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October 16, 2008

Regional Hearing Clerk
U.S. EPA - Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

RE: In the Matter of FBF Nuclear Container, LLC and Metal Solutions Design
& Fabrication, LLC and Mr. David Berger
Docket Number: RCRA-04-2008-4008

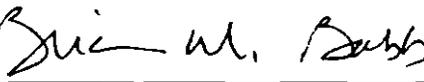
Dear Madam or Sir:

I write to enclose a Motion for Additional Extension of Time to Answer the United States Environmental Protection Agency's Complaint and Compliance Order or to pursue settlement in this matter.

If you have any questions, please call me.

Sincerely,

KEATING MUETHING & KLEKAMP PLL

By: 

Brian M. Babb

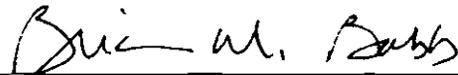
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Enclosure

cc: Michael T. Newton, Esq. (w/encl.)
David Berger (w/encl.)

extension. Respondents therefore respectfully request an additional sixty-day extension to file an answer or pursue settlement discussions. A proposed order is attached for the convenience of the Regional Judicial Officer.

Respectfully submitted,



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Attorneys for Respondent

OF COUNSEL:
KEATING MUETHING & KLEKAMP PLL
One East Fourth Street
Suite 1400
Cincinnati, Ohio 45202
(513) 579-6400

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via regular mail on this 16th day
of October, 2008 to:

Regional Hearing Clerk
U.S. EPA – Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Michael T. Newton, Esq.
Associate Regional Counsel
Office of Environmental Accountability
United States Environmental Protection Agency
Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	Docket Number: RCRA-04-2008-4008
)	
FBF Nuclear Container, LLC)	Proceeding under Section 3008(a)
and)	of the Resource Conservation and
Metal Solutions Design & Fabrication, LLC)	Recovery Act, 42 U.S.C. § 6928(a)
and)	
Mr. David Berger)	
)	
)	
Respondents.)	
_____)	

ORDER

On October 16, 2008, Respondents FBF Nuclear Container, LLC, Metal Solutions Design & Fabrication, LLC and Mr. David Berger (“Respondents”) filed a Motion for Additional Extension of Time to Answer the United States Environmental Protection Agency’s Complaint and Compliance Order in this matter or to pursue settlement. The motion is GRANTED, and Respondents’ Answer may be filed by December 12, 2008.

Regional Judicial Officer

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4**

IN THE MATTER OF:)	Docket Number: RCRA-04-2008-4008
)	
FBF Nuclear Container, LLC)	
and)	
Metal Solutions Design & Fabrication, LLC)	
and)	
Mr. David Berger)	
)	
)	
)	
Respondents.)	
_____)	

**ORDER GRANTING MOTION FOR ADDITIONAL
EXTENSION OF TIME**

PLEASE TAKE NOTICE, A Motion for Additional Extension of Time to Answer (“Motion”) was filed in the above-captioned case on October 16, 2008 by FBF Nuclear Container, LLC, Metal Solutions Design & Fabrication LLC and Mr. David Berger (“Respondents”), seeking an additional sixty (60) day extension of time to respond to the Complaint and Compliance Order filed by the Environmental Protection Agency (“EPA”) in the above-captioned matter or to pursue settlement.

Respondents seek the additional time to consider the Complaint and for the parties to engage in settlement negotiations. Based upon the reasons for the request, granting the Motion is appropriate.

IT IS ORDERED:

The above reference Motion is hereby GRANTED. Respondents’ Answer may be filed by December 12, 2008.

Dated: _____

Susan B. Schub
Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing **Order Granting Additional Motion for Extension of Time**, in the Matter of FBF Nuclear Container, LLC and Metal Solutions Design & Fabrication, LLC and Mr. David Berger, Docket No. RCRA-04-2008-4008, on the parties listed below in the manner indicated:

Brian M. Babb, Esq.
David A. Meyer, Esq.
Keating Muething & Klekamp PLL
One East Fourth Street, Suite 1400
Cincinnati, Ohio 45202

(Certified Mail - Return
Receipt Requested)

Michael T. Newton, Esq.
Associate Regional Counsel
U.S. Environmental Protection
Agency Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8960

(via Intra-Office Mail)

Patricia A. Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency,
Regional 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303
404/452-9511