



June 30, 2021

Ted Walter  
Director of Strategy and Development  
Architects & Engineers for 9/11 Truth  
(510) 292-4710

RE: Response to Appeal of the National Institute of Standards and Technology's Initial Decision under the Information Quality Standards Guidelines

Dear Mr. Walter:

The National Institute of Standards and Technology ("NIST") has carefully reviewed your Letter of Appeal dated September 28, 2020 regarding NIST's initial decision in response to the Request for Correction to NIST's Final Report on the Collapse of World Trade Center Building 7 (Information Quality #20-01) and the record therein. For the reasons stated below, NIST affirms its initial decision denying the request for correction of certain information contained in the NIST World Trade Center (WTC) Building 7 Investigation report. This letter constitutes the final decision by NIST and the Department of Commerce.

### **Procedural History**

On or about April 15, 2020, you (the "appellant" or "requestor") submitted a request for correction of eight items of information ("Request") under the Data Quality Act, Section 515 of Public Law 106-554; the Office of Management and Budget's Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies (67 FR 8451, Feb. 22, 2002) ("OMB Guidelines"); the Office of Management and Budget's Memorandum on Improving Implementation of the Information Quality Act, M-19-15 ("OMB Memo"); and NIST's Guidelines, Information Quality Standards, and Administrative Mechanism ("NIST IQS")<sup>1</sup>.

The subject information of the Request were NIST's Final Report on the Collapse of the World Trade Center Building 7 (NCSTAR 1A) and NIST's Structural Fire Response and Probable Collapse Sequence of World Trade Center Building 7 (NCSTAR 1-9), collectively referred to

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<sup>1</sup> <https://www.nist.gov/nist-information-quality-standards>

herein as the “NIST WTC 7 Report”<sup>2,3,4</sup>, and NIST’s webpage titled FAQs – NIST WTC 7 Investigation (“NIST WTC 7 FAQs”).

On August 28, 2020, NIST issued a letter denying the Request (“Initial Decision”).

On September 28<sup>5</sup>, 2020, you submitted a letter appealing the Initial Decision (“Appeal”).

Together, the Request and its exhibits, the Initial Decision, the Appeal and its exhibits, and any preserved email correspondence prior to the Appeal between you and NIST regarding the Initial Decision, constitute the record (“Record”).

On or about December 7, 2020, you submitted an email with attachments containing “supplemental information” for your request for correction concerning “Eyewitnesses and Audio Evidence of Explosions” (Section G: page 55 of the Request; page 52 of the Appeal). On or about January 8, 2021, you submitted a second email with an attachment containing the name of an alleged witness regarding the same request for correction. The information contained in these additional emails were not included as part of the original Request or subsequent Appeal. The NIST IQS states that appeals from initial denials must be made within 30 calendar days of the date of the Initial Decision. That 30 calendar days appeal requirement was included in the NIST Initial Decision letter. Since the supplemental information in the additional emails were submitted well beyond 30 calendar days from August 28, 2020, even when taking into consideration the extension noted in footnote 4, they were excluded from the record. However, for the same reasons explicated below, had they been considered by NIST and included as part of the record they would not have altered NIST’s decision on Appeal.

Based on the guidelines in the NIST IQS, no individuals who were involved in the Initial Decision were involved in the review of or preparation of this response to the Appeal. The review on appeal was entirely independent and comprised by a completely new set of individuals in all aspects including technical, administrative, or otherwise.

### **Explanation of Appeal Decision**

After careful, objective review of the Record, we conclude that NIST’s Initial Decision did not err in denying the request for corrections. In reaching this decision, we considered both the arguments and claims contained in the Request and Appeal, as well as the point-by-point responses in the Initial Decision, and the additional reasoning explained below. NIST’s independent review on appeal established that the point-by-point responses to the original

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<sup>2</sup> NIST’s Final Report on the Collapse of the World Trade Center Building 7 (NCSTAR 1A):

<https://doi.org/10.6028/NIST.NCSTAR.1a>

<sup>3</sup> NIST’s Structural Fire Response and Probable Collapse Sequence of World Trade Center Building 7 (NCSTAR 1-9): [https://tsapps.nist.gov/publication/get\\_pdf.cfm?pub\\_id=861611](https://tsapps.nist.gov/publication/get_pdf.cfm?pub_id=861611)

<sup>4</sup> The WTC Investigation Report also includes the [Global Structural Analysis of the Response of World Trade Center Building 7 to Fires and Debris Impact Damage](#) (NCSTAR 1-9A):

[https://tsapps.nist.gov/publication/get\\_pdf.cfm?pub\\_id=861612](https://tsapps.nist.gov/publication/get_pdf.cfm?pub_id=861612), which is not the subject of the Request/Appeal in this case.

<sup>5</sup> The NIST IQS states that “an appeal from the initial denial must be made within 30 calendar days of the date of the initial decision.” Because 30 calendar days from the initial decision fell on a Sunday, Mr. Walter requested in advance and NIST consented to the appeal being filed on September 28, 2020.

request for correction are sound. The requestor/appellant’s approach in the Request, Appeal and their exhibits has many differences with the approach taken by NIST in the NIST WTC 7 Report. These differences include, but are not limited to, the choice of commercial-off-the-shelf software tools; scope of the system, sub-system, floor, and connection models; modeling assumptions and simplifications; finite element mesh discretization and choice of element types; analytical procedures and sub-structuring techniques; the modeling and analysis of thermal effects; and the methods used to collect and analyze first person accounts from emergency responders and surviving occupants. Due to these differences, the resulting outcomes from the requestor/appellant’s approach do not have an impact on the findings and recommendations of NIST’s Final Report on the Collapse of World Trade Center Building 7, nor their implications for future safety. Thus, no corrections to the NIST WTC 7 Report will be made.

