

From: Ron Brookman
To: foia
Cc: rhbrookman
Date: 1/1/2010 8:47:13 AM
Subject: FOIA request for WTC 7 Information

10-037

Ronald H. Brookman, Structural Engineer
[REDACTED]
[REDACTED]

Catherine S. Fletcher, FOIA & Privacy Act Officer
National Institute of Standards and Technology
100 Bureau Drive, STOP 1710
Gaithersburg, MD 20899-1710

Sent via email to: foia@nist.gov
Re: Freedom of Information Act Request, 5 U.S.C. Sec. 552

Dear Ms. Fletcher:

"Walk off" is the term NIST used to describe the failure mode where a girder moved axially or laterally off its bearing seat losing all vertical support. The walk-off failure was assumed to be complete when lateral displacement of the girder end moved past the point at which the girder web was aligned vertically with the edge of the bearing seat. The following statements by NIST authors are found in NCSTAR 1-9.

A control element (COMBIN37), a unidirectional linear spring element with the capability of turning on and off during an analysis, was used to model walk-off [p. 480.]

The travel distance for walk off was 6.25 in. along the axis of the beam and 5.5 in. lateral to the beam [p. 482.]

A control element was used to model beam walk-off in the axial direction. Beam walk off in the lateral direction was monitored during the analysis [p. 482.]

Lateral girder walk-off at columns 79 and 81 was the failure mode allegedly responsible for the start of collapse. I respectfully request a copy of the structural calculations or ANSYS analysis results that substantiate the walk-off failures at columns 79 and 81.

I am a licensed civil and structural engineer in California (license numbers C44654 and S3653, expiration date 3/31/2010). This request is made for a scholarly purpose; it is not for any commercial use. Thank you for your consideration of this request.

Sincerely,

Ronald H. Brookman, SE



UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology
Gaithersburg, Maryland 20899-

JAN 04 2010

Mr. Ronald Brookman
[REDACTED]
[REDACTED]

Dear Mr. Brookman:

This acknowledges receipt of your January 1, 2010, Freedom of Information Act (FOIA) 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."

Your request was received at the FOIA Control Desk on January 4, 2010, and was assigned FOIA Log #10-037.

Darla Yonder, Management Analyst of my office is the contact point for your request. If you have any questions regarding your pending FOIA request, she may be reached by email darla.yonder@nist.gov or by phone (301) 975-4064.

Sincerely,

Catherine S. Fletcher
Freedom of Information Act Officer

NIST



JAN 26 2010

Mr. Ronald H. Brookman

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."

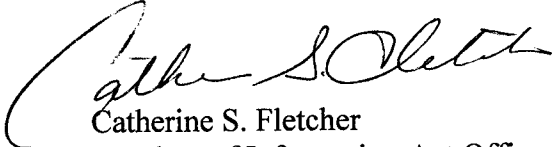
The structural calculations results that substantiate the walk-off failures at columns 79 and 81 are contained in the ANSYS analysis results based on Case B temperatures. Enclosed you will find a disc that contains 8,910 files that can be released and are responsive to your request. The files on the 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

Ronald H. Brookman, Structural Engineer

[REDACTED]

[REDACTED]

February 1, 2010

National Institute of Standards and Technology
100 Bureau Drive, STOP 1710
Gaithersburg, MD 20899-1710
Attn: Catherine S. Fletcher, FOIA & Privacy Act Officer

Re: NIST FOIA #10-037

Dear Ms. Fletcher:

Thank you for your letter dated 1/26/10 and the ANSYS data files. Your letter raises several important questions that require clarification before I can proceed with my study of the NIST analysis of WTC 7. You stated that the disc contains 8,910 *input* data files for the 16-story ANSYS model. You also stated that 3,370 data files were withheld including the balance of *input* data and *all results* data from the 16-story model. My questions include the following:

- If all *results* data files were withheld, how is the data contained on the disc responsive to my request which was specifically for structural calculations or ANSYS analysis results that substantiate the walk-off failures at columns 79 and 81?
- Independent verification is an integral part of science. Without the framing-connection input data, any results will be inconclusive and cannot match the NIST results. How is it possible to get complete results with incomplete input data?

