

Frank Vera III



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30 May 2011

BY FAX TRANSMISSION TO 334-953-4096

Mrs. Lynn Gamma
HQ AFHRA/RSA
600 Chennault Circle
Maxwell AFB AL 36112

Phone: 334-953-2395

FREEDOM OF INFORMATION ACT REQUEST

Dear Mrs. Gamma:

I request a copy of the following documents IRISNUM# 01039296 (Please see pages 5 of 5.

I request both a waiver of all fees and expedited processing on the basis that I am attempting to trace my potential toxic/radiological exposure(s) while stationed at the former George Air Force Base. The exposure(s) may be related to my medical conditions. I also request "surgical" bracketing to allow maximum release of unclassified information to help establish this possible connection.

RECORD FORMAT

I request that any documents or records produced in response to this request be provided in electronic (soft-copy) form wherever possible. Acceptable formats are .pdf, .doc, .jpg, .gif, .tif. Please provide soft-copy records by email or on a CD if email is not feasible. However, I do not agree to pay an additional fee to receive records on a CD, and in the instance that such a fee is required, I will accept a paper copy of responsive records.

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CONTEXT OF THIS REQUEST FOIA'S LEGAL REQUIREMENTS

FOIA requires an agency to disclose requested information unless the information falls within one of the nine narrowly construed exemptions from FOIA listed in 5 U.S.C. § 552(b). Additionally, the FOIA imposes a twenty working-day deadline in which to issue a final determination of an information request. 5 U.S.C. § 552(a)(6)(A)(i) (establishing deadline of twenty working days from receipt).

Further, the FOIA mandates that an agency “establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request.” 5 U.S.C. § 552(a)(7)(A). Similarly, the Agency must “establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including – (i) the date on which the agency originally received the request; and (ii) an estimated date on which the agency will complete action on the request.” *Id.* at § 552(a)(7)(B).

The purpose of FOIA is “to establish a general philosophy of full agency disclosure unless information is exempted under clearly delineated statutory language.” S.Rep. No. 813, 89th Cong., 1st Sess., 3 (1965). The Supreme Court has interpreted the disclosure provisions of FOIA broadly, noting that the act was animated by a “philosophy of full agency disclosure.” *John Doe Agency v. John Doe Corp.*, 493 U.S. 146, 152 (1989). Accordingly, FOIA requires that federal agencies disclose records to any person upon request, unless the information falls within one of the nine exemptions from FOIA listed in 5 U.S.C. § 552(b). *Dep't of the Air Force v. Rose*, 425 U.S. 352, 361 (1976) (“disclosure, not secrecy, is the dominant objective of the Act”); *Dobronski*

FCC, 17 F.3d 275, 277 (9th Cir.1994). In contrast to FOIA's disclosure provisions, in furtherance of the Act's policy of governmental transparency, its disclosure exemptions are to be very narrowly construed by the agencies and reviewing courts.” *John Doe Agency v. John Doe Corp.*, 493 U.S. at 152; *Multnomah County Medical Soc'y v. Scott*, 825 F.2d 1410, 1413 (9th Cir. 1987); *Church of Scientology of Cal. v. U.S. Dep't. of the Army*, 611 F.2d 738, 741-42 (9th Cir.1979) (“The Freedom of Information Act . . . mandates a policy of broad disclosure of government documents when production is properly requested.”). The government bears the burden of showing that the withheld information is exempt from disclosure. 5 U.S.C. §552(a)(4)(B) (“the burden is on the agency to sustain its action”); see also *Multnomah County Medical Soc'y v. Scott*, 825 F.2d at 1413.

As the Supreme Court has declared: “FOIA is often explained as a means for citizens to know what ‘their Government is up to.’” *NARA v. Favish*, 541 U.S. 157, 171 (2004) (quoting *U.S. Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 773 (1989)). The Court elaborated that

“[t]his phrase should not be dismissed as a convenient formalism.” Id. at 171-72. Rather, “[i]t defines a structural necessity in a real democracy.” Id. at 172.

EXEMPT RECORDS

If you assert that any of the requested records are exempt from mandatory disclosure under FOIA, I request that you disclose them nevertheless, as such disclosure would serve the public interest of educating citizens regarding the operations and activities of the Agency regarding this matter.

Should you decide to invoke a FOIA exemption, please include in your full or partial denial letter sufficient information for us to evaluate an appeal of the denial. To comport with legal requirements this information must include:

1. Basic factual material about each withheld item, including the originator, date, length, general subject matter, and location of each item; and
2. Explanations and justifications for denial, including the identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material.

In addition, I ask that you certify that any records that are withheld were not shared with any person beyond the Agency, which would waive or destroy any claim of privilege that could be claimed to exempt such disclosed documents from production under FOIA. See, e.g., *Department of the Interior v. Klamath Water Users Protective Ass'n*, 532 U.S. 1, 12 (2001).

