

Frank Vera III



www.GeorgeAFB.Info

15 June 2012

BY FAX TO: 703-695-7872

Secretary of the Air Force
Thru: SAF/AAIO
1000 Air Force Pentagon
Washington DC 20330-1000
Phone: 703-693-2579
Fax: 703-695-7872
Email: HAFFOIA.workflow@pentagon.af.mil

Freedom of Information Act (FOIA) Appeal
FOIA Request case number 2012- 01620-F

Dear Sir or Madam:

I am appealing the 17 April 2012 FOIA response on the following grounds.
(See pages 5 and 6)

Due date

The response letter stated I had 60 days from the date of the letter to file an appeal. On Monday, 30 April 2012, I received the disk and immediately notified Ms. Macias that the disk that I had received was corrupted and the data could not be accessed. On Tuesday, 1 May 2012, I was notified by Ms. Macias that the new disk had been shipped. The FOIA appeal due date should be no earlier than 30 June 2012. (See page 7)

Item (1) of my 20 January 2012 FOIA request

I requested a copy of: "**The complete [unredacted] report and supporting documents for 'Burial of Radioactive Waste in the USAF' ...**" See my 20 January 2012 FOIA request, pages 2 and 3 § "Exempt Records" and "Redaction". I requested that the report be released unredacted.

1. The partial unredacted report is available on numerous DoD websites. However, they are all missing the cover page that gives the document's identifier, which in this case is "REPORT NO. 72W-9". *There is no expectation of privacy (e.g., where the letter has been distributed widely), cf. Brant Construction Co., 778 F. 2d at 1264.* (See pages 139 to 206 of the pdf file at https://afarpaar.lackland.af.mil/ar/getdoc/.../MCCLN_AR_4934.pdf)

Item (3) of my 20 January 2012 FOIA request

2. I requested a copy of: “**Any records about Radioactive Waste at the former George AFB identified in the Base Master Plan, ...**”
 - a) The CD that was provided has 547 pages and not one page makes reference to the master plan, is from the base master plan, or from Base Civil Engineering.
 - b) The master plan is maintained by Base Civil Engineering or its successor. This FOIA does not appear to have been forwarded to Base Civil Engineering, its successor, or all parties involved in the base environmental restoration who may have jurisdiction of these records.
 - c) My 20 January 2012 FOIA request page 2 § “Record Search” states: “When processing this request, please note that the D.C. Circuit has previously held that agencies have a duty to construe the subject material of FOIA requests *liberally* to ensure responsive records are not overlooked. *See “Nation Magazine, Washington Bureau v. U.S. Customs Service, 71 F.3d 885, 890 (D.C. Cir. 1995).”*”
 - d) The AF should have determined any and all who may have custody of the responsive records and forwarded this FOIA request to them.
 - e) The report “Burial of Radioactive Waste in the USAF” is a summary of the results of a Hq USAF survey (SCN 71-28) on the existence of radioactive waste disposal sites at USAF installations. George AFB is identified several times in this report as having buried radioactive waste site(s). None of these records were provided.

Redaction

3. Because of the potential harm that radioactive waste posed and poses to wildlife, former base personnel, and current and future tenants, all of the requested documents should have been released unredacted. *See* President Obama’s 21 January 2009 Memorandum for the Heads of Executive Departments and Agencies, directing federal agencies to adopt a presumption in favor of disclosure and stating that government information should not be kept confidential “*merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears.*”

Public Interest Statement

4. George AFB had about 14 Installation Restoration Program (IRP) sites (unpermitted dumpsites and unpermitted burn pits) within 500 feet to a mile upstream of the drinking water supply wells for George AFB, Adelanto, and private homes. (*See pages 8 and 9*)
 - a) The Air Force acknowledges that these 14 IRP sites contain the following: the outflow from the sewage treatment plant, aviation gas, tetraethyl lead,

VOCs, weapons' residue, heavy metals; industrial, chemical, and/or *radioactive waste*.

