

From: Ron Brookman
To: foia@nist.gov
Date: 2/6/2009 6:22:52 AM
Subject: FOIA Request for WTC7 Information

09-49

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:

I respectfully request a copy of the following documents or a copy of relevant documents containing the following information. All documents pertain to the NIST NCSTAR 1A "Final Report on the Collapse of World Trade Center Building 7", November 2008. I was not able to find the detailed information requested below (bullet items) regarding structural elements and connections in either the NCSTAR 1A, 1-9 or 1-9A reports. The reports, however, refer to the following sources where this information of interest can be found. Complete sets of the drawings are not required. This request is for the specific bullet items following the three source titles referenced in NCSTAR 1-9.

1. Frankel Steel Limited (1985). Erection Drawings, 7 World Trade Center
2. Frankel Steel Limited (1985a). Fabrication Shop Drawings, 7 World Trade Center
3. Irwin G. Cantor P.C., Structural Engineers (1985). Structural Design Drawings, 7 World Trade Center

The following specific shop fabrication and erection drawings are requested:

- structural steel erection layout plan of floor 13
- the steel deck erection layout plan of floor 13
- details of the 13th floor girder (W33x130) spanning between columns 79 and 44
- details of column 79 at floor 13
- details of column 44 at floor 13
- details of W24x55 beams that were attached to the east side of the girder
- details of the W12x26 beam that was attached to the west side of the girder
- general notes and specifications applicable to the construction of floor 13

The following specific structural design drawings are requested:

- the structural framing plan of floor 13
- structural framing details referenced on the framing plan of floor 13
- general notes and specifications applicable to the construction of floor 13

- technical specifications related to the shear studs

I am a licensed civil and structural engineer in California (licenses C44654 and S3653, expiration date 3/31/2010). This request is made for a scholarly purpose; it is not for any commercial use. My intent is to study the existing structural framing and connections at the location of the reported collapse initiation. This will be done in the interest of structural safety and public safety.

I would like to request a waiver of all fees for this FOIA request. Disclosure of this detailed information is in the public's interest because it could contribute significantly to a more thorough understanding of the structural failure following prolonged office fires. It could also contribute significantly to enhanced public safety in steel-framed structures. If you are not able to waive the fees for this request, then please inform me what fees are required prior to processing.

Thank you for your consideration of this request.

Sincerely,

Ronald H. Brookman, S.E.

[REDACTED]
[REDACTED]
[REDACTED]



FEB 06 2009

Mr. Richard H. Brookman, S.E.
[REDACTED]
[REDACTED]

Dear Ms. Brookman,

This letter is to acknowledge receipt of your February 6, 2009 Freedom of Information Act (FOIA) request to the National Institute of Standards and Technology (NIST) for copies of the “the three source titles referenced in NCSTAR 1-9.

1. Frankel Steel Limited (1985). Erection Drawings, 7 World Trade Center
2. Frankel Steel Limited (1985). Fabrication Shop Drawings, 7 World Trade Center
3. Irwin G. Cantor P.C., Structural Engineers (1985). Structural Design Drawings, 7 World Trade Center

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The following specific structural design drawings are requested:

- the structural framing plan of floor 13
- structural framing details referenced on the framing plan of floor 13
- general notes and specifications applicable to the construction of floor 13
- technical specifications related to the shear studs.”

Your request was received at the NIST FOIA Control Desk on February 6, 2009 and was assigned FOIA Log #09-49.

For the purpose of the FOIA, you are in the “all other requesters” fee category. As such, chargeable services include search and duplication costs excluding the cost of the first two hours of search and 100 pages of duplication.

Regarding your request for a fee waiver, a fee waiver is appropriate when "disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552 (a) (4) (a) (iii). I considered six factors in my determination as to whether your request satisfies this statutory standard: (1) whether the subject of the requested records concerns "the operations of activities of the government"; (2) whether the disclosure is "likely to contribute" to an understanding of government operations or activities; (3) whether disclosure of the requested information will contribute to the understanding of the general public; (4) whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities; (5) whether the requester has a commercial interest that would be furthered by the requested disclosure; and (6) whether any such commercial interest outweighs the public interest in disclosure. See 28 C.F.R. § 16.11 (k) (1999).

