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DEPARTMENT OF THE AIR FORCE
HEADQUARTERS, AEROSPACE MAINTENANCE AND REGENERATION CENTER (AFMC)
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

11 OCT 1996

MEMORANDUM FOR HQ AFMC/CV

ATTENTION: LT GEN FARRELL
4375 CHILDLAW RD, SUITE 6
WRIGHT-PATTERSON AFB OH 45433-5006

FROM: AMARC/CD
4820 S. Wickenburg Avenue
Davis-Monthan AFB AZ 85707-4332

SUBJECT: Disposition of Dioxin Contaminated C-123 Aircraft

LG
CE
How do we solve this problem who is our OPR for disposal issues?

1. Due to circumstances described in the attached talking paper, we are currently faced with a dilemma which will require your assistance to resolve. Dioxin contaminated C-123 aircraft at AMARC have been sold by the General Services Administration (GSA) to the general public. Dioxins have been identified as carcinogens; however, no threshold limits, decontamination procedures, or disposal methods have been established. The local safety and bio-environmental services offices state that the contamination represents a health hazard which must be corrected prior to releasing the aircraft. The local JA representative has suggested having the customer sign a "hold harmless" disclaimer as a condition of release, but we have concerns that such a statement would not relieve the Air Force of any liability.

2. Request your assistance in determining whether the aircraft can be released as sold, or if they must be decontaminated or destroyed. Additionally, determination has to be made as to which organization has financial responsibility to fund any necessary decontamination or disposal at AMARC.

3. If your staff has any questions concerning this issue, please contact Mr. Thomas R. Mullaney, DSN 228-8001, FAX/DSN 228-8139.

TTH
Farrell
Lt Colonel
Lawrence P. Farrell, Jr.
Lieutenant General, USAF
Vice Commander

RALPH T. SCHONEMAN
Executive Director

Attachment:
C-123 Talking Paper



Talking Paper
on
Dioxin Contaminated C-123 Aircraft

- The aircraft have been in storage at AMARC since 1980 and were identified in 1984 as parts donors for the Department of State.

- GSA sold them at public auction in Apr 96 and the aircraft have subsequently been resold to other parties

- In Apr 96, GSA advised AMARC that the Air Force had transferred these aircraft to them and sold them. Jointly, GSA and AMARC Disposition Office (LG-3) worked on their release

- During the aircraft sales period, AMARC employees detected and reported the presence of strong chemical vapors inside the cargo compartment. All work was stopped by the Bio-environmental and the Safety Office until verification of health hazards could be cleared. Subject aircraft at one time had aerial spray systems; used to spray a variety of insecticides and defoliants

- In Aug 96, AMARC provided funding to have swipe test samples taken from all C-123. These were taken by D.O. Consulting Ltd and ALTA Corp on 17 aircraft. All samples tested positive for traces of dioxins

- The Davis-Monthan AFB Bio-environmental office requested support from Armstrong Laboratory Toxicology Department at Brooks AFB in Sep 96 to evaluate the test results and provide AMARC with recommendations on clean up procedures, health risk evaluation and exposure limitations. They have stated they are unable to provide the requested information because detailed laboratory analysis studies have not been accomplished on dioxins 2, 4-D and 2, 4, 5-T. The only information currently available is that the aircraft have detectable levels of contamination

- The aircraft are still physically located at AMARC. They have been undergoing safety inspection and are not releasable due to the reported safety health hazards

MEMORANDUM FOR ESOH C&C IPT MEMBERS

30 Oct 96

SUBJECT: Alleged Dioxin Contamination in C-123 Aircraft

FROM: HQ AFMC LO/JAV

1. I will be unable to attend tomorrow's regular IPT meeting, at which the above subject will undoubtedly be discussed. I have a few concerns that I hope will be addressed.

2. First, the SSS for two-letter coordination bears a copy of my coordination on its reverse side and yet is not the same document that I reviewed. I realize that various organizations will have corrections and changes, but when a substantive matter changes, a prior coordination should not be copied without first notifying the parties. In particular, I am concerned with para. 2(a) of the revised SSS and para. 2 of the 30 Oct 96 memo from LG-EV which now state a concern about whether we have notified the purported purchasers of these aircraft of possible contamination. I do not believe we should alert anyone outside of official channels of this potential problem until we fully determine its extent. Please pass this along to LG, who can pass this along to the GSA.

2. I want to reiterate JA's position that these aircraft should not be sold to the public if there is any dioxin contamination at an unsafe level, whatever that may be. Our potential liability is just too great, particularly when so few facts are known.

3. Please call me at 7-7088 if you require additional information.

→ Ursula P. Moul

URSULA P. MOUL, Major, USAF
Assistant Staff Judge Advocate
Directorate of Environmental Law

Concur.

