

Frank Vera III

www.GeorgeAFB.info

3 January 2012

BY FAX TO: 703-693-5728

Department of the Air Force
Headquarters Air Force/ICIO (FOIA)
1000 Air Force Pentagon
Washington, DC 20330-1000
Phone: 703-696-7263
Fax: ~~703-696-7273~~ out of order
haf.foia@pentagon.af.mil

FOIA/Privacy Act Request

Dear FOIA Officer:

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

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 requested records.

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

1. The investigation conducted by [REDACTED], Special Agent OSI, in approximately 1990 - 1991, at George AFB, CA of my possible exposure to chemical, biological, radiological, and/or nuclear (CBRN) material at George AFB, CA in 1973 (*See page 4, Declaration of [REDACTED] [REDACTED]*).
2. The investigation conducted by [REDACTED], Special Agent OSI, in approximately 1990 - 1991, at George AFB, CA of possible chemical, biological, radiological, and/or nuclear (CBRN) material/contamination at George AFB, CA.

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.

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/Privacy Act request.

Sincerely,

Frank Vera III

Physical address: [REDACTED]

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above (requester) and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. section 1001 by a fine of not more than \$10,000.00 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.00.

[REDACTED]
Frank Vera III

[REDACTED]
Date

Enclosures:

Page 4: Declaration of [REDACTED] former OSI Special Agent

Declaration of [REDACTED]

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I [REDACTED] am a California Licensed private investigator ([REDACTED]).

From [REDACTED] through [REDACTED] I was a Special Agent with the United States Air Force, stationed at George AFB (GAFB), Victorville, CA. I was assigned to Detachment 1802. My supervisor was Special Agent [REDACTED] [REDACTED].

During [REDACTED] [REDACTED] as part of my duties, I was assigned an investigation into a complaint by a local citizen, Frank Vera, that he had suffered some physical ailments after having been riding his bike through the desert on the Southern portion of GAFB when he came across a 55 gallon drum of a jelly like substance. Mr. Vera placed either his hand or his arm in the substance. Shortly there after, Mr Vera began suffering from adverse health which he attributed to this event. Mr. Vera suspected the drum may have contained some type of radioactive material.

I recall interviewing him during the investigation, conducting some interviews of the base environmental personnel and reviewing some documents related to potential hazards that were known to the Air Force at that time. I recall there being some issue of cathode ray tubes, which contained low level radio active contaminants having been dumped in this area, munitions being deposited of in this area and other chemicals, the name of which at this time I cannot recall.

I do recall generating some kind of report or memo regarding the investigation, although I cannot recall the specifics at this time. I do not recall the conclusions of the report or memo.

I declare under penalty of perjury, under the laws of the State of California that the above information is true and correct to the best of my knowledge.

Date: 2/18/2011 [REDACTED]
[REDACTED]

TRANSMISSION VERIFICATION REPORT

TIME : 01/03/2012 17:30
NAME :
FAX :
TEL :
SER.# :

DATE, TIME	01/03 17:28
FAX NO./NAME	17036935728
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