

December 8, 2006

Dr. Peter E. Dunn, Ph.D.
Associate Vice President for Research
Research Integrity Officer
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Hovde Hall of Administration
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Re: Inquiry Committee Proceedings; Taleyarkhan Response to November 30, 2006 letter

Dear Dr. Dunn:

We write on behalf of Dr. Rusi P. Taleyarkhan (“Dr. Taleyarkhan”) in response to your letter of November 30, 2006.

First, let me say that the answer to your question is: no.

We thank you for the opportunity to respond to the question in your letter. We enclose Dr. Taleyarkhan’s response (“Response”) for your consideration. We want to make it clear that the reason previous submissions did not include, as you say in your letter, a “full disclosure” of the events and information which are reflected in the documents which were enclosed with your letter to us is because Dr. Taleyarkhan and I did not (and do not) believe that those documents are responsive or necessary to this inquiry. That being said, we want to cooperate, as we have throughout, with any and all requests of this Inquiry Committee.

Specifically, we understood the Inquiry Committee was concerned with the Nuclear and Engineering Design (“NED”) paper manuscript of 2005 and not other manuscripts submitted by Dr. Xu. Accordingly, we, as his lawyers, and Dr. Taleyarkhan did due diligence to find correspondence with Dr. Xu regarding the NED paper. There was no attempt to hide any information in any way whatsoever, and we believe Dr. Taleyarkhan’s enclosed response should put this matter to rest once and for all. Because both Dr. Taleyarkhan and his lawyers (namely, me) believed we were answering your questions completely regarding his email correspondence concerning the 2005 NED paper only, we urge the Inquiry Committee not to make any adverse inference against Dr. Taleyarkhan for not including the email information attached to your letter in his previous response to the Inquiry Committee. This was simply a situation of miscommunication or misunderstanding, and not an attempt to hide anything from the Inquiry Committee. If you want to blame anyone, please blame me.

A Note on the History of this Inquiry

While it may be redundant, we believe it is important to give a brief history of how this Inquiry began and what Dr. Taleyarkhan's responses were to give some context to his Response. We do this to both try to make the Response as understandable as possible, and also to obviate any feeling by this Committee that Dr. Taleyarkhan tried to hide anything from this Committee, which he did not do.

On September 22, 2006, Dr. Peter Dunn issued a letter defining the parameters of the Inquiry Committee. The letter asked questions based upon two letters from Lefteri Tsoukalas (September 5, 2006) and Martin Bertadano (September 12, 2006). Those letters allege a number of items against Dr. Taleyarkhan, including that he attempted to hide results and that he wrongfully claimed independent confirmation of Xu et al.'s 2005 NED publication for his own benefit. The main charge then from Tsoukalas is that Dr. Taleyarkhan engaged in research misconduct in reporting the independence of Xu's research in a later article, and in somehow influencing the outcome of the experiment by Xu.

In response, Dr. Taleyarkhan presented a lengthy, detailed binder to the Inquiry Committee, which showed that Xu's research was independently obtained, and that Dr. Taleyarkhan did not influence any data in what amounted to a lengthy experiment conducted by Xu himself. Dr. Taleyarkhan also answered each and every allegation raised by Tsoukalas and Bertadano. Through use of science and email evidence, Dr. Taleyarkhan showed the Inquiry Committee the detail of facts and circumstances refuting the allegations made by Tsoukalas and Bertadano. He also showed some of the alarming behavior of Tsoukalas and Bertadano for the benefit of the Inquiry Committee, recognizing that the true matter before the Inquiry Committee was and is, first and foremost, the science and the question of research misconduct.

Both Tsoukalas' and Bertadano's letters are a bit confusing, but we read them to say Dr. Taleyarkhan was being accused of research misconduct because he had claimed in his paper of independent confirmation of his sonofusion claims. In his response he tried to include everything in his possession which relates to the claim that the "*observations*" confirm his results. He went back and performed due diligence on my correspondence, emails, etc. He tried to find the materials that relate to the NED article. That is what he provided to you previously.

In those materials, Dr. Taleyarkhan tried to point out, with the simplest analogy he could think of, the situation relative to his claims. Simply put, Dr. Xu merely repeated the experiment and made observations about what he saw and measured as a result of the experiment. Dr. Taleyarkhan had no involvement in gathering or influencing that data. This is where his "airplane analogy" came from. Dr. Xu took the same (or similar) airplane, attempted to fly it, and determined that it would, in fact, fly. We know that this may be overly simplistic, but it is extremely important.

Now, after showing how Xu's research was in fact independently obtained and gathered (a fact that Xu confirmed, again, in his October 27, 2006 correspondence to the

Inquiry Committee), the question turns to the December 14, 2004 and December 17, 2004 email correspondence, now switching the inquiry to research misconduct in the reporting of two unpublished manuscripts not originally mentioned by Tsoukalas, Bertadano, or Dr. Dunn.

While we believe that this has nothing to do with the charges of research misconduct made against Dr. Taleyarkhan which was understood to be that his single claim of a confirmatory experiment was wrong or unfair because he had influenced the results of that experiment (which claim appears to now have been decided favorably for Dr. Taleyarkhan by this Committee), in an attempt to provide information to allow this Committee to completely dispel any need for further investigation, Dr. Taleyarkhan's detailed Response is enclosed.

In simple summary, Dr. Taleyarkhan's actions in writing this email to Dr. Xu (based in large measure on comments made to him by others whom the scientific world trusts and respects):

1. had nothing to do with the independence of Xu's observations, calculations, etc.;
2. were comments about facts concerning the set-up and measurements of the experiment which was already completed
3. were made in connection with a different paper that was not published;
4. are of the type customarily and repeatedly made by colleagues when they are asked questions of this type. Dr. Taleyarkhan certainly had help from others in writing most of his papers which, as we would suggest is true of the members of this Committee, is the most natural thing and is what we are supposed to do as colleagues and professionals; and
5. were recognized by the authors in the paper that was actually published when they reference all of the help that Dr. Taleyarkhan gave them, which did not interfere with the paper being published, after review by whomever reviewed it (we don't know who that was) as being confirmatory in nature, despite the fact the credit was given to Dr. Taleyarkhan for his involvement with the experiment.

To reiterate, the December 14, 2004 and December 17, 2004 emails, do *not* indicate research misconduct in any way whatsoever.

We believe Dr. Taleyarkhan's Response should put this matter to rest so his reputation can be cleared and he can continue his extraordinarily important research. While we appreciate the necessity for the Committee to take its time completing its work, we know you will understand the pressing need for finalization. If this Committee is going to decide, as we think is clearly required by the evidence presented, that there is no need for further investigation, it would be *very* important for that to happen this Friday.

We realize that the Committee has taken no oral testimony and understand its decision not to do so. Please accept this offer on Dr. Taleyarkhan's behalf that if the Committee has any further questions or needs any clarification of any points, Dr. Taleyarkhan is ready, willing and able to answer those questions in person on Friday. Please let me and/or him know if his appearance might be helpful.

Very truly yours,

Larry Selander

LZS/rcb
Enclosure