→ John M. Abbott, Col, USAF
Director of Environmental Law



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS, AEROSPACE MAINTENANCE AND REGENERATION CENTER (AFMC)
DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

05 DEC 1996

MEMORANDUM FOR HQ AFMC/LGI
4375 CHIDLAW RD, SUITE 6
WRIGHT-PATTERSON AFB OH 45433-5006

FROM: AMARC/CD
4820 S. Wickenburg Avenue
Davis-Monthan AFB AZ 85707-4332

SUBJECT: Disposition of Dioxin Contaminated C-123 Aircraft (AMARC/CD ltr 11 Oct 96, your ltr 15 Nov 96, same subject)

1. The answers to the questions posed in your 15 Nov 96 letter regarding the sale of the subject contaminated aircraft, is provided at attachment 1. To help ensure that your inquiries were all addressed, we have numbered our responses to match the paragraph and subparagraph from your letter.
2. As you will see, the events which surround the sale of the contaminated C-123s occurred mostly outside the control AMARC personnel. The entire process of the transfer, sale, and disposal of excess military aircraft does need to be reevaluated and improved. However, the issues which we requested be addressed in our letter of 11 Oct 96, remain unanswered. Specifically: Can the aircraft be released as sold?; is decontamination and/or destruction necessary?; and, who has financial responsibility for any additional taskings?
3. If you have any questions, please contact my representative on this issue, Mr. Thomas R. Mullaney, DSN 228-8001.

*Harry Branam, FMW
228 8010*


RALPH T. SCHONEMAN
Executive Director

Attachments:

1. Responses
2. AF Form 913
3. SF 120

Responses to Questions on C-123 Aircraft

2a. Question: How many C-123 aircraft are involved?

Answer: 22. Our current inventory of C-123s is 21. Eighteen are the contaminated aircraft in question. Three are being held for FMS. One has been released to the purchaser.

2b. Q: By serial number, identify accountability and physical custody of aircraft prior to reporting to GSA and currently on hand ?

A: The 19 aircraft were Air Force accountable until USAF/PED authorized transfer to GSA (see AF form 913 dtd 26 Feb 96, attachment 2). 18 are currently stored at AMARC. Serial number 55-4535 has been released to the purchaser

2c. Q: Did the Air Force submit the Standard Form 120 to GSA. If so, please provide copy.

A: No. A Standard Form 120 was issued by the State Department for transfer of 15 aircraft to GSA on 23 Dec 95.(see attachment 3).

2d. Q: (1)Were the aircraft sold while in the physical possession of AMARC? (2)If so, why? (3)Did anybody question why a non-commercially salable aircraft would be sold?

A: (1) Yes, the aircraft were in the physical possession of AMARC when sold by GSA. (2) It is normal for aircraft to be in AMARCs possession while being sold. (3)No The sale occurred outside the normal process channels and the knowledgeable staff that could have questioned this action were not in the loop during the process.

2e. Q: (1)Were these aircraft demilitarized prior to leaving AMARC? If not, why? We know you have demilitarization instructions for the C-123 aircraft. (2)Did these instructions accompany the transfer to GSA or was it required as a condition of sale through the General Services Administration?

A: (1)C-123 aircraft serial number 55-4535 that departed AMARC was demilitarized; the ones on hold at AMARC have not been. (2)No, the instructions were not transferred to GSA and we are unaware of these requirements as a condition of sale.

2f. Q: (1)When GSA advised AMARC that the Air Force had transferred the C-123 aircraft why didn't AMARC question the transfer since they are not commercially salable aircraft? (2)Do you normally know the final disposition of aircraft when they are transferred to GSA?

A: (1)The transfer process did not follow normal channels, therefore, all the knowledgeable staff that could have questioned this action were not in the loop during the transaction. (2)No.

2g. Q: (1)Are the history records with the aircraft as they should be? (2)If so, did they indicate they were used in Southeast Asia? (3)Is it possible or do the records indicate they were used for spraying agent orange?

A: (1) Yes, all aircraft records are currently here at AMARC. (2) Eleven of the eighteen C-123 aircraft indicate that they were in Southeast Asia. (3) The records do not indicate use of agent orange although the aircraft were fitted for spraying.

3. Q: (1) It is our understanding through the Area Utilization Officer you knew the aircraft were going to be sold. Is this true? (2) If so, what actions are you taking to ensure this does not occur in the future?

A: (1) Yes, the Area Utilization Officer did notify AMARC personnel that the aircraft were going to be sold. However, once aircraft are in GSA possession, AMARC does not have any authority as to what GSA wants to do with them. (2) For future purposes, AMARC will validate DOD 4160.21M, Chapter 8, attachment 2, commercial salable aircraft list and will question the validity of the sale or transfer if the aircraft are not listed. However, it should be noted that this essential step should occur in the earliest part of the transfer process, not delegated to the very end of the process.

AEROSPACE VEHICLE PROJECT ACTION

The aerospace vehicle assignment, transfer or termination instructions on the back of this form apply to gaining and losing commands, Defense plant representatives, and system program managers.

FROM HQ USAF/PED	SIGNATURE <i>Joseph M. Notaro</i> JOSEPH M. NOTARO Program Analyst Directorate of Programs & Evaluation	TO HQ AFMC/LGM-AVDO	DATE 26 Feb 96
INTERNAL COORDINATION Mrs. McCandless	26 Feb 96	PROJECT NUMBER ONA-6C-040	MDS C-123K/UC-123K CONFIG. ID.

