April 25, 2023

Henry J. Kerner
Special Counsel
U.S. Office of Special Counsel
1730 M St. NW, Suite 300
Washington, D.C. 20036-4505

RE: OSC File No. DI-22-000484
Supplemental Report

Dear Mr. Kerner:

The Department of Commerce (Department) submits this supplemental response to the above-captioned referral of a whistleblower disclosure from the United States Office of Special Counsel (OSC). In our original report, we identified three corrective actions that the Department would take based upon our findings of our investigation. We are providing the following supplemental response to OSC with respect to one of the identified corrective actions.

In our original report, we identified a concern that the canopy covering the natural gas compressor at the National Institute of Standards Technology (NIST) Fueling Station was improperly adhered by wood to the base of the canopy. The initial investigation revealed that the referenced wood is wrapped in white aluminum. With respect to this finding of the investigation, we identified the following corrective measure:

Remove the wood from the base of the canopy covering the natural gas compressor or otherwise ensure that the wood meets the definition of noncombustible or limited-combustible.

Following the completion of the investigation, NIST has provided additional information establishing that the wood supporting the base of the canopy of the natural gas compressor meets the definition of noncombustible. National Fire Prevention Association (NFPA) 52, Chapter 5, Section 5.2.1.1.3 prohibits the use of “combustible material” within 10 feet of any “stationary container” of natural gas. “Combustible material” is defined as a “material that, in the form in which it is used and under the conditions anticipated will ignite and burn. . .” NFPA 1 (Fire Code), Chapter 3, Section 3.3.59. NIST has provided documentation that establishes that the wood supporting the base of the canopy meets the definition of non-combustible. Specifically, NIST has now provided scientific literature that establishes that the aluminum surrounding the wood is not combustible except when it is meant to be so. Further, NIST provided documentation that aluminum ignites only at 1000 degrees Celsius. Given that the wood is wrapped in aluminum that ignites at a very high temperature and that the aluminum itself is not
combustible, NIST has now provided sufficient evidence that the canopy protecting the natural gas compressor is not combustible.

   No further action will be taken on this recommendation.

Sincerely,

JEREMY
PELTER

Jeremy Pelter
Acting Chief Financial Officer and
Assistant Secretary for Administration