- b) The Air Force by its own admission has no record of all of the radioactive waste dump locations, or what or how much that it disposed of at George AFB. *See: "Burial of Radioactive Waste in the USAF" - AF - 1972; Nuclear Regulation - "The Military Would Benefit From a Comprehensive Waste Disposal Program" - GAO - 1990; Environmental Cleanup - "Better Data Needed For Radioactively Contaminated Defense Sites" - GAO - 1994; "Lost Atomic Energy Commission (AEC) Records" - EPA - 1996*
- c) The Air Force admits that it routinely withheld records and information about radioactive waste from regulators, contractors, and the public. *See "Buried Radioactive Weapons Maintenance Waste" - Air Force Real Property Agency (AFRPA) - 8 May 2003*
- d) The Air Force failed to notify the Veterans Affairs or former base personnel of their exposure to potentially life threatening environmental contamination at George AFB. *See Defense Infrastructure - "DOD Can Improve Its Response to Environmental Exposures on Military Installations" - GAO - May 2012*

In Closing

- 5. Because the AF has not acknowledged the full nature and extent of the environmental contamination at the former George AFB:
 - a) Doctors cannot treat toxic exposures of base personnel and family members.
 - b) Military personnel are being defrauded of their Medical Discharge, Military Pension, and medical care (TRICARE).
 - c) Military personnel's family members are being defrauded of their medical care (TRICARE).
 - d) Veterans are being defrauded of their VA Service Connected Pension and VA medical care.
 - e) Veterans' family members are being defrauded of their VA medical care (CHAMPVA).
 - f) Parents were never given the choice of whether or not to have children because these parents were not provided information about their toxic exposure and the possible effect that it may have on their pregnancy and unborn children.
 - g) The two schools on George AFB remained open for 15 years after the base was closed, potentially unnecessarily exposing the children and staff to environmental contamination.

I am asking that the Air Force release unredacted copies of all of the requested records.

Thank you for processing this FOIA Appeal.

Sincerely,

Frank Vera III
Physical address:





DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

17 April 2012

SAF/AIIO
1000 Air Force Pentagon
Washington DC 20330-1000

Mr. Frank Vera
[REDACTED]

Dear Mr. Vera,

This is in response to your 20 January 2012 and 13 February 2012, Freedom of Information Act (FOIA) request and amended request for the complete report and supporting documents for "Burial of Radioactive Waste in the USAF", USAF Radioisotope Committee, 15 March 1972, for the former George Air Force Base (AFB), CA, and the Radioisotope Committee contact information.

Portions of records are exempt from mandatory disclosure and are being withheld because they contain personal data, which if released to the public would result in a clearly unwarranted invasion of personal privacy. The authority for this exemption may be found in United States Code, Title 5, Section 552(b)(6). The notation "(b)(6)" has been inserted for portions withheld using this exemption. Releasable portions are attached.

The denial authority in this instance is Major General Thomas W. Travis, Deputy Surgeon General.

Should you decide that an appeal from this decision is necessary, you must write to the Secretary of the Air Force at the address below in sufficient time so that the appeal reaches us no later than 60 calendar days after the date of this letter. Include in the appeal your reasons for requesting reconsideration, and attach a copy of this letter. Address your letter as follows:

Secretary of the Air Force
Thru: SAF/AIIO
1000 Air Force Pentagon
Washington DC 20330-1000

Department of Defense Regulations 5400.7-AFMAN 33-302 indicated fees be assessed for processing this request; however, the fees are waived in this instance. If you have any questions please let me know at (703) 693-2579 and reference case number 2012- 01620-F.

Sincerely,

MACIAS.DELLA Digital Signature
MACIAS.DELLA.V.1231414181
.V.1231414181 DN: cn=MACIAS.DELLA.V.1231414181,
ou=AFMAN, o=Department of Defense,
c=US

DELLA MACIAS
Freedom of Information Act
Disclosure Officer

Attachment:
Responsive Documents

From: [Macias, Della CIV USAF HAF/IMIO](#)
To: [Frank Vera](#)
Subject: FW: Mail Out Again - FOIA 2012-01620-F
Date: Tuesday, May 01, 2012 10:22:19 AM

Mr. Vera,

The new CD was created, verified contents, and mailed out today.

If you have any questions please let me know.