COORDINATION

OFFICE SYMBOL	NAME	OFFICE SYMBOL	NAME
HQ USAF/PES	Lee Dronsfield		
HQ AFMC/LGM-AVDO	Mr. Bucevicius		

NEW/CURRENT AEROSPACE VEHICLE PROJECT ASSIGNMENTS

QUANTITY 4/15	PROGRAM ELEMENT	PURPOSE CODE	SOURCE MTC (AMARC)
RECIPIENT		METHOD OF DELIVERY IN PLACE	
INTERIM	FINAL GSA		

AMENDMENT TO CURRENT AEROSPACE VEHICLE PROJECT ASSIGNMENTS

CANCELLED		CHANGES REQUIRED				
YES	NO	PROGRAM ELEMENT CODE	SOURCE	RECIPIENT (FINAL)	QUANTITY	PURPOSE CODE

METHOD OF DELIVERY

STATE PURPOSE/INSTRUCTIONS AND LIST AIRCRAFT SERIAL NUMBERS

Change Project Action to: RCL-6C-040, and the final recipient block to read "reclamation" vice GSA. No save-list action will be taken on these aircraft. AMARC/LG-3 will effect the transfer of these aircraft to GSA under their AFSDPDA account.

C-123K

UC-123K

54-0711
55-4517
55-4535
55-4567

54-0583
54-0585 ✓
54-0586
54-0605 ✓
54-0607 ✓
54-0618 ✓
54-0628 ✓
54-0635
54-0701 ✓
55-4520 ✓
55-4532

55-4544
55-4547
55-4571 ✓
55-4577 ✓

in VP memo
Alt
SP
56-4371
54-6893

REMARKS

Telecon Lee Dronsfield, PES, and Lee Williams, AMARC/TW, 22 Feb 96

Telecon Lee Dronsfield, PES, and Oscar Hutchinson, SA-ALC/LFTM (Proven Acft Div), 13 Feb 96

APRIL 1987 JAN 26 '96 09:03AM GSA R9 PROPERTY MGT REPORT NO. DATE MAILED TOTAL LBS: P. 1
 GEN. SERV. ADMIN. 1908 530602 10,404,000
 GSA GEN. REG. NO. 41 CFR 101-11.6

TYPE OF REPORT: A. GENERAL B. PARTIAL C. OVERSEAS
 D. CONNECTED E. TOTAL F. CONTRACTOR'S DIV

Name and address of agency to which report is made: **FEDERAL SERVICES ADMINISTRATION, REGION 9
 MARKET STREET, SAN FRANCISCO CA. 94105-2799**

Name and address of reporting agency: **U.S. DEPT OF STATE AVIATION SUPPORT DIVISION
 1038 S PATRICK DRIVE, PATRICK AFB, FL 32925**

FOR FURTHER INFORMATION CONTACT (Title, Address and Telephone No.): **ED MOWREY, DIRECTOR LOGISTICS BRANCH, ASD
 (407)494-5284**

11. GSA CONTROL NO. **9A-6-00002**

12. REC GROUP NO. **1510** 14. LOCATION OF PROPERTY: **AMARC
 DAVIS MONTHAN, AFB, TUCSON, ARIZONA** 17. SURPLUS RELEASE DATE: **12/23/95**

ITEM NO. (a)	DESCRIPTION (b)	COND. (c)	UNIT (d)	NUMBER OF UNITS (e)	ACQUISITION COST (f)		FAIR VALUE (g)
					PER UNIT (h)	TOTAL (i)	

1	FAIRCHILD C-123 AIRCRAFT	HX	EA	12	\$67,000	\$8,044,000	
---	--------------------------	----	----	----	----------	-------------	--

SER. NO.:

- 54-0635 -
- 54-0583 -
- 56-4361 -
- 54-0628 -
- * 54-0701 -
- 55-4536 @ 535
- * 55-4567 -
- 54-0711 -
- 55-4532 -
- 55-4517 -
- 54-0607 -
- 54-0586

Allocated to State of WI 1/16/96
Allocated to State of AZ 1/2/96

OPTIONAL FORM 89 (7-88)
FAX TRANSMITTAL # of pages: 1
 To: *Lee Ironsfield* From: *Lesley Bourde*
 Dept: *USAF* Phone: *415-744-5235*
 Ext: *703-697-1239*
 NBN 7545-01-317-7346 5045-101 GENERAL SERVICES ADMINISTRATION

AMENDED

1/16/96

REPORT OF EXCESS PERSONAL PROPERTY	I. REPORT NO.	II. DATE MAILED	III. TOTAL COST
IV. PARTIAL YES V. TOTAL YES	VI. OVERSEAS VII. CONTRACTOR (NY)		

1. Name and address of agency to which report is being filed

**PRINCIPAL SERVICES ADMINISTRATION, REGION 9
 525 MARKET STREET, SAN FRANCISCO CA 94105-2799**

2. Name and address of reporting agency

**U.S. DEPT OF STATE AVIATION SUPPORT DIVISION
 1038 S PATRICK DRIVE, PATRICK AFB, FL 32924**

3. For primary information contact (Title, Address and Telephone No.)

**ED MOWREY, DIRECTOR LOGISTICS BRANCH, ASD
 (817)491-3284**

4. Agency approval of report

N/A

5. Agency approval of release

DEPUTY DIRECTOR, ASIA

8. AGENCY CONTROL NO.	9. PURCHASE ORDER OR EXPIRED INSTRUCTIONS TO (Title, Address and Telephone No.)
10. USA CONTROL NO.	11. PURCHASE ORDER OR EXPIRED INSTRUCTIONS TO (Title, Address and Telephone No.)

