



JAN 26 2010

Mr. Ronald H. Brookman
[REDACTED]

Dear Mr. Brookman,

This letter is the final response to your January 1, 2010, Freedom of Information Act (FOIA) #10-037 request to the National Institute of Standards and Technology (NIST) in which you requested a copy of "the structural calculations or ANSYS analysis results that substantiate the walk-off failures at columns 79 and 81."

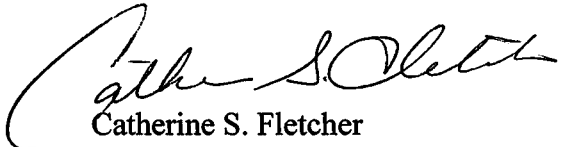
The structural calculations results that substantiate the walk-off failures at columns 79 and 81 are contained in the ANSYS analysis results based on Case B temperatures. Enclosed you will find a disc that contains 8,910 files that can be released and are responsive to your request. The files on the disc contain input files of a version of the 16-story ANSYS model of the World Trade Center (WTC) 7 structure, which does not include the connection models and was analyzed with service gravity loads, and Case B input temperature files.

We are, however, withholding 3,370 files. The NIST Director determined that the release of these data might jeopardize public safety. This withheld data include remaining input and all results files of the ANSYS 16-story Case B collapse initiation model, break element source code, ANSYS script files for the break elements, custom executable ANSYS file, and all spreadsheets and other supporting calculations used to develop floor connection failure modes and capacities. In order to work with the ANSYS files, a copy of the licensed software is required.

These records are currently exempt from disclosure under section (b)(3) of the FOIA, 5 U.S.C. § 552 (b)(3). Exemption (b)(3) permits an agency to withhold records in an agency's possession which are records that are "specifically exempted from disclosure by statute (other than 5 U.S.C. 552(b)), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld."

The statute underlying the (b)(3) exemption in this case is the National Construction Safety Team (NCST) Act, 15 U.S.C. § 7301 et seq. Section 12 of the NCST Act (15 U.S.C. § 7311) provides that it applies to the activities of NIST in response to the attacks of September 11, 2001. Section 7(d) of the NCST Act (15 U.S.C. § 7306(d)), exempts from disclosure, information received by NIST in the course of investigations regarding building failures if the Director finds that the disclosure of the information might jeopardize public safety. On July 9, 2009, the Director of NIST determined that release of the withheld information might jeopardize public safety. Therefore, these records are being withheld.

Sincerely,



Catherine S. Fletcher
Freedom of Information Act Officer

To: Catherine.fletcher@nist.gov
From: John Young <jya@pipeline.com>
Subject: Appeal of FOIA Request #10-037
Cc:
Bcc:
Attached:

14 March 2010

Catherine Fletcher
NIST FOIA Officer

Dear Ms. Fletcher,

In reference to your 26 January 2010 letter to Mr. Ronald H. Brookman, FOIA Request #10-037, denying release of 3,370 files on the structural failure of WTC #7.

I appeal that denial and request release of the 3,370 files in order that design professionals can learn from them in to support public safety in compliance with their professional obligations.

This information is especially important for design professionals legally charged with responsibility for public safety of structures.

Further, it is in the public interest for design professionals to have the maximum amount of information about the disaster to assure that all measures have been taken to prevent a recurrence.

NIST has performed an extraordinary public service in the WTC investigation. The fruits of its exceptional work should be shared with design professionals who did not have the privilege of serving on investigative teams.

I am a licensed architect in New York State, No. 10748.

Thank you very much,

Regards,

John Young Architect
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