Based on the information you have provided, I have decided to deny your request for a fee waiver. In reaching my conclusion I have analyzed the above factors as they apply to the circumstances of your request.

You have the right to appeal the denial of this fee waiver request. An appeal must be received within 30 calendar days of the date of this response letter by:

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

Your appeal may also be sent by e-mail FOIAAppeals@doc.gov or by facsimile (fax) to 202-482-2552. The appeal must include a copy of the original request, the response to the request and a statement of the reason why denial of the fee waiver was in error. The submission (including e-mail and fax submissions) is not complete without the required attachments. The appeal letter, the envelope, the e-mail subject line, and the fax cover sheet should be clearly marked "Freedom of Information Act Appeal." The e-mail, fax machine, and Office are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box, fax machine or Office after normal business hours will be deemed received on the next normal business day.

Upon completion of the fee estimate, I will be in contact with you as to the amount owed to process your request.

Sincerely,



Catherine S. Fletcher
Freedom of Information Act Officer

Ronald H. Brookman, Structural Engineer

February 21, 2009

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

Re: Freedom of Information Act Appeal
NIST FOIA Log #09-49

To Whom It May Concern:

I am writing to appeal the denial of a request for fee waiver for the subject FOIA request. This letter constitutes my statement of the reasons why I believe the denial of a fee waiver by Ms. Catherine S. Fletcher was in error. Please find enclosures documenting the original appeal submitted by e-mail and the FOIA Officer's response. Both are dated February 6, 2009.

Ms. Fletcher stated in her response to my request that a fee waiver is appropriate when "disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." These are two separate requirements, so I will address each one separately.

1. There is no doubt that disclosure of the requested information is in the public interest. The requested information concerns the NIST reports NCSTAR 1A, 1-9 and 1-9A (November 2008) regarding the collapse of World Trade Center Building 7 on September 11, 2001. There are literally millions of members of the American and international public that do not accept the conclusions of these reports and who feel that NIST may be in error or may be overlooking relevant information. The requested disclosures will likely contribute significantly to the public's understanding of the activities of the NIST Building and Fire Research Laboratory (BFRL), and the disclosures will likely answer specific questions that members of the public have raised regarding the collapse-initiation sequence as reported by NIST. I assume that NIST would welcome any independent review of the assumptions and analysis of their hypothesis, and I am volunteering my time to study this.

2. The requested information does not have any commercial value as stated in my FOIA request. It will be used to independently review the assumptions made by the BFRL that contributed to their recent conclusions regarding the collapse initiation of a steel-framed structure due to prolonged office fire. I will receive no compensation for doing this.

In conclusion, I reiterate my request for a fee waiver. I have tried to limit the scope of requested drawings and specifications in order to focus on details relevant to the local area of collapse initiation – namely the framing members and connections at the east end of floor 13. I have not yet received a fee estimate from Ms. Fletcher, so I don't know what impact the fee may have on my personal finances. As a loyal U.S. citizen and tax payer I helped to fund the NCSTAR reports, and I am willing to volunteer time to help clarify an issue that many Americans consider important but still unresolved. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Ronald H. Brookman". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Ronald H. Brookman, S.E.



FEB 25 2009

Mr. Richard H. Brookman, S.E.
[REDACTED]
[REDACTED]

Dear Mr. Brookman,

This letter is in response to your February 6, 2009 Freedom of Information Act (FOIA) request # 09-49 to National Institute of Standards and Technology (NIST) for copies of "the three source titles referenced in NCSTAR 1-9.