As you pointed out in your letter, Section 7(d) of the NCST Act (H.R. 4687) exempts disclosure of "any information it [NIST] receives in the course of an investigation...if the Director finds that the disclosure of that information might jeopardize public safety." The calculations and analysis results of WTC 7, however, were not *received* by NIST—they were *developed* by NIST. The calculations are, therefore, subject to the General Rule of Section 7(a) of the NCST Act.

The House Science Committee Report 107-530 states the following regarding disclosure of information:

It is the Committee's intent that as a general practice the Director should make every effort to publicly release as much information obtained by Teams under this Act as possible. It is the Committee's view that the exceptions to the release of information contained in this section should be used infrequently and only after careful deliberation by the Director.

As a structural engineer I am required to disclose any hazards to public safety that are brought to my attention. My understanding of the Section 7(d) exemption is that it is intended to protect the public from existing hazardous buildings that are under investigation by NIST. I cannot imagine how disclosure of calculations for a building that no longer exists could possibly jeopardize public safety. I am interested to know how, in the NIST Director's judgment, the release of calculations and analysis results—developed at the taxpayers' expense—might jeopardize public safety.

Section 8 of the NCST Act requires NIST to issue a public report *including* an analysis of the likely technical cause of collapse. The final reports dated November 2008 include a description of the hypothetical failure mode, but they do not include any quantitative analysis of the collapse-initiation mechanism. Any calculations demonstrating the lateral walk-off failures should be part of the public record. This is what prompted my FOIA request #10-037 which I will repeat here for your convenience.

"Walk off" is the term NIST used to describe the failure mode where a girder moved axially or laterally off its bearing seat losing all vertical support. The walk-off failure was assumed to be complete when lateral displacement of the girder end moved past the point at which the girder web was aligned vertically with the edge of the bearing seat. The following statements by NIST authors are found in NCSTAR 1-9.

A control element (COMBIN37), a unidirectional linear spring element with the capability of turning on and off during an analysis, was used to model walk-off [p. 480.]

The travel distance for walk off was 6.25 in. along the axis of the beam and 5.5 in. lateral to the beam [p. 482.]

A control element was used to model beam walk-off in the axial direction. Beam walk off in the lateral direction was monitored during the analysis [p. 482.]

Lateral girder walk-off at columns 79 and 81 was the failure mode allegedly responsible for the start of collapse. I respectfully request a copy of the structural calculations or ANSYS analysis results that substantiate the walk-off failures at columns 79 and 81.

Your "final response" dated 1/26/10 was non-responsive to my request. I specifically requested *calculations* or *analysis results* that substantiate the walk-off failures at columns 79 and 81. I did not request thousands of *input* data files that require expensive and extensive processing, nor did I request thousands of calculations for numerous beams, girders, and columns. Thank you for your consideration.

Sincerely,

Ronald H. Brookman, SE



cc: Representative Lynn Woolsey

Ronald H. Brookman, Structural Engineer

March 4, 2010

Assistant General Counsel for Administration (Office)
U.S. Department of Commerce
14th and Constitution Avenue
Room 5898-C
N.W. Washington, D.C. 20230
Attn: Andrea Torczon, Senior Counsel

Re: Freedom of Information Act Appeal
NIST FOIA Log #10-037

Dear Ms. Torczon:

I am writing to appeal the denial of a request for information relative to the subject FOIA request. This letter includes documentation of the reasons why I believe the denial by Ms. Catherine S. Fletcher was in error. Please find enclosures documenting the original request submitted by e-mail dated 1/1/10, the FOIA Officer's acknowledgement dated 1/4/10, and the FOIA Officer's final response dated 1/26/10.

Also enclosed is a letter submitted to NIST dated 2/1/10 stating why I believe the final response was non-responsive to my request and why the requested information is required to be included in a public report. NIST has not responded to my letter, so I am appealing to the Assistant General Counsel for Administration for a final determination. Thank you for your consideration.