12. AGENCY CONTROL NO.	13. PURCHASE ORDER OR EXPIRED INSTRUCTIONS TO (Title, Address and Telephone No.)
14. LOCATION OF PROPERTY if location to be abandoned plus date	15. RESERVED
AMARC DAVIS MONTHAN, AFB, TUCSON, ARIZONA	YES NO

QUANTITY	DESCRIPTION	COMD.	CLASS	NUMBER OF UNITS	ACQUISITION COST		FAIR VALUE
					PER UNIT	TOTAL	
1	FAIRCHILD C-123 AIRCRAFT SERIAL #54-0659 FAA# N2129J	A-4	BA	1	867,000	867,000	
2	FAIRCHILD C-123 AIRCRAFT SERIAL #54-0695 FAA # N8190B	A-4	EA	1	867,000	867,000	
3	FAIRCHILD C-123 SPARE PARTS (LIST ATTACHED)	A-4	(OT)	1	2,709,191	2,709,191	
					TOTAL:	4,443,191	

FACSIMILE ELECTRO MAIL TRANSMITTAL

(This information collection is not subject to OMB review under PL-86, The Paperwork Reduction Act.)

SECTION I - TO BE COMPLETED BY ORIGINATOR

CLASSIFICATION <i>Unclass</i>	TRANSMISSION <input checked="" type="checkbox"/> IMMEDIATE <input type="checkbox"/> ROUTINE	PAGE 1 OF <i>7</i> PAGES
----------------------------------	--	--------------------------

TO (Organization and Functional Address Symbol) <i>HQ AFMC/LGI WPAFB OH 45433-5006</i>	FAX NO. DBN <i>986 1186</i> <i>787-5496</i> COMMERCIAL <i>787-5496</i>
---	---

ATTENTION <i>Mr. Larry Wildow</i>	VOICE NO. DBN COMMERCIAL
--------------------------------------	-----------------------------

SUBJECT
Disposition of Dioxin Contaminated C-123 acft

FROM (Organization and Functional Address Symbol) <i>AMARC/FMW Davis-Monthan AFB AZ 85707-4334</i>	FAX NO. DBN <i>228-8139</i> COMMERCIAL <i>228-8001</i>
	VOICE NO. DBN COMMERCIAL

REMARKS

DO NOT TRANSMIT CLASSIFIED INFORMATION OVER UNSECURED TELECOMMUNICATIONS SYSTEMS. OFFICIAL DOD TELECOMMUNICATIONS SYSTEMS ARE SUBJECT TO MONITORING. USE OF DOD TELECOMMUNICATIONS SYSTEMS CONSTITUTES CONSENT TO MONITORING.

RELEASER'S SIGNATURE	DATE	TIME
----------------------	------	------

SECTION II - TO BE COMPLETED BY ELECTRO MAIL OPERATOR

DATE TRANSMITTED	TIME TRANSMITTED	TRANSMITTER'S SIGNATURE
DATE ADDRESSEE CONTACTED	TIME ADDRESSEE CONTACTED	CONTACTOR'S SIGNATURE



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE MATERIEL COMMAND
WRIGHT-PATTERSON AIR FORCE BASE, OHIO 45433



BIOENVIRONMENTAL ENGINEERING SERVICES DIVISION

12/30/96

Page 1/2

OFFICE OF THE COMMAND SURGEON

TO: SG

Sir,

The attached package is a response to the AMARC/CD request for help in resolving a potential herbicide/dioxin contamination of C-123 aircraft. Twenty-one C-123 aircraft are currently at AMARC, two aircraft have been released to Walt Disney Corp. GSA has sold a total of 10 aircraft to two individual buyers (including the two aircraft already released to Disney).

The bottom line is that the Air Force cannot guarantee the aircraft are free of contamination nor can we verify that any decontamination procedure has been successful (limited by analytical detection limits).

This letter from AFMC/LG lays out the information gathered to date and outlines additional information which will be required to make a sound decision on how to handle these aircraft.

AFMC/LO JAV has sent a letter to GSA (sellers of the aircraft) requesting termination of the sale of the 10 aircraft. No response has been received from GSA as of yet.

BGen Stewart (AFMC/CE) and BGen Waldrop (AFMC/JA) expressed concerns that the original letter seems to imply that the AF does not care about the sale of contaminated aircraft through FMS. Paragraph 4.b. was changed to try to resolve those concerns.

A F M C - Toward New Horizons



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE MATERIEL COMMAND
WRIGHT-PATTERSON AIR FORCE BASE, OHIO 45433



BIOENVIRONMENTAL ENGINEERING SERVICES DIVISION

12/30/96

Page 2/2

OFFICE OF THE COMMAND SURGEON

Risk to SG: Minimal. SG may be asked to provide more information on Dioxin and the associated health effects of exposure. May also be asked to perform a risk analysis for released aircraft and for aircraft permanently stored at AMARC.

Recommendation: Coordinate on package.