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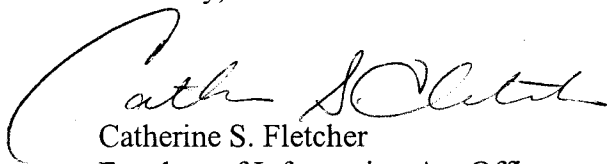
For the purpose of the FOIA, it was previously determined that you are in the "all other requesters" category, for which chargeable services include search and duplication of responsive documents excluding the cost of the first 2 hours of search and the first 100 pages of duplication. We initially estimate this cost to be \$296.61. Upon receipt of a check or money order payable to the "United States Treasury" in the amount of \$296.61, we will begin the search and duplication of responsive documents. Since this is just an estimate, if the actual cost for search and duplication of responsive documents is less than the estimate, the overage will be refunded promptly. Likewise, if the actual cost for search and duplication of responsive documents is more than the estimate, you will be required to pay the difference. Please be advised that these charges are assessed whether or not responsive documents are located and whether or not any of these documents are exempt from disclosure under FOIA.

Please forward your check or money order to me at the following address:

NIST Freedom of Information Act Officer
Mail Stop 1710
100 Bureau Drive
Gaithersburg, MD 20899-1710

If we do not receive a check or money order from you within thirty calendar days of the date on this letter, we will assume that you are no longer interested in receiving the documents requested and your FOIA request will be closed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Catherine S. Fletcher". The signature is written in black ink and is positioned above the printed name and title.

Catherine S. Fletcher
Freedom of Information Act Officer

From: Ron Brookman
To: foia@nist.gov
Date: 3/26/2009 6:00:26 AM
Subject: FOIA Request #09-49

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
FOIA Request # 09-49

Dear Ms. Fletcher:

Your letter dated February 25, 2009 was received. An appeal to the denial of my fee waiver request was mailed on February 21, 2009, and I have not yet received a response from the Department of Commerce. Please do not assume I am no longer interested in receiving the requested documents. I am patiently waiting to hear back regarding the appeal, and I would appreciate your holding the FOIA request #09-49 open past the 30-day date on March 27, 2009. I am concerned about having charges of nearly \$300 assessed without knowing if the requested documents are available or if they are exempt from disclosure.

Thank you for your consideration.

Sincerely,
Ronald H. Brookman, S.E.

[REDACTED]
[REDACTED]
[REDACTED]



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

MAR 26 2009

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 with regard to NIST FOIA Log #09-49. In accordance with the FOIA and Departmental regulations, a final determination will be issued by the Assistant General Counsel for Administration.

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

Sincerely,

Andrea Torczon

Andrea Torczon
Senior Counsel

Ronald H. Brookman, Structural Engineer

August 30, 2009

United States Department of Commerce
Office of the General Counsel
Washington, D.C. 20230
Attention: Andrea Torczon

Re: Freedom of Information Act Appeal
NIST FOIA Log # 09-49
NIST FOIA Log # 09-50

Dear Ms. Torczon:

Thank you for your letter dated April 13, 2009 acknowledging receipt of my appeal letters. When will the final determination by the Assistant General Counsel for Administration be issued? I am particularly interested in NIST FOIA Log #09-49 at this time.

I have found a number of errors and inconsistencies in the final NIST reports (NCSTAR 1A, 1-9 and 1-9A) regarding WTC 7, and I would like to review the requested documents in order to clarify my understanding of the NIST hypothesis for collapse initiation. Thank you for your consideration.

Sincerely,



Ronald H. Brookman, S.E.

Ronald H. Brookman, Structural Engineer

December 31, 2009

United States Department of Commerce
Office of the General Counsel
14th and Constitution Avenue, Room 5898-C
Washington, D.C. 20230
Attention: Andrea Torczon

Re: Freedom of Information Act Appeal
NIST FOIA Log # 09-49

Dear Ms. Torczon:

I have not received a reply to my letter dated August 30, 2009 regarding the subject FOIA Appeal. Please let me know when I can expect to receive a final determination by the Assistant General Counsel for Administration. My appeal was filed with a letter dated February 21, 2009. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Ronald H. Brookman". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Ronald H. Brookman, SE



UNITED STATES DEPARTMENT OF COMMERCE
Office of the General Counsel

Washington, D.C. 20230

JAN 28 2010

Mr. Ronald H. Brookman
Structural Engineer

[REDACTED]
[REDACTED]

Dear Mr. Brookman:

We are in receipt of your correspondence dated December 31, 2009, inquiring about the status of your Freedom of Information Act appeal. It would be difficult to provide an accurate estimate of when you can expect to receive a final determination. However, your appeal is in progress and we will respond as soon as possible.