Sincerely,



Ronald H. Brookman, SE

Ronald H. Brookman, Structural Engineer
[REDACTED]
[REDACTED]

March 9, 2011

Assistant General Counsel for Administration (Office)
U.S. Department of Commerce
14th and Constitution Avenue
Room 5898-C
N.W. Washington, D.C. 20230
Attn: Sarah Coe, Senior Counsel

Re: Freedom of Information Act Appeal
NIST FOIA Log #10-037

Dear Ms. Coe:

I am writing to inquire about the status of my appeal regarding the subject FOIA request. Copies of all documents previously sent to your office are enclosed in case they were misplaced.

My simple request to NIST was for a copy of the structural calculations that substantiate the walk-off failures at columns 79 and 81 of the former Seven World Trade Center that collapsed in 2001. I realize that forward progress in Washington is slower than a glacier in the Himalayas, but it should not take more than a year to obtain a determination in this simple matter.

Thank you for your consideration. I shall look forward to hearing from you.

Sincerely,

Ronald H. Brookman, SE

A handwritten signature in black ink that reads "Ronald H. Brookman". The signature is written in a cursive style and is positioned to the right of the typed name.



UNITED STATES DEPARTMENT OF COMMERCE
Office of the General Counsel

Washington, D.C. 20230

MAR 22 2010

Mr. Ronald H. Brookman
Structural Engineer

[REDACTED]
[REDACTED]

Dear Mr. Brookman:

This is to acknowledge receipt of your Freedom of Information Act (5 U.S.C. § 552) (FOIA) appeal dated March 4, 2010. In accordance with the FOIA, a final determination will be issued by the Department.

If you have any questions about this matter, you may contact me at the above address or at (202) 482-5391.

Sincerely,

A handwritten signature in cursive script that reads "Sarah E. Coe".

Sarah Coe
Senior Counsel

LYNN WOOLSEY
6TH DISTRICT, CALIFORNIA

COMMITTEES:
EDUCATION AND THE WORKFORCE
RANKING MEMBER, SUBCOMMITTEE ON
EDUCATION REFORM
SUBCOMMITTEE ON WORKPLACE PROTECTIONS
SCIENCE
SUBCOMMITTEE ON ENERGY

WEB PAGE AND E-MAIL:
<http://www.woolsey.house.gov>

Congress of the United States
House of Representatives
Washington, DC 20515-0506

WASHINGTON OFFICE:
2263 RAYBURN BUILDING
WASHINGTON, DC 20515-0506
TELEPHONE: (202) 225-5161
DISTRICT OFFICES:
1101 COLLEGE AVENUE, SUITE 200
SANTA ROSA, CA 95404
TELEPHONE: (707) 542-7182
NORTHGATE BUILDING
1050 NORTHGATE DRIVE, SUITE 354
SAN RAFAEL, CA 94903
TELEPHONE: (415) 507-9554

Please print the completed form, then sign and date by hand. The completed form may then be mailed or faxed, **along with copies of any supporting documents**, to my Marin or Sonoma County offices. Please contact my office if you have any questions about the casework process.

Name:
Mr. Ronald H Brookman

Address:
[REDACTED]

Preferred Phone Number:
[REDACTED]

Alternate Phone Number:
Type: Home

E-mail:
[REDACTED]

Mailing Address (if different from above):

Date of Birth:
[REDACTED]

Federal Agency Involved:
DOJ

Claim Number(s)
NIST FOIA Log #10-037

Description of the Problem

What is the problem?

The federal agency involved is the Department of Commerce. I filed a FOIA request for information from NIST on 1/1/2010. I filed an appeal on 3/4/2010. There has been no determination for over one year. This is excessive.

What have you done to try to resolve the problem?:

I contacted the Department of Commerce by letter on 3/9/2011 to find out the status of my appeal.

What is the current status of the problem?:

No one has responded to my letter of inquiry dated 3/9/2011.

What has the federal agency told you?:

Nothing since 3/22/2010 acknowledging receipt of my appeal letter dated 3/4/2010.

Have you contacted any other office for assistance? If yes, which office?:

No.

How would you like Congresswoman Woolsey to help you:

Please contact the Department of Commerce Office of the General Counsel to find out the status of my appeal.

