



Sent via email messaging and Certified Mail

December 22, 2009

California Department of Toxic Substances Control
P.O. Box 806 MS 12-A
Sacramento, CA 95812-0806
(916) 323-8127
RSullivan@dtsc.ca.gov

Attention: Robert Sullivan

RE: Response to Call-In – AB 289 – Carbon Nanotubes

Dear Robert,

This letter follows our discussion during the Call-In teleconference held at 1:30 pm on December 21, 2009.

Molecular Nanosystems, Inc. (“Monano”) hereby requests an opinion letter from the California Department of Toxic Substance Control stating that Monano, as it currently exists, is not a “manufacturer” under AB 289, Chapter 699. A copy of AB 289 is attached hereto as **Exhibit A**. This request is made pursuant to the information stated herein.

Monano does not believe it is not a “manufacturer” under AB 289, Chapter 699, §57018 because Monano does not manufacture carbon nanotubes (“CNTs”) or import CNTs.

The pertinent definition reads:

- (a) For purposes of §§ 57019 and 57020, the following definitions shall apply:
- (4) “Manufacturer” means a person **who produces** a chemical in this state or **who imports** a chemical into this state for sale in this state.

AB 289, Chapter 699, §57018 (emphasis added)

+++++++

In the event the DTSC deems Monano a “manufacturer” under AB 289, Monano shall provide the DTSC with the requested information within 60 days of receipt of notice of such determination.

Please direct any questions to me using the contact information found on the front page of this letter.

Best regards,

A handwritten signature in black ink, appearing to read 'Anna', followed by a horizontal line extending to the right.

Anna Lynne Heinkel – Counsel for Monano