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

Sincerely,

Andrea Torczon
Senior Counsel



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

AUG 09 2010

Ronald H. Brookman
[REDACTED]
[REDACTED]

Dear Mr. Brookman:

This is in response to your FOIA appeal, dated February 21, 2009, appealing the National Institute of Standards and Technology's (NIST) denial of your request for a waiver of all FOIA fees in connection with your FOIA request dated February 6, 2009.

The FOIA provides for the waiver or reduction of fees if disclosure of the information "is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552 (a)(4)(A)(iii). Both prongs of this two-part test (the public interest prong and the commercial interest prong) must be satisfied by the requester before properly assessable fees are waived or reduced. See Brown, 445 F. Supp. 2d at 1354; S. Utah Wilderness Alliance v. U.S. Bureau of Land Mgmt., 402 F. Supp. 2d 82, 87 (D.D.C. 2005); VoteHemp, Inc. v. DEA, 237 F. Supp. 2d 55, 58 (D.D.C. 2002). FOIA fee waiver determinations are made on a case-by-case basis. Media Access Project v. FCC, 883 F.2d 1063, 1065 (D.C. Cir. 1989); National Security Archive v. Department of Defense, 880 F.2d 1381, 1383 (D.C. Cir. 1989) (dictum), cert. denied, 494 U.S. 1029 (1990). Department regulations establish how these two prongs may be satisfied pursuant to the statutory standard. 15 C.F.R. § 4.11(k).

In order to determine whether the first prong has been met, there are four factors to be considered: (1) whether the subject of the requested records concerns the operations or activities of the Government; (2) whether the disclosure is likely to contribute to an understanding of Government operations or activities; (3) whether disclosure of the requested information will contribute to the understanding of a reasonably broad audience of persons interested in the subject; and (4) whether the disclosure is likely to contribute significantly to public understanding of Government operations or activities. 15 C.F.R. § 4.11(k)(2). Overall, the four factors break into two broader considerations: (1) whether the information requested will contribute to a significant public understanding of a specified operation or activity of the government, and (2) whether the requester has established that it has the means to and will actually disseminate the information.

We have determined that you fail to satisfy the third criterion of the waiver standard. 15 C.F.R. § 4.11(k)(2). The third criterion requires that the requester, unless a member of the news media, substantiate his ability to disseminate information in order to show that he can contribute to the understanding of the public at large, while the fourth criterion requires that the requester demonstrate that the requested information will significantly contribute to the understanding of the public at large rather than to the requester or a narrow segment of interested persons. 15 C.F.R. § 4.11(k)(iii); see also, Carney v.

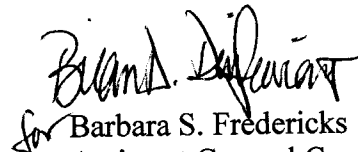
United States Dep't of Justice, 19 F.3d 807, 814 (2d Cir. 1994). You are not a member of the news media, and therefore have the burden of (1) proving your ability to disseminate the requested information, and (2) proving that the requested information will contribute significantly to the understanding of the public at large.

To meet the dissemination requirement, you must demonstrate how the information will be disseminated, if obtained. Larson v. CIA, 843 F.2d 1481, 1483 (D.C. Cir. 1988). In both your initial request and your appeal, you failed to explain how the requested information would be disseminated to the public. This alone is a sufficient basis for denying the fee waiver request. See Smith v. Federal Bureau of Prisons, 517 F. Supp. 2d 451, 455 (D.D.C 2007) ("Moreover, plaintiff's failure to state his ability and intention to disseminate the information to the public was 'alone [] a sufficient basis for denying the fee waiver request.'").

The second prong of the fee waiver analysis is satisfied by showing that the requested information is not "... primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). Because you have not satisfied the public interest prong of the fee waiver analysis, there is no need to determine whether or not the commercial interest prong is met.