I hereby authorize Congresswoman Woolsey or her representative to act on my behalf and to have access to any information and records pertaining to this matter.

Signature:

Ronald H Brookman Date: 4/21/2011

LYNN WOOLSEY
6TH DISTRICT, CALIFORNIA

COMMITTEES:

EDUCATION AND THE WORKFORCE

RANKING MEMBER, SUBCOMMITTEE ON
WORKFORCE PROTECTIONS

SUBCOMMITTEE ON EARLY CHILDHOOD,
ELEMENTARY AND SECONDARY EDUCATION

SCIENCE, SPACE, AND TECHNOLOGY

SUBCOMMITTEE ON ENERGY
AND ENVIRONMENT

Congress of the United States

House of Representatives

Washington, DC 20515-0506

April 21, 2011

WASHINGTON OFFICE:
U.S. HOUSE OF REPRESENTATIVES
2263 RAYBURN BUILDING
WASHINGTON, DC 20515
TELEPHONE: (202) 225-5161

DISTRICT OFFICES:
1101 COLLEGE AVENUE, SUITE 200
SANTA ROSA, CA 95404
TELEPHONE: (707) 542-7182
1050 NORTHGATE DRIVE, SUITE 354
SAN RAFAEL, CA 94903
TELEPHONE: (415) 507-9554

WEB PAGE AND E-MAIL:
<http://www.woolsey.house.gov>

Mr. Ronald H. Brookman

[REDACTED]
[REDACTED]

Dear Mr. Brookman:

I am writing to let you know that my office has received your request for assistance.

I have asked my staff in our Santa Rosa office, where we handle these matters, to assist you. They have gone to work on your concerns, and you will hear from us as we get answers about your situation. Please keep in mind that a typical inquiry may require from four to eight weeks, depending on the agency and the nature of the problem. In addition, if we need more information, we will be sure to get back in touch with you.

Thank you for contacting me, and I hope we can be of assistance to you.

Sincerely,



Lynn Woolsey
Member of Congress

LW:as

PS - Visit my web site and sign up to receive e-mail updates on legislative issues that are important to you. The address is: <http://woolsey.house.gov/emailupdates.asp>.



UNITED STATES DEPARTMENT OF COMMERCE
Office of the General Counsel

Washington, D.C. 20230

MAY 25 2011

Mr. Ronald Brookman
[REDACTED]
[REDACTED]

Dear Mr. Brookman,

This responds to your Freedom of Information Act (5 U.S.C. § 552) (FOIA) appeal, dated March 4, 2010, appealing the National Institute of Standards and Technology's (NIST) denial of your January 1, 2010 FOIA request for "a copy of the structural calculations or ANSYS analysis results that substantiate the walk-off failures at columns 79 and 81" of World Trade Center Building 7 (WTC7). By letter dated January 26, 2010, Catherine Fletcher, FOIA Officer, NIST, informed you that the information you requested was exempt from disclosure pursuant to 5 U.S.C. § 552(b)(3) (FOIA Exemption (b)(3)), citing § 7(d) of the National Construction Safety Team Act (NCSTA) (15 U.S.C. § 7306(c)) as the underlying statutory authority. As discussed below, your appeal is denied.

In order to qualify for protection under FOIA Exemption (b)(3), the responsive records must be exempted from disclosure by another statute, and that statute must either (A) require that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establish particular criteria for withholding or refer to particular types of matters to be withheld. A statute falls within the exemption's coverage if it meets either one of these two disjunctive requirements. American Jewish Congress v. Kreps, 574 F.2d 624, 628 (D.C.Cir. 1978).

NCSTA § 7(d) expressly exempts from disclosure a specific type of information—information NIST receives in the course of an investigation conducted under NCSTA—and expressly provides particular criteria for withholding documents—a determination by the Director of NIST that the release of investigatory information "might jeopardize public safety." 15 U.S.C. § 7306(d). Because § 7(d) contains sufficiently particular criteria to guide non-disclosure, it meets the standard discussed above and is a proper FOIA Exemption (b)(3)(B) statute.

