

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)
) Docket No. RCRA-04-2008-4008
FBF Nuclear Container, LLC)
 and)
Metal Solutions Design & Fabrication, LLC)
 and)
Mr. David Berger)
_____)

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HEARING CLERK

STAY OF PROCEEDING

PLEASE TAKE NOTICE, on November 17, 2008, Complainant, EPA, filed a Response to Respondent's Motion for Additional Extension of Time (Complainant's Response). Complainant indicates that the parties have engaged in settlement discussions, and that based upon Respondents' engaging in such good faith negotiations, EPA supports Respondents' previously filed Motion for additional extension of time.

Furthermore, Complainant indicates that settlement discussions appear likely to result in a settlement of the matter. However, in light of the time it will take for Respondents to submit documents for EPA's analysis and determinations, along with the desire of both parties to concentrate their efforts toward reaching settlement, the parties seek a Stay of further proceedings until January 30, 2009.

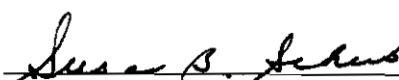
Based upon the information provided, a Stay of proceeding is appropriate.

IT IS ORDERED:

1. The above-captioned matter is hereby stayed until **January 30, 2009**.
2. No later than **January 30, 2009**, Complainant shall file a written Status Report indicating the status, but not the content, of settlement.

Upon receipt of the above-referenced Status Report, a determination will be made concerning further proceedings in this matter.

Date: 11/18/08


Susan B. Schub
Presiding Officer

CERTIFICATE OF SERVICE

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

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Certified Mail – (Return
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Region 4
61 Forsyth Street, S.W.
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(via Intra-Office Mail)

Date: 11-19-08



Patricia A. Bullock
Regional Hearing Clerk
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Agency, Region 4
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