This is the final decision of the Department of Commerce. You have the right to obtain judicial review of this denial of your FOIA fee waiver appeal as provided for in 5 U.S.C. § 552(a)(4)(B).

Sincerely,


for Barbara S. Fredericks
Assistant General Counsel
for Administration

Ronald H. Brookman, Structural Engineer

August 14, 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 #09-49

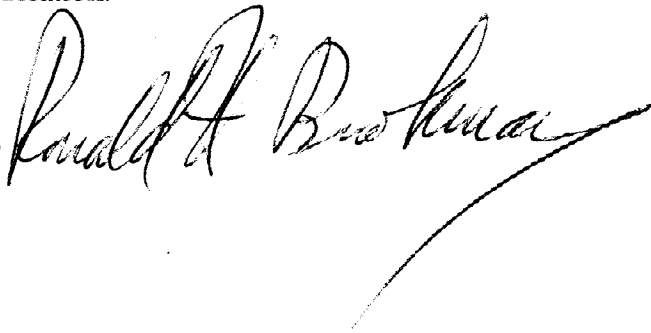
Dear Ms. Fletcher:

I have just received a final determination from the Office of the General Counsel regarding my fee waiver appeal. Enclosed is a check for the amount you estimated in your letter dated 2/25/09. Please begin the search and duplication of the responsive documents.

Thank you for your consideration.

Sincerely,

Ronald H. Brookman, SE

A handwritten signature in black ink, appearing to read "Ronald H. Brookman", with a long, sweeping underline that extends to the right.

From: Ron Brookman
To: foia
Date: 8/28/2010 7:14:17 AM
Subject: NIST FOIA #09-49

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

August 28, 2010

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

Sent via email to: foia@nist.gov
Re: NIST FOIA Request #09-49

Dear Ms. Fletcher:

Please acknowledge receipt of my letter dated 8/14/10 and my check to the U.S. Treasury for the amount \$296.61. When can I expect to receive the responsive documents?

Thank you for your consideration.

Sincerely,

Ronald H. Brookman, SE

From: foia
To: [REDACTED]
Cc: foia; Fletcher, Catherine
Date: 8/30/2010 6:18:05 AM
Subject: RE: NIST FOIA #09-49

Mr. Brookman,
Your check for \$296.61 was received in the FOIA Office 8/20/10. I tasked the Actual Request to the Office responsible for maintaining the requested records on Wednesday, August 25, 2010. The requested records are due back to the FOIA Office on September 8th. Once I have received them, I will process them for you as quickly as possible.

Please let me know if you have ANY questions.
Thank you,
Darla

Darla Yonder
Management and Organization Division
Phone - 301-975-4064
Email - darla.yonder@nist.gov or at foia@nist.gov

From: Ron Brookman [REDACTED]
Sent: Saturday, August 28, 2010 10:14 AM
To: foia
Subject: NIST FOIA #09-49

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

August 28, 2010

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

Sent via email to: foia@nist.gov
Re: NIST FOIA Request #09-49

Dear Ms. Fletcher:

Please acknowledge receipt of my letter dated 8/14/10 and my check to the U.S. Treasury for the amount \$296.61. When can I expect to receive the responsive documents?



OCT 6 2010

Mr. Ronald Brookman, S.E.
[REDACTED]
[REDACTED]

Dear Mr. Brookman,

This letter is the final response to your February 6, 2009 Freedom of Information Act (FOIA) request #09-49 to the National Institute of Standards and Technology (NIST) for copies of the "the three source titles referenced in NCSTAR 1-9.

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- general notes and specifications applicable to the construction of floor 13
- technical specifications related to the shear studs."

Enclosed you will find thirteen (13) documents released in their entirety on the two (2) disks. These 13 documents are the only documents that NIST has that are responsive to your request. Your payment of \$296.61 was received on August 25, 2010. The actual fee to process your FOIA request was \$152.45. A refund check in the amount of \$144.16 has been requested and will be mailed directly to you by the United States Treasury.

Sincerely,

Catherine S. Fletcher
Freedom of Information Act Officer

Enclosures