The information at issue in your appeal consists of input and results files of the ANSYS 16-story collapse initiation model, break element source code, ANSYS script files for the break elements, custom executable ANSYS file, and all spreadsheets used to develop floor connection failure modes and capacities. In accordance with § 7(d) of the NCSTA, on July 9, 2009, the Director of NIST made the required finding that release of this information might jeopardize public safety.

Your appeal contends first that the information you requested does not meet the threshold requirement for protection under § 7(d) because the information was developed by, not received by, NIST. Although you are correct that the information you requested was created by, not received by NIST, NIST has explained that the input files used to obtain the results were created by NIST by incorporating information received from various entities, including building

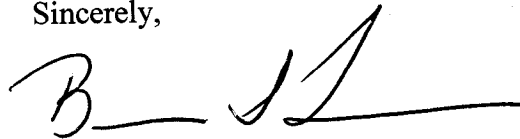
contractors, engineers, and photographers. NIST has further explained that any ANSYS user, even without the ANSYS executable file and break element source code and script files, would be able to back the input files out. Thus, by releasing the requested information, NIST would effectively be releasing that which § 7(d) was enacted to protect.

As a secondary matter, you challenge the validity of the NIST Director's determination that release of the requested information might jeopardize public safety, and request an explanation as how, in the Director's judgment, the release of calculations and analysis results for a building that no longer exists, which were developed at the taxpayers' expense, might jeopardize public safety. The withheld information contains detailed connection models that have been validated against actual events, and, therefore, provide tools that could be used to predict the collapse of a building. If released, these models might provide instruction to groups and individuals that wish to learn how to simulate building collapse and devise ways to destroy buildings. Therefore, although the buildings to which this information pertains no longer exist, the information contained in the withheld files is sufficiently detailed that it could be used to develop plans to destroy other, similarly constructed, buildings. Based on this rationale, the NIST Director's finding that release of this information could jeopardize public safety is reasonable.

In *Michael Quick v. United States Department of Commerce, National Institute of Standards and Technology*, Civil Action No. 09-02064 (CKK), U.S. District Court for the District of Columbia, Apr. 7, 2011, Judge Kollar-Kotelly ruled that the very information at issue in this appeal was properly withheld pursuant to FOIA Exemption (b)(3), citing § 7(d) of the NCSTA as the underlying statutory authority. Based on the same analysis set forth above, Judge Kollar-Kotelly found that the NIST Director acted in a manner consistent with Congress's intent in bringing his expertise to bear on the subject and determining that public disclosure of such information "might jeopardize public safety," finding that this explanation for non-disclosure was sufficiently "logical" or "plausible" to satisfy NIST's burden of justifying its withholdings. *Larson v. Dep't of State*, F.3d 857, 862 (D.C. Cir. 2009).

Accordingly, your appeal of NIST's determination that information responsive to your request is exempt from disclosure pursuant to FOIA Exemption (b)(3) is denied. This is the final determination of the Department of Commerce. You have the right to judicial review as provided in 5 U.S.C. § 552(a)(4)(B).

Sincerely,



Barbara S. Fredericks
Assistant General Counsel
for Administration

LYNN WOOLSEY
6TH DISTRICT, CALIFORNIA

COMMITTEES:

EDUCATION AND LABOR

CHAIRWOMAN, SUBCOMMITTEE ON
WORKFORCE PROTECTIONS

SUBCOMMITTEE ON EARLY CHILDHOOD,
ELEMENTARY AND SECONDARY EDUCATION

SCIENCE AND TECHNOLOGY

SUBCOMMITTEE ON ENERGY
AND ENVIRONMENT

FOREIGN AFFAIRS

SUBCOMMITTEE ON AFRICA
AND GLOBAL HEALTH

Congress of the United States
House of Representatives
Washington, DC 20515-0506

WASHINGTON OFFICE:
U.S. HOUSE OF REPRESENTATIVES
2263 RAYBURN BUILDING
WASHINGTON, DC 20515
TELEPHONE: (202) 225-5161

DISTRICT OFFICES:
1101 COLLEGE AVENUE, SUITE 200
SANTA ROSA, CA 95404
TELEPHONE: (707) 542-7182
1050 NORTHGATE DRIVE, SUITE 354
SAN RAFAEL, CA 94903
TELEPHONE: (415) 507-9554

WEB PAGE AND E-MAIL:
<http://www.woolsey.house.gov>

June 3, 2011

Mr. Ronald H. Brookman
[REDACTED]
[REDACTED]

Dear Mr. Brookman:

I am writing to you regarding the response I received from the Department of Commerce concerning the status of your FOIA request for the structural calculations of 7 World Trade Center. You may have already been informed of the resolution, but I wanted you to have a summary of their response for your records.