Major Lyn Smith Gemperle

SGCP/7-2618

A F M C - Toward New Horizons

STAFF SUMMARY SHEET

TO	ACTION	SIGNATURE (Surname), GRADE AND DATE	TO	ACTION	SIGNATURE (Surname), GRADE AND DATE
AFMC/SE	Coord	Stewart, B Gen 26 Dec 96	6 AFMC/ CV	Info	
AFMC/	Coord	Stewart, B Gen 30 Dec 96	7		
AFMC/SG	Coord	<i>[Signature]</i> (31)	8		
AFMC/SE	Coord		9		
AFMC/LG	Sign		10		

SURNAME OF ACTION OFFICER AND GRADE	SYMBOL	PHONE	TYPIST'S INITIALS	SUSPENSE DATE
Lorman, Mr., GS-12	HQ AFMC/LG-EV	7-3487	tjl	

SUBJECT **Disposition of Dioxin Contaminated C-123 Aircraft.** Second interim response to AFMC/CV Questions on AMARC/CD Memorandum, 11 Oct 96. DATE **12 6 DEC 1996**

SUMMARY

1. This is an interim response. The proposed AFMC/LG memorandum to AMARC/CD lists our plan of action, progress to date, and a request for cost information (Tab 1).
2. The Environmental, Safety and Occupational Health Compliance and Conservation Integrated Product Team (ESOH C&C IPT) has been meeting to solve the disposition of possibly dioxin contaminated C-123 aircraft. The ESOH C&C IPT decided that the termination of the sales contract would be the first action due to the risk to human health and AF liability. AFMC LO/JAV memo, 18 Dec 96, requests the General Services Administration (GSA) terminate the sale and quotes the contract language that allows the Contracting Officer to terminate the contract (Tab 2).

ESOH C&C IPT has developed two courses of follow-on action after GSA contract termination. The relative cost of the two alternatives will be an important factor in recommending an alternative to AMARC. The two alternatives are as follows:

- a. Study of the aircraft mission records will be used to determine if the aircraft are contaminated. If contamination is concluded, HQ AFMC/LGID/CEVC will work with AMARC and Davis-Monthan AFB to develop procedures for disposal of the contaminated aircraft. If the aircraft mission records indicate that the aircraft were not used in defoliation or chemical spraying missions, the conclusion would be no contamination and normal demilitarization (cut-up) and disposal procedures can be followed.
- b. AFMC/LG-EV is working with the Historic Research Center, the AF Museum Research Division, the AFRES, ACC, and AFMC History Offices, and the Air Commando Association in an attempt to obtain the aircraft mission records. If the specific mission records are not found or the cost of alternative 3a, above, is exorbitant, sealing all of the AMARC C-123 aircraft and preparing the aircraft for long-term storage is recommended.

We investigated testing the aircraft for dioxin but it is not a recommended alternative at this point. It is **prohibitively expensive and ineffective. A safe level of dioxin is below detectable testing methods so testing will not provide the evidence that the aircraft are safe.**

4. RECOMMENDATION. LG sign the proposed memorandum to AMARC/CD at Tab 1.

[Signature]
 JOSEPH B. CORCORAN, JR., Col, USAF
 Deputy Director
 Directorate of Logistics

- 2 Tabs
 1. HQ AFMC/LG Memo, 19 Dec 96
 2. HQ AFMC LO/JAV Letter, 18 Dec 96

STAFF SUMMARY SHEET

	TO	ACTION	SIGNATURE (Surname), GRADE AND DATE		TO	ACTION	SIGNATURE (Surname), GRADE AND DATE
1	AFMC/CE	Coord		6	AFMC/CV	Info	
2	AFMC/JA	Coord		7			
3	AFMC/SG	Coord		8			
4	AFMC/SE	Coord		9			
5	AFMC/LG	Sign		10			
SURNAME OF ACTION OFFICER AND GRADE			SYMBOL	PHONE		TYPISTS INITIALS	SUSPENSE DATE
Lorman, Mr., GS-12			HQ AFMC/LG-EV	7-3487		tjl	
SUBJECT Disposition of Dioxin Contaminated C-123 Aircraft. Second interim response to AFMC/CV Questions on AMARC/CD Memorandum, 11 Oct 96.							DATE

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Valid

COORDINATION

SYMBOL	NAME	DATE
LG-EV	Tom Lorman	18 Dec 96
CEVC	J. Gotcher	18 Dec 96
JAV	Maj Moul	18 Dec 96
SSCP	Stempule	18 Dec 96
SES	Shed Hallard	18 Dec 96
CEU	Smith	19 Dec

COORDINATION

SYMBOL	NAME	DATE
CEVC	C. Hallard	19 Dec 96
LG ID	J. Hallard	19 Dec 96

copy/consent of



DEPARTMENT OF THE AIR FORCE
AIR FORCE MATERIEL COMMAND
WRIGHT-PATTERSON AIR FORCE BASE OHIO

U.S. AIR FORCE



1947 - 1997

MEMORANDUM FOR AMARC/CD

FROM: HQ AFMC/LG
4375 Chidlaw Road, Suite 6
Wright-Patterson AFB OH 45433-5006

SUBJECT: Disposition of Dioxin Contaminated C-123 Aircraft (Your Memo, 11 Oct 96)

1. The Environmental, Safety and Occupational Health Compliance and Conservation Integrated Product Team (ESOH C&C IPT) has been meeting to resolve the disposition of C-123 aircraft possibly contaminated with dioxin. This memorandum is to provide a plan of action and to request additional information.

