhaled:** Move person to fresh air. If person is not breathing, call 911 or ambulance, then give artificial respiration, preferably mouth-to-mouth if possible. Call a Poison Control Center or doctor for further treatment advice.

Have the product container or label with you when calling a Poison Control Center or doctor, or going for treatment.

Environmental Hazards

Do not apply under conditions involving possible spray contact or drift onto food, forage, vegetables, ornamental plants or other desirable plantings that might be damaged or the crops rendered unfit for sale, use or consumption. This product is toxic to fish and aquatic invertebrates. Drift or runoff may adversely affect fish, aquatic invertebrates and nontarget plants. Do not apply directly to water. Do not contaminate water when disposing of equipment washwaters.

Most cases of groundwater contamination involving phenoxy herbicides such as 2,4-D have been associated with mixing/ loading and disposal sites. Caution should be exercised when handling 2,4-D pesticides at such sites to prevent contamination of ground water supplies. Use of closed systems for mixing or transferring this pesticide will reduce the probability of spills. Placement of the mixing/loading equipment on an impervious pad to contain spills will help prevent groundwater contamination.

NOTICE: Buyer assumes all responsibility for safety and use not in accordance with directions.

Questions or comments? Call 1-800-332-5553

[*If you are not satisfied with this product for any reason, send your written request for a refund to the address below, together with the original dated store receipt showing the price you paid. Please allow 6-8 weeks for processing.]

[**Satisfaction Guaranteed:** If for any reason you are not completely satisfied with the performance or results of this GreenThumb® product, it will be repaired or replaced free of charge. Simply provide proof of purchase and return the product and/or unused portion to the place of purchase.]

[**The ACE Promise:** If this Ace product when used for its intended purpose, fails to give you complete satisfaction, return the item to the Ace Hardware store where purchased for the replacement of the same or similar item.]

Made in the USA for Realex
Division of United Industries Corporation
P.O. Box 142642, St. Louis, MO 63114-0642

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EPA Est. No. 9688-MO-1
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NOTIFICATION
MAY 01 2009

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