Finally, if you determine that any portion of the records requested are exempt from disclosure, please segregate the exempt portions and mail the remaining records to me within the statutory time limits after the exempted material has been redacted from the other records I am seeking.

FEE WAIVER REQUEST

Based on the nature and scope of this request, it is unlikely that the production of responsive data will exceed the Agency's de minimis threshold for the assessment of fees (2 hours of search time/100 pages of records, see 40 C.F.R. § 2.107(d)(3)).

However, to the extent that any fees are properly incurred, I request that you waive all copy, clerical and other fees associated with providing information responsive to this request. The FOIA requires agencies to furnish documents to information requesters free of charge, or at a reduced rate, “if disclosure of the information is in the public interest.” 5 U.S.C. § 552(a)(4)(A)(iii). Such disclosure is in the public interest if “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.” Id. While a FOIA requester bears the initial burden of making a prima facie showing of entitlement to a fee waiver, *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284-85 (9th Cir.1987), once that threshold has been satisfied, the burden shifts back to the agency to substantiate denial of a waiver request. The prima facie test is not intended to be a difficult one to satisfy, as the Ninth Circuit has held a requester meets this burden in situations in which “They identified why they wanted the [requested information], what they intended to do with it, to whom they planned on distributing it. . .” *Friends of the Coast Fork v. BLM*, 110 F.3d 53, 55 (9th Cir.1997).

As you consider my fee waiver request, please recall that in enacting FOIA, Congress was “principally interested in opening administrative processes to the scrutiny of the press and public.” *Renegotiation Bd. v. Bannerkraft Clothing Co.*, 415 U.S. 1, 17 (1974). To further this policy, FOIA requires that documents must be provided without charge or at a reduced charge “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).

CONCLUSION

For these reasons, I respectfully request that the Agency promptly provide me with access to the requested information and waiver of any fees associated with your response. Please let me know if I can help you in your efforts to publicly disclose the important information contained in the requested document. Should you have any questions whatsoever, please do not hesitate to contact me.

You may contact me at the address listed above, my phone number is [REDACTED], my email address is: [REDACTED].

Sincerely,

Frank Vera III

<http://www.georgeafb.info/>

Physical address: [REDACTED]
[REDACTED]

IRISNUM= 01039296
CLASS= SECRET
BEG_DATE= 04-01-1980
END_DATE= 06-30-1980
MAIN= TACTICAL TRAINING, GEORGE
RECTYPE= HISTORY
CALL= K-WG-35-HI V.1
TITLE_XT= VOL I OF III
REEL= 0000035111
FRAME= 6
INDEXID= 03
REL_DATE= 11-27-1981

ABSTRACT= MENTIONS A NEW INTERSERVICE SUPPORT AGREEMENT BETWEEN HEADQUARTERS TACTICAL TRAINING GEORGE AND ARMY CORPS OF ENGINEERS TO PROVIDE THEM WITH AN OFFICE ON GEORGE AFB, CA. DISCUSSES EGYPTIAN AND GERMAN

AIRCREW TRAINING; DISSIMILAR AIR COMBAT TRAINING. PARTICIPATED IN VARIOUS CONTINUING EXERCISES; SOLID SHIELD 80; SEA STRIKE

80-2; RED FLAG 80-3 AND 80-4; FELIX BRAVE 80-3 AND AMALGAM MUTE 80-4. SUPPORTED TRANSITEX 13-80, U.S. NAVY THIRD FLEET EXERCISE; TERRYRONE 80-1, LOCAL COMMAND POST AND AIR DEFENSE EXERCISES.

AUTHOR= WING/0035/TACTICAL FIGHTER GROUP/0035/COMBAT SUPPORT SQUADRON/0020/TACTICAL FIGHTER TRAINING SQUADRON/0021/TACTICAL FIGHTER TRAINING SQUADRON/0035/TACTICAL FIGHTER TRAINING SQUADRON/0561/TACTICAL FIGHTER SQUADRON/0562/TACTICAL FIGHTER SQUADRON/0563/TACTICAL FIGHTER SQUADRON/0039/TACTICAL FIGHTER TRAINING

TITLE_AE= GEORGE AFB TACTICAL TRAINING GEORGE MOBILITY PLAN 28-4

DNOTES= V. 2 IRIS 01039297; V. 3 IRIS 01039298. INCLUDES TACTICAL TRAINING GEORGE MOBILITY PLAN 28-4.

SUBJECT= RED FLAG 80-3 RED FLAG 80-4 SOLID SHIELD 80 SEA STRIKE 80-2 FELIX BRAVE 80-3

AMALGAM MUTE 80-4 WILD WEASEL GERMANY/AIR FORCE TRAINING IN U.S. EGYPT/AIR FORCE TRAINING TERRYRONE 80-1 TRANSITEX 13-80