

Frank Vera III

www.GeorgeAFB.Info

22 January 2012

BY FAX TO: 703-693-5728

Headquarters Air Force/IMIO (FOIA)
1000 Air Force Pentagon
Washington, DC 20330-1000
Phone: 703-692-9978
Fax: 703-693-5728
Email: haf.foia@pentagon.af.mil

FOIA Request

Dear FOIA Officer:

Please process this request pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

Per instructions at <http://www.foia.af.mil/main/welcome.asp>, I am filing this request with Headquarters Air Force/ICIO (FOIA) as I do not know the location of the records.

I was on the Restoration Advisory Board (RAB) for Norton Air Force Base, CA. Part of my duties as a community RAB member was to review documents pertaining to radioactive contamination at Norton AFB. This included the report titled "Interviews with Individuals Knowledgeable of Past Hazardous Waste Disposal at Norton Air Force Base, California", which includes a statement from Councilman Ralph Hernandez. I met with Councilman Ralph Hernandez on several occasions and discussed at length his statement, duties, and knowledge of the radioactive environmental contamination at Norton AFB.

I am concerned that Mr. Hernandez's statement that is in the Norton AFB Administrative Record (AR) has been altered or redacted using the "white out" or "cut out" method instead of using the "black out" method. This gives the public a false impression about Mr. Hernandez's duties and/or knowledge of the radioactive contamination at Norton AFB.

Please conduct a thorough search for and provide a copy of the following records:

1. A complete unredacted copy of the report "**Interviews with Individuals Knowledgeable of Past Hazardous Waste Disposal at Norton Air Force Base, California**", Norton AR file no. 1591, and this is to include but not be limited to Mr. Hernandez's interview.

Please note that I am not asking for a copy of the file that is online in the Norton AFB Administrative Record (AR), as that has been redacted or is not complete.

https://afarpaar.lackland.af.mil/AR/getdoc.aspx?File=NORTN_AR_1591.pdf

Definition of Record

The term “record” includes, *but is not limited to*: 1) all email communications to or from any individual within your agency; 2) memoranda; 3) inter-agency communications; 4) sound recordings; 5) tape recordings; 6) video or film recordings; 7) photographs; 8) notes; 9) notebooks; 10) indices; 11) jottings; 12) message slips; 13) letters or correspondence; 14) telexes; 15) telegrams; 16) facsimile transmissions; 17) statements; 18) policies; 19) manuals or binders; 20) books; 21) handbooks; 22) business records; 23) personnel records; 24) ledgers; 25) notices; 26) warnings; 27) affidavits; 28) declarations under penalty of perjury; 29) unsworn statements; 30) reports; 31) diaries; 32) calendars, regardless of whether they are handwritten, printed, typed, mechanically or electronically recorded or reproduced on any medium capable of conveying an image, such as paper, CDs, DVDs, or diskettes.

Record Search

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).

In line with the guidance issued by the Department of Justice (“DOJ”) on 9 September 2008 to all federal agencies with records subject to FOIA, agency records that are currently in the possession of a U.S. Government contractor for purposes of records management remain subject to FOIA. Please ensure that your search complies with this clarification on the effect of Section 9 of the OPEN Government Act of 2007 of the definition of a “record” for purposes of FOIA. In addition, the Air Force should not interpret this request to exclude correspondence sent to outside third parties. Please also consider this letter an affirmative rejection of any limitation of your search to Air Force originated records.

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 Air Force regarding this matter.

If you deny all or part of this request, please cite the specific exemptions you believe justify your refusal to release the information or permit the review and notify me of your appeal procedures available under the law.

In addition, I would like to draw your attention to 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.”

Redaction

In excising material, please "black out" rather than "white out" or "cut out." Additionally, any reasonably segregable portion of a responsive record must be provided to me after redaction of any allegedly exempt material, as the law requires. 5 U.S.C. § 552(b). I reserve the right to appeal any decision to withhold information.