2. We have received conflicting information regarding this issue. Based on the information provided by AMARC, GSA, the State Department and others, we have been able to confirm or have a high degree of confidence in the following facts:

a. There are 21 C-123s currently at AMARC. Records show that 11 were in SE Asia per AMARC/FMW (S/Ns 54-0585, 54-0605, 54-0607, 54-0618, 54-0628, 54-0693, 54-0701, 55-4520, 55-4571, 55-4577, 56-4371). Any of these 21 aircraft may have been used for spraying and, as a result, may be contaminated with dioxin. An AMARC/FMW review showed that the history records do not show specific mission operations of the above aircraft. (AFMC/LG-EV is researching the aircraft use, Para 5).

b. The State Department Bureau of International Narcotic Matters (INM) obtained two C-123s from the Air Force in Jul 86 and Mar 87, serial numbers (S/Ns) 56-4361 and 54-0658, respectively.

c. The State Department INM also used nine Air Force-owned C-123s as parts donors (S/Ns 54-0635, 54-0583, 54-0628, 55-4535, 54-0711, 55-4532, 55-4517, 54-0607, 54-0586). The State Department declared the aircraft as excess on 23 Dec 95. All 11 aircraft were transferred to GSA for sale.

d. GSA sold ten C-123 aircraft on or about 1 Mar 96 to two buyers:

1.) Western Aviation (S/Ns 54-0607, 54-0628, 54-0635, 54-0711-55-4517).

2.) National Aircraft (S/Ns 54-0583, 54-0586, 56-4361, 55-4532, 55-4535).

e. National Aircraft resold two of the C-123 aircraft to Walt Disney for the cockpits to be used for a movie set (S/Ns 56-4361, 55-4535). These two aircraft were released to the buyer by AMARC because the aircraft had no indication that they were ever used for spraying. No spraying apparatus were in either airplane. The remaining C-123 aircraft at AMARC have spraying apparatus attached.

f. DOD Manual 4160.21-M, Chapter VIII, Atch 2, does not list C-123 aircraft as commercially salable. The Air Force owned aircraft should never have been sold in the first place.

g. There are no regulations or standard operating procedures for cleaning dioxin-contaminated items. Armstrong Laboratory states that a safe level of dioxin is so low that it is below detectable limits. Even if the aircraft were cleaned, we would be unable to determine if we had reached a safe level due to limited testing capabilities. Therefore, a safe level of dioxin cannot be verified for these.

h. Armstrong Laboratory draft memorandum, Consultative Letter, AL/OE -96, Cleanup of Contaminated Aircraft, Aerospace Maintenance and Regeneration Center to HQ AFMC/SGC, 6 Dec 96 states that the evaluation of the aircraft is a minimum of \$15,000 each for the laboratory analysis work and is exclusive of more expensive labor and contract costs.

i. By releasing these aircraft, the Air Force could be at great risk and could be held liable for problems associated with dioxin contamination.

3. Based upon these facts, the following actions have been and/or will be taken:

a. HQ AFMV LO/JAV sent a memorandum to the General Services Administration (GSA) asking them to terminate the sale to Western Aviation and National Aircraft (Atch 1). The original contracting officer for the sale must be the one to terminate it.

b. AMARC needs to provide the following cost data and a recommended funding source to HQ AFMC/LG-EV by 24 Jan 97.

- 1.) Cost of the demilitarization and disposal of contaminated aircraft.
- 2.) Cost of the demilitarization and disposal of aircraft that are not contaminated.
- 3.) Cost of sealing the C-123s individually, as a set of 11, a set of 18 and a set of 21.
- 4.) Cost of long term storage at AMARC.

4. The ESOH C&C IPT developed two alternative actions for C-123 aircraft disposition after contract termination. The cost data will be an important factor used to determine the best action plan.

a. Aircraft mission records will be used to determine if the aircraft is dioxin contaminated or dioxin free. If the records indicate the aircraft was not used in defoliation operation we will conclude that the aircraft is not contaminated. If this is the case, normal demilitarization and disposition procedures should be followed. **Aircraft used in Southeast Asia for defoliation will be considered contaminated and** could either be sealed or cleaned to currently undetermined levels to permit demilitarization and disposal. HQ AFMC/LGID and CEVC will work with AMARC and Davis-Monthan AFB to develop disposal procedures for contaminated aircraft, if this alternative is chosen.

b. Seal all 18 or 21 of the C-123s and store at AMARC. (Three of the 21 C-123s are being held for FMS customers. The Air Force Security Assistance Center, AFSAC, does not know of a specific policy on sale of contaminated aircraft to FMS customers. There is a boiler plate contract clause used in some cases that states FMS customers will accept aircraft "As-Is, Where-Is". AFMC/LG-EV will work this FMS issue with AFSAC *to ensure the FMS customers are aware of the potential for aircraft contamination and any associated risks.*

5. AFMC/LG-EV is working with the Alfred F. Simpson Historic Research Center (AFRHA/RSA), the Air Force Museum Research Division (USAFM/MUO), the Air Force Reserve History Office (AFRES/HO), the Air Combat Command History Office (ACC/HO), the Air Force Material Command History Office (AFMC/HO) and the Air Commando Association for information on the specific aircraft missions, e.g., Operation Ranch Hand, the SE Asia herbicide mission, other defoliation and insecticide missions and any other data by serial number as available. This information will allow us to extrapolate which of the 21 C-123 aircraft held at AMARC are contaminated or suspected of being contaminated. The aircraft mission records will be used in conjunction with dioxin contamination testing (Para 4a) if necessary.