Respectfully,

DELLA V. MACIAS
FOIA Disclosure Officer
SAF/AII (FOIA)
DSN: 223-2579
Commercial: 703-693-2579

-----Original Message-----

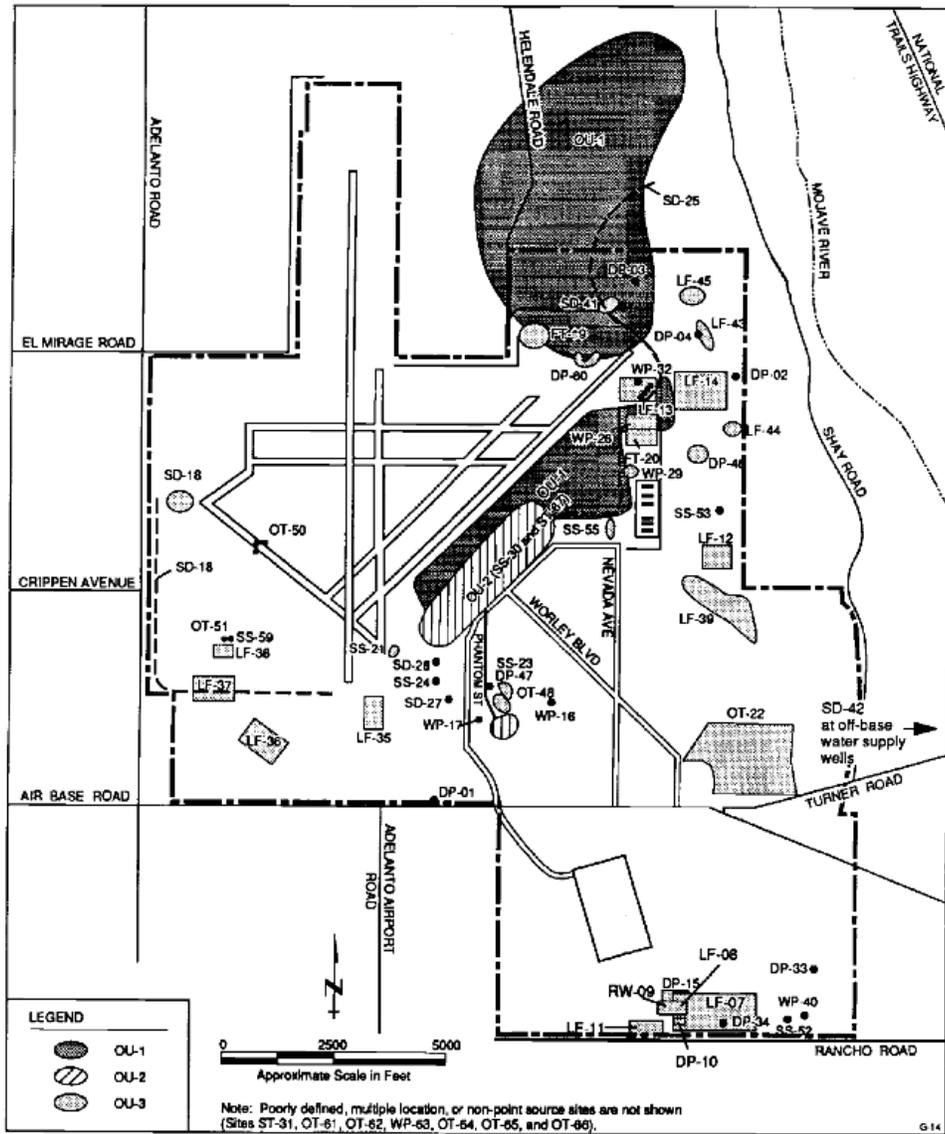
From: Macias, Della CIV USAF HAF/IMIO
Sent: Monday, April 30, 2012 2:40 PM
To: Perez, Eric SSgt MIL USAF SAF/AIIIO
Cc: Price, Carolyn CIV USAF SAF/AII; Frank Vera
Subject: Mail Out Again - FOIA 2012-01620-F

Eric,

Please mail out the FOIA package to the subject case again to Mr. Vera, the FOIA requester. The Mr. Vera just called and inform me, the CD he received was corrupted. Please let me know when you mail out the FOIA package, so I can inform Mr. Vera.

V/r

DELLA V. MACIAS
HAF FOIA Disclosure Officer
Headquarters Air Force Information Office (HAF/IMIO)
DSN: 223-2579
Commercial: 703-693-2579



IRP SITES

FIGURE 1-2

