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DEPARTMENT OF JUSTICE



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August 8, 2013

Beverly Grossman Palmer
Strumwasser & Woocher LLP
10940 Wilshire Boulevard, Suite 2000
Los Angeles, California 90024

RE: Physicians for Social Responsibility-Los Angeles v. Department of Toxic Substances Control and Department of Public Health, Sacramento County Superior Court, Case No. 34-2013-80001589

Dear: Ms. Palmer,

We represent the California Department of Toxic Substances Control (DTSC) in the above-referenced litigation, regarding the Santa Susana Field Laboratory (SSFL) in Ventura County. On August 5, 2013, DTSC received a letter from your clients demanding that DTSC and the Department of Public Health (DPH) "immediately halt all approvals of demolition" of "radioactive structures and components from Area IV" of the SSFL and stating that unless DTSC did so "within 24 hours of receipt of this letter ... [your clients would] seek a judicial order staying all such activities." The verified petition in this matter (the Petition), filed on August 6, 2013, includes a prayer for a temporary restraining order (TRO).

We write to make clear that there is no need for your clients to seek the extraordinary remedy of a TRO.

DTSC has not yet completed its review of the Petition, the August 5 letter from your clients, or the extensive report prepared by your client Committee to Bridge the Gap. Our preliminary review suggests, however, that your clients misunderstand DTSC's role in reviewing the proposed demolitions. DTSC requests the opportunity to meet with your clients and discuss this issue. We are hopeful the discussion will demonstrate that the relief sought in the Petition against DTSC is unwarranted.

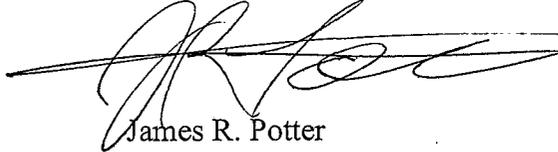
In order to ensure that we have time to discuss these matters, as an interim measure, DTSC will not take any further action of the type characterized in the Petition as "approvals" of demolition activities in Area IV of the Santa Susana Field Laboratory (see Petition ¶¶ 17, 18 and Prayer for Relief ¶ 2a) prior to September 30, 2013. Further, DTSC has contacted The Boeing Company, Real Party in Interest, (Boeing) and Boeing has agreed to a moratorium on demolition and removal activities in Area IV until September 30, 2013, which they will be describing to you in a forthcoming letter. I understand from Boeing that there is a small amount of hazardous waste presently in Area IV that by law must be sent for disposal within 90 days of generation.

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The building demolition and removal of material are the only activities described in the prayer for relief that could under any circumstance cause irreparable injury. DTSC's and Boeing's commitments described above provide that relief, and, therefore, there is no justification for seeking a TRO.

We look forward to working you to resolve this matter. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Potter', is written over a horizontal line that extends across the width of the page.

James R. Potter
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

JRP:

cc: Nancy Bothwell, DTSC
Ray LeClerc, DTSC
Mark Malinkowski, DTSC
Peter Weiner, Paul Hastings

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