6. This is a coordinated HQ AFMC/LG-EV/LGID/CEVC/LO JAV/SGC memorandum. If you have any questions, please call ^{my} ~~our~~ action officerz, Mr. Thomas Lorman, HQ AFMC/LG-EV, DSN 787-3487, ~~Mr. Jeff Hallett, HQ AFMC/LGID, DSN 787-5498, Mr. David Kumar, HQ AFMC/CEVC, DSN 787-5878, Maj Moul, HQ AFMC LO/JAV, DSN 787-7088, or Maj Gemperle, HQ AFMC/SGC, DSN 787-2618.~~

AFMC can direct ca to furnish as needed



DEPARTMENT OF THE AIR FORCE
AIR FORCE MATERIEL COMMAND LAW OFFICE (AFMC)
WRIGHT-PATTERSON AIR FORCE BASE OHIO

GSA PMB Sales Section, 9-FBPS
Attention: Doug Boylan, Sales Officer
450 Goldengate Ave., Box 36018, 4th Floor
San Francisco, CA 94102-3400

18 December 1996

Re: Request for Termination of Contract for Sale of C-123 Aircraft

CERTIFIED MAIL, RETURN RECEIPT REQUESTED # P 288 706 720

Dear Mr. Boylan:

As we have informed Pat Lamm and Peggy Lowndes of your office, it has come to our attention that the C-123 aircraft sold to Western Aviation and National Aircraft described below and currently located at the Aircraft Marketing and Regeneration Center (AMARC) at Davis Monthan AFB, AZ, are possibly contaminated with dioxin. Because of public health concerns with dioxin, we ask that the sale be terminated.

<u>Contract Number</u>	<u>Serial Number</u>	<u>Previous Use</u>	<u>Spray Apparatus</u>
GS09F96FBE2005	S/N:54-0635	State Dept. parts donor	YES
GS09F96FBE2008	S/N:54-0628	State Dept. parts donor	YES
GS09F96FBE2010	S/N:54-0711	State Dept. parts donor	YES
GS09F96FBE2012	S/N:54-4517	State Dept. parts donor	YES
GS09F96FBE2013	S/N:54-0607	State Dept. parts donor	YES
GS09F96FBE2009	S/N:55-4535	State Dept. parts donor (resold to Disney)	NO
GS09F96FBE2011	S/N:55-4532	State Dept. parts donor	YES
GS09F96FBE2014	S/N:54-0586	State Dept. parts donor	YES
GS09F96FBE2006	S/N:54-0583	State Dept. parts donor	YES
GS09F96FBE2007	S/N:56-4361	State Department--Intn'l Narcotics Matters (resold to Disney)	NO
No contract on this	S/N:54-0658	State Department--Intn'l Narcotics Matters	UNKNOWN

We request the GSA terminate these contracts for several reasons. First and most importantly, the potential for harm to individuals from dioxin contamination is great, regardless of whether the aircraft are used as static displays in museums, to put out forest

fires or as props for movie sets. We know for certain that 54-0628 and 54-0607 were used in Southeast Asia. We are unable to determine with certainty from historical records how the remaining aircraft were used. The State Department narcotics aircraft were transferred in 1986 and 1987, but we do not know the history of the second plane's use, or the use of the remaining parts donors prior to that time. These aircraft could have been used to spray dioxin as well, particularly since they all contain spray apparatus. One C-123 sold under contract but still at AMARC tested positive for dioxin. Since we cannot be sure that the aircraft were not used to spray dioxin in Southeast Asia or during international narcotics operations, we cannot take the risk of endangering human lives by releasing them from military control.

According to HQ AFMC bioenvironmental personnel, there is no established state or federal remediation goal based on surface contamination. Using cleanup goals for other media, the allowable concentrations are so low that they are below the detection limit, essentially making the cleanup goal 0.0 µg. The sampling procedure to determine whether dioxin is present costs about \$1,200.00 per swipe. Because there are several places on each aircraft where the spraying apparatus could have been mounted during operations, it quickly becomes prohibitively expensive to properly sample the aircraft before release to the public.

An additional reason for terminating the sale is DoD Manual 4160.21-M-1, Chapter VIII, Atch 2, which designates aircraft authorized for sale for commercial use. The C-123 does not appear on this list. The aircraft should never have been advertised for sale in the first place, regardless of whether or not they were contaminated with dioxin.

Fortunately, the contract terms appear to give us an avenue for termination. The Standard Form (SF) 114, *Sale of Government Property--Bid and Award*, associated with this sale incorporates by reference SF 114C, *General Sale Terms and Conditions*, SF 114C-1, *Special Sealed Bid Conditions*, and SF 114C-2, *Special Sealed Bid-Term Conditions*. Collectively these provisions appear to provide for rescission with return of the purchase price only.

Under paragraph 7 of SF 144C, "title to the property sold hereunder shall vest in the purchaser as and when removal is effected." With regard to the aircraft still at AMARC, title remains with the Government. Paragraph 14 of SF 114C, Risk of Loss, states, in pertinent part:

Unless otherwise provided in the Invitation, the Government will be responsible for the care and protection of the property subsequent to it being available for inspection and prior to its removal. Any loss, damage, or destruction occurring during such period will be adjusted by the Contracting Officer to the extent it was not caused directly or indirectly by the Purchaser, its agents, or employees. At the discretion of the Contracting Officer, **the adjustment may consist of rescission.** . . . (emphasis added).

Paragraph 15, Limitation on Government's Liability, states ". . .the measure of the Government's liability in any case where liability of the Government to the Purchaser has been established shall not exceed refund of such portion of the purchase price as the Government may have received."