As part of this appeal process, NIST’s independent reviewers took a broader look at the transparency of the subject report. Whereas transparency is not a defined term in the NIST IQS or the OMB Guidelines, the OMB Guidelines indicate that “transparency” about methods and assumptions in the face of uncertainty is at the heart of the reproducibility standard. The OMB Guidelines state that “[t]he purpose of the reproducibility standard is to cultivate a consistent agency commitment to transparency about how analytic results are generated: the specific data used, the various assumptions employed, the specific analytic methods applied, and the statistical procedures employed. If sufficient transparency is achieved on each of these matters, then an analytic result should meet the reproducibility standard” (67 FR at 8456). In other words, transparency – and ultimately reproducibility – is a matter of showing how the results that are being disseminated were obtained.

Other aspects of transparency in the NIST WTC 7 Report are exemplified by the articulation of the uncertainties, assumptions, and scenarios documented throughout the report, including—but not limited to—the following examples:

- a) the term “estimate” has been used to characterize the debris impact damage to WTC 7 from the collapses of WTC 1, which NIST determined through detailed analyses of a large collection of images from photos and videos;
- b) the term “probable” has been used to characterize the collapse sequence of WTC 7, which NIST determined from a detailed four-step analyses of WTC 7 damaged by debris impact that involved simulating the dynamics of fire growth and spread consistent with the collection of images from photos and videos, thermal response to the fire, structural response to thermal effects, initiation of collapse followed by vertical and horizontal progression, and global collapse; and
- c) three different temperature history “scenarios” were used to assess the variability in thermal and structural response to fire spread, which NIST determined to be within the range of *reasonable* and *realistic* values<sup>6</sup> based on the fire dynamics simulations and engineering judgement.

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<sup>6</sup> Not a “worst case” fire scenario as has been characterized in the Appeal record.

In addition to the probable collapse sequence that NIST determined and documented in its report, the NIST WTC 7 Investigation carefully considered and evaluated the role of other collapse hypotheses (NCSTAR 1-9, pages 613-616). These alternative collapse hypotheses evaluated the roles of diesel fuel fires, hypothetical blast events, and the Con Edison substation. The NIST WTC 7 Report documented in detail the role of hypothetical blast events (NCSTAR 1-9, Appendix D, pages 693-709), as well as the analysis of seismogram data from recordings on September 11, 2001 and the association of identifiable seismic signals with possible collapse events (NCSTAR 1-9, Appendix B, pages 659-678).

NIST has ensured a high degree of transparency about the rigor of the NIST WTC 7 Report, including its clarity, accuracy, and completeness, both prior to—and after—the release of the final reports (NCSTAR 1A, 1-9, and 1-9A) from the NIST WTC 7 Investigation in several additional ways, including—but not limited to—the following:

- a) the National Construction Safety Team (NCST) Advisory Committee reviewed NIST's technical approach in open session during the NIST WTC 7 Investigation;
- b) the individual NCST Advisory Committee members conducted detailed reviews of NIST's draft reports, findings, and recommendations in their capacities as individual subject matter experts and provided substantive comments that were addressed in preparing the final reports;
- c) the draft NIST reports on WTC 7 were peer reviewed by five individual subjects matter experts, contracted by NIST, whose comments were also addressed in preparing the final reports;
- d) NIST released a draft of the reports for public comment, which were then carefully reviewed by the authors and addressed to the extent appropriate with clarifications and supplemental text in the final reports;
- e) NIST issued errata<sup>7</sup> in January 2009 and July 2012 with appropriate changes to text after the final reports were published; and
- f) NIST has published an extensive set of Frequently Asked Questions (FAQs)<sup>8</sup> about the NIST WTC 7 Investigation, which has been updated whenever NIST determined it to be appropriate.

Finally, we note that the denial of this Appeal does not prevent the requestor from publishing its alternative analysis, and that an active website exists for the requestor/appellant. Thus, the public is able to weigh the alternative analytic approaches and assumptions in the face of uncertainty, and any interested reader may consider the applicability of each analysis to the specific purpose they bring to assessing the NIST WTC 7 Report.

## Conclusion

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<sup>7</sup> Errata for NIST NCSTAR 1A, NIST NCSTAR 1-9, and NIST NCSTAR 1-9A, Federal Building and Fire Safety Investigation of the World Trade Center Disaster: Structural Fire Response and Probable Collapse Sequence of World Trade Center Building 7: [https://tsapps.nist.gov/publication/get\\_pdf.cfm?pub\\_id=901225](https://tsapps.nist.gov/publication/get_pdf.cfm?pub_id=901225)

<sup>8</sup> FAQs - NIST WTC 7 Investigation, Questions and Answers about the NIST WTC 7 Investigation: <https://www.nist.gov/topics/disaster-failure-studies/faqs-nist-wtc-7-investigation>

**Based on the foregoing, NIST has determined that the request for corrections contained in the Request were properly denied and that the Initial Decision is affirmed. The Appeal is respectfully denied. This constitutes a final decision by NIST and the Department of Commerce.**

**Sincerely,**

**Eric K.  
Lin**

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by Eric K. Lin  
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**Eric K. Lin, Ph.D.  
Acting Associate Director for Laboratory Programs  
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