Preservation of Records

Please ensure that, in accordance with the DC Circuit's ruling in *Chambers v. Department of the Interior*, 568 F.3d 998 (D.C. Cir. 2009), all records potentially responsive to this FOIA request are immediately preserved from destruction until the final resolution of this FOIA action. Destruction of potentially responsive records after the receipt of a FOIA request is considered "contumacious conduct" by the DC Circuit. See *id.* at 1004.

Fee Waiver

I am requesting a public interest fee waiver. There can be no question that the disclosure of the requested information would contribute significantly to the public's understanding of the operations or activities of the government and is in the public interest. I have NO commercial interest in the requested documents as the requested records will be posted on www.GeorgeAFB.Info where they can be downloaded for free.

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, docx, .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.

I look forward to receiving the requested documents within twenty (20) business days.

If you wish to discuss this request, please do not hesitate to contact me at 209-984-5517.

Thank you for processing this FOIA.

Sincerely,

[REDACTED]

Frank Vera III

Physical address: [REDACTED]
[REDACTED]

Enclosures:

Page 4: Coversheet of "Interviews with Individuals Knowledgeable of Past Hazardous Waste Disposal at Norton Air Force Base, California", Norton AR file no. 1591

Pages 5, 6, 7: Mr. Hernandez's interview about radioactive contamination at Norton AFB

1591.

0

File: 17G
T.B.



**NORTON AFB
CALIFORNIA**

**ADMINISTRATIVE RECORD
COVER SHEET**

AR File Number 1591

1591

NORTON AIR FORCE BASE
ARCHIVE SEARCH REPORT
INTERVIEW

Name of Interviewee Ralph Hernandez

Address _____

Length of time at above address _____ Phone Number (909) 384-5333

Date of Interview 31 Jan 1995 Time of Interview 0830

Current Occupation _____

Years worked at Norton AFB 1951-1956 Rank(s)/Title(s) Civilian

Duties while at Norton AFB Jet Engine Mechanic

Interviewer Name George Sloan

Interviewer Specialty Historian

Interviewer Agency Corps of Engineers Phone (314) 331-8796

Interviewer Means (i.e. telephone, face to face, mail) Telephone

Signature of Interviewee _____

Signature of Interviewer _____

Date _____ Time of Interview _____

Follow-up [Y or N]

Affidavit warranted [Y or N]

QUESTIONS/ANSWERS

1. Names of other who the interviewee worked with.

2. Name of interviewee superior. _____

3. Who the interviewee replaced? _____

4. Who followed in the interviewees position after his/her departure? _____

5. Radium Painting Operation. _____

6. Aircraft Gauge Maintenance. _____

7. Aircraft Radio Maintenance. _____

8. Atomic, Energy Commission Activities Participation. (pilot, mechanic, involvement roles) Stated that he was starting

to perform maintenance work on jet engines dismantled from B-36

which flew through an atomic test. Engines had been dismantled

and were in shipping containers located outside, near building 747.

Mr. Hernandez stated that as they were unpacking the engines some-
one came up and used a radiac which Mr. Hernandez said "Pegged".

This happened in the summer of 1954 or 1955.

Mr. Hernandez also stated that they used large amounts of

trichlorethylene to clean oil spills in the maintenance building

and in the test building. He said they used rags soaked in it to

wipe up the oil. He stated a contractor came in and collected the

rags for cleaning. As far as Mr. Hernandez knew the engine sat

outside the building until they were safe to work on.

9. Waste Disposal Activities. _____

10. Base Construction Activities. _____

11. Base Medical Activities. _____

12. Base Historian Activities. _____

TRANSMISSION VERIFICATION REPORT

TIME : 01/22/2012 19:58
NAME :
FAX :
TEL :
SER.# :

DATE, TIME	01/22 19:54
FAX NO./NAME	17036935728
DURATION	00:02:06
PAGE(S)	07
RESULT	OK
MODE	STANDARD ECM