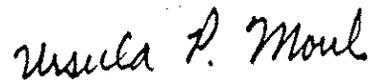
Paragraph 22, Withdrawal of Property After Award, states:

The Government reserves the right to withdraw for its use any or all of the property covered by this contract, if a bona fide requirement for the property develops or exists prior to actual removal of the property from Government control. In the event of a withdrawal under this condition, the Government shall be liable only for the refund of the contract price of the withdrawn property or such portion of the contract price as it may have received.

Finally, under SF 114C-2, para. E, Termination, ". . . this contract may be terminated by either party without cost to the Government upon 30 days' written notice to the other, to be calculated from the date the notice is mailed."

Please take appropriate action to terminate these ten sales contracts. In the interim, we have directed that AMARC not release any more C-123s to the purchasers. We look forward to working with you on this rescission. Please contact me at (937) 257-7088 if you require further information. Thank you in advance for your attention to this matter.

Sincerely,



URSULA P. MOUL, Major, USAF
Assistant Staff Judge Advocate
Directorate of Environmental Law



HEADQUARTERS
AIR FORCE MATERIEL COMMAND

Office of The Staff Judge Advocate

Wright-Patterson Air Force Base, Ohio 45433-5001



Date: 30 Dec 96

Memorandum For: *BGEN Haines*
AFMCLG

- *Sir, Concur with Gen Stewart*

- *The political risks, cost of litigation
and potential tort liability to third
parties make FMS disposition of contaminated
aircraft imprudent*

V/R

OLAN G. WALDROP, JR.
Brigadier General, USAF
Staff Judge Advocate



AIR FORCE MATERIEL COMMAND
Command Civil Engineer

4225 LOGISTICS AVE
WRIGHT-PATTERSON AFB OH 45433-5739

DATE: 26 Dec 96

MEMORANDUM FOR: BGen Hanes
HQ AFMC/LG

Sir:

- I've coordinated on your proposed memo to AMARC. However, there is one somewhat-subtle point I'd bring to your attention. In para 4.b), there is the implication that we would convey a potentially-contaminated aircraft to an FMS customer, while we would not release that same aircraft to a non-FMS party. That seems inappropriate to me... an unjustified double standard.

VR

Todd Stewart
HQ AFMC/CE

TODD I. STEWART
Brigadier General, USAF
Command Civil Engineer

UC-123 Aircraft Suspected of Dioxin Contamination

<u>Serial No.</u>			<u>Processing Station</u>	<u>Lost in Combat</u>	<u>Lost in Accident</u>	<u>Museum Program</u>	<u>At AMARC</u>	<u>Military Assistance Plan (FMS)</u>	<u>Notes</u>
<u>#</u>	<u>Y R</u>	<u>Tail Number</u>							
1	54	578	PHAN RANG TAINAN NAKHON PHANOM					X	
2	54	583	PHAN RANG TAIPEI BIEN HOA NAKHON PHANOM TAINAN DOTHAN NAPIER				X		
3	54	584	PHAN RANG BIEN HOA NAKHON PHANOM TAIPEI					X	
4	54	585	NAKHON PHANOM TAIPEI PHAN RANG TAINAN NAPIER				X		
5	54	586	PHAN RANG BIEN HOA TAIPEI DA NANG				X		
6	54	588	BIEN HOA	X					
7	54	589	PHAN RANG NAPIER NAKHON PHANOM TAIHLI TAINAN		X				
8	54	591	PHAN RANG DA NANG					X	
9	54	603	NAKHON PHANOM DON MUANG TAINAN			X			This aircraft was used in an exchange, Jul 91, with Mr. Lance Tolan (404) 227-5500 per Mr. Thomas Brewer, AF Museum program, 5-5274.

UC-123 Aircraft Suspected of Dioxin Contamination

Serial No.

#	Y	Tail R Number	Processing Station	Lost in Combat	Lost in Accident	Museum Program	At AMARC	Military Assistance Plan (FMS)	Notes
10	54	605	PHAN RANG BIEN HOA TAINAN TAN SON NHUT DA NANG NAPIER				X		
11	54	607	PHAN RANG BIEN HOA TAIPEI DA NANG TAINAN TAN SON NHUT NAPIER				X		
12	54	608	PHAN RANG					X	
	54	618	PHAN RANG BIEN HOA TAIPEI DA NANG TAINAN TAN SON NHUT NAPIER				X		
14	54	624	TAN SON NHUT TAIPEI					X	
15	54	628	PHAN RANG BIEN HOA TAIPEI TAINAN TAN SON NHUT DA NANG NAPIER				X		
16	54	630	BIEN HOA TAN SON NHUT	X					
54	54	633	PHAN RANG BIEN HOA DA NANG TAINAN TAN SON NHUT NAKHON PHANOM			X			This aircraft is currently on display at the Robins AFB Museum.

UC-123 Aircraft Suspected of Dioxin Contamination

<u>Serial No.</u>			<u>Processing Station</u>	<u>Lost in Combat</u>	<u>Lost in Accident</u>	<u>Museum Program</u>	<u>At AMARC</u>	<u>Military Assistance Plan (FMS)</u>	<u>Notes</u>
<u>#</u>	<u>Y R</u>	<u>Tail Number</u>							
18	54	635 