As of Friday, May 27th, your request has been processed. The Department of Commerce will be sending you the requested documents.

I am glad my office was able to be of assistance. If you have further questions please do not hesitate to contact Alene Seward who handles these matters in the Santa Rosa office at (707) 542-7182.

Sincerely,



Lynn Woolsey
Member of Congress

LW:as

PS - Visit my web site and sign up to receive e-mail updates on legislative issues that are important to you. The address is: <http://woolsey.house.gov/emailupdates.asp>.

Ronald H. Brookman, Structural Engineer

June 14, 2011

U.S. Department of Commerce
Office of the General Counsel
14th and Constitution Avenue
N.W. Washington, D.C. 20230
Attn: Barbara S. Fredericks, Assistant General Counsel for Administration

Re: Freedom of Information Act Appeal
NIST FOIA Log #10-037

Dear Ms. Fredericks:

Thank you for your letter dated May 25, 2011. NIST has made a "threat-to-public-safety" issue out of my simple request for information. It appears that no engineer at NIST has ever seen this request. It was interpreted by the FOIA officer, and now by the Office of the General Counsel, to be a request for the 16-story ANSYS collapse analysis or some other forbidden secrets included in the NIST Director's Finding Regarding Public Safety Information dated 7/9/09. This interpretation is not correct.

The requested information would illustrate a simple failure mechanism that triggered the complete collapse of a tall building. This mechanism was called a "walk-off" failure by NIST as explained in my original request dated 1/1/10. The NIST report NCSTAR 1-9 (November 2008) has numerous references to "walk off" due to thermal expansion. One such reference [p. 482] says the lateral walk off at columns 79 and 81 "...was monitored during the analysis." What does this mean? It should not take an act of Congress—or even a FOIA request—to obtain a clarification of this vague statement made in a technical report, especially when the entire report depends on it.

The following statements in your letter dated 5/25/11 are incorrect.

By letter dated January 26, 2010, Catherine Fletcher, FOIA Officer, NIST informed you that the information requested was exempt from disclosure pursuant to...

The information at issue in your appeal consists of input and results files of the ANSYS 16-story collapse initiation model, break element source code, ANSYS script files for the break elements, custom executable ANSYS file, and all spreadsheets used to develop floor connection failure modes and capacities.

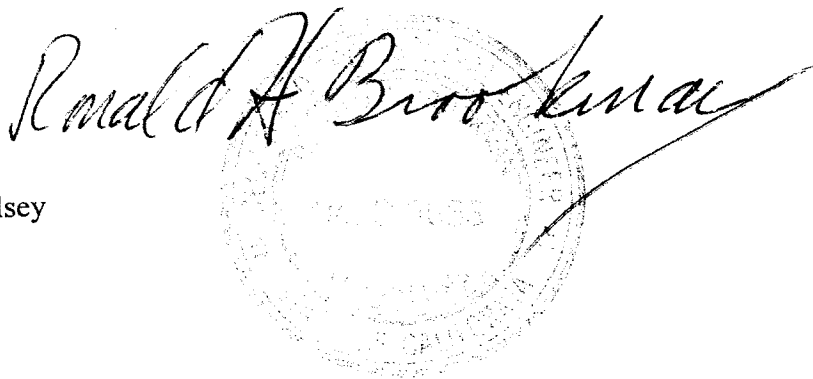
Catherine Fletcher's letter stated "*Enclosed you will find a disc that contains 8,910 files that can be released and are responsive to your request.*" I never requested ANSYS files or anything else in the NIST Director's Finding Regarding Public Safety Information. I do not use ANSYS; I am not interested in the input or output files, and I have no intention of ever recreating the 16-story ANSYS model. I merely requested a simple clarification of the collapse-initiation mechanism.

