

11/27/95

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1995 NOV 27 9:52

BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
American Cyanamid,)
Respondent)

Docket No. TSCA-93-H-04

ORDER

By order issued May 11, 1995, the undersigned granted a motion of extension of time to file the prehearing exchange. On November 11, 1995, Counsel for the Complainant filed a status report stating "negotiations are continuing", and "A Draft Consent Agreement was sent to the Respondent in this matter but further negotiations will be necessary in order to settle this proceeding."

If the case is settled, the Consent Agreement and Final Order signed by the parties should be filed no later than February 29, 1996, with a copy sent to the undersigned. If the case is not settled by February 29, 1996, the parties shall prepare for trial. The initial prehearing exchange shall be filed on or before March 29, 1996. Reply prehearing exchanges shall be filed on or before April 19, 1996.

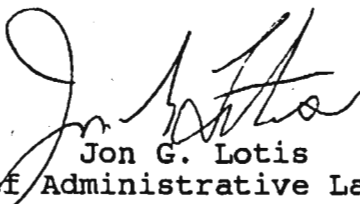
The instant complaint was filed in June 1994, more than a year ago. Both parties have had adequate opportunity to engage in settlement discussions. This order grants yet additional time to pursue those discussions.

If the case is not settled, I expect both parties to meet the prehearing deadlines set by this order. A further extension of time will not be granted absent a showing of extraordinary circumstances. The desire to continue settlement discussions, or an averment that a settlement in principle has been reached, will not constitute extraordinary circumstances sufficient to warrant further extensions. Of course, the parties, if they choose, may continue their settlement discussions after the service of the prehearing exchange.

Any motion for additional time must show extraordinary circumstances. It also must be served in sufficient time to permit a response by opposing counsel and to permit the issuance of an order before the deadlines set by this Order. Counsel are encouraged to obtain the consent of opposing counsel to the extension and so indicate in the moving papers.

The original of all pleadings, statements and documents (with any attachments) required or permitted to be filed by this order shall be sent to the Regional Hearing Clerk and copies (with any attachments) shall be sent to the opposing party and to the undersigned or such other Administrative Law Judge as may be assigned.

Failure of the Complainant to meet the deadline for the initial prehearing exchange may result in a dismissal of the case for failure to prosecute, or, in the case of Respondent's failure, the waiver of its right to present direct evidence at the hearing.


Jon G. Lotis
Chief Administrative Law Judge

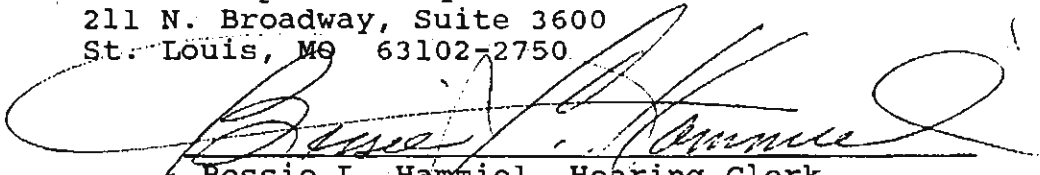
Dated: November 27, 1995
Washington, D.C.

CERTIFICATE OF SERVICE

I do hereby certify that the foregoing Order was filed
In re American Cyanamid; Docket No. TSCA-93-H-04 and copies
of the same were mailed to the following:

(Interoffice) Mark Garvey, Esq. (2245A)
Toxics & Pesticides Enforcement Div.
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

(1st Class Mail) Dale A. Guariglia, Esq.
Counsel for Respondent
American Cyanamid, Inc.
One Metropolitan Square
211 N. Broadway, Suite 3600
St. Louis, MO 63102-2750



Bessie L. Hammel, Hearing Clerk
Office of Administrative Law Judges
U.S. Environmental Protection Agency
401 M Street, S.W., (1900)
Washington, D.C. 20460

Dated: Nov. 27, 1995