

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 4

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

RECEIVED  
EPA REGION IV  
HEARING CLERK

2009 JAN 28 AM 7:02

EXTENDED STAY OF PROCEEDINGS

PLEASE TAKE NOTICE, at the request of the parties, the undersigned Presiding Officer convened a conference call in the above-captioned matter on January 26, 2009.

Participating on the call were:

Counsel for Complainant: Michael T. Newton, Esq.  
Counsel for Respondent: Brian M. Babb, Esq.

The parties jointly requested an additional 60 day extension of time for Respondents to answer the Complaint and Compliance Order. Counsel indicated that the parties have reached an agreement in principal and seek additional time to memorialize the terms of settlement and execute a Consent Agreement and Final Order (CAFO).

The parties are to be commended for reaching an informal resolution to this matter. Based upon their having reached agreement in principal, and their desire to concentrate resources toward entering into and executing a CAFO, granting the parties' joint request is appropriate.

IT IS ORDERED:

1. The above-captioned matter is hereby stayed until **March 26, 2009**.
2. No later than **March 26, 2009**, Counsel for Complainant is to provide the undersigned a copy of an executed CAFO.

3. Should the parties reach an impasse in settlement I am to be notified  
immediately.

Date: January 26, 2009

Susan B. Schub  
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 Extended Stay Of Proceedings, 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:

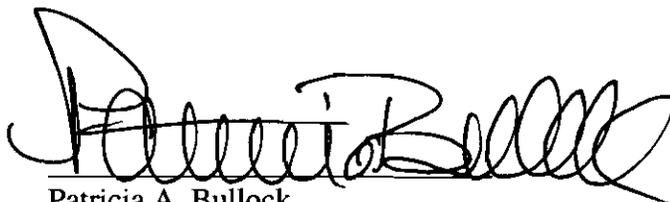
Brian M. Babb, Esq.  
David A. Meyer, Esq.  
Keating Muething & Klekamp PLL  
One East Fourth Street, Suite 1400  
Cincinnati, Ohio 45202

Certified Mail – (Return  
Receipt Requested)

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

(via Intra-Office Mail)

Date: 1-28-09



Patricia A. Bullock  
Regional Hearing Clerk  
U.S. Environmental Protection  
Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, GA 30303  
404/562-9511