The requested information could easily be shown on one or two 8½ x 11 sheets for each column of interest. This would include a graphical picture of the displaced girder in plan or section view at the edge of its bearing seat, a numerical description of the lateral displacement of the girder end relative to the column centerline, and the temperature of the system causing this lateral displacement to occur. Any engineer at NIST should know this. If this is not possible I must conclude there are no records responsive to my request.

The insinuation that disclosure of this information is a threat to public safety is an affront to building design and construction professionals who are responsible for ensuring public safety with high-quality construction. As I clearly stated in a letter to Michael Newman at NIST (7/23/10), I have no interest in "*simulating building collapses and devising ways to destroy buildings.*" I am interested in understanding the unprecedented fire-induced collapse hypothesis developed by NIST engineers.

Are modern steel-framed buildings susceptible to catastrophic collapse due to office fires? If you live or work in a building you are depending on a structural engineer to pay attention to details and understand their role in public safety. Anyone in the construction industry—or the Department of Commerce—who is not seriously concerned about the implications of the NCSTAR reports in question should have their license revoked.

Sincerely,
Ronald H. Brookman, SE



The image shows a handwritten signature in cursive that reads "Ronald H. Brookman". Below the signature is a circular professional seal. The seal is partially obscured by the signature but contains the text "SEAL OF THE PROFESSIONAL ENGINEER" around the perimeter and "STATE OF NEW YORK" in the center.

cc: Representative Lynn Woolsey

Ronald H. Brookman, Structural Engineer
[REDACTED]
[REDACTED]

June 17, 2011

Representative Lynn Woolsey
1101 College Avenue, Suite 200
Santa Rosa, CA 95404

Dear Representative Woolsey,

Thank you for your letters dated 4/21/11 and 6/3/11 regarding my request for assistance. The Department of Commerce responded with their final determination dated 5/25/11. My FOIA appeal was denied by the Assistant General Counsel for Administration citing the same faulty assumptions used by the NIST FOIA officer regarding the nature of my request. I have enclosed a copy of correspondence from the Office of the General Counsel as well as my response to their latest letter. The Assistant General Counsel's final determination is untenable considering the following directive issued by the President prior to my request.

The public must be able to trust the science and scientific process informing public policy decisions. Political officials should not suppress or alter scientific or technological findings and conclusions. If scientific and technological information is developed and used by the Federal Government, it should ordinarily be made available to the public. To the extent permitted by law, there should be transparency in the preparation, identification, and use of scientific and technological information in policymaking. The selection of scientists and technology professionals for positions in the executive branch should be based on their scientific and technological knowledge, credentials, experience, and integrity.¹

What hypocrisy is this? How can we trust the scientific integrity of the WTC 7 study by NIST? The rhetoric and actions of this Administration are disconnected and unjustified. Every letter I receive from NIST or Commerce is further proof of this.

Thank you for the assistance and professional courtesy extended by Alene Seward, District Scheduler. And thank you again for your trusted representation.

Sincerely,
Ronald H. Brookman, SE



¹ President Barack Obama, "Memorandum for the Heads of Executive Departments and Agencies", March 9, 2009



UNITED STATES DEPARTMENT OF COMMERCE
Office of the General Counsel
Washington, D.C. 20230

JAN 17 2012

Mr. Ronald Brookman
[REDACTED]
[REDACTED]

Dear Mr. Brookman,

This is in response to your June 14, 2011 letter to Barbara S. Fredericks, Assistant General Counsel for Administration, in which you indicate the Department of Commerce's denial of your March 4, 2010 Freedom of Information Act (5 U.S.C. § 552) (FOIA) appeal was in error.

As stated in that letter, the decision to deny your appeal was the final determination of the Department. You have the right to judicial review as provided in 5 U.S.C. § 552(a)(4)(B).

Sincerely,

Sarah E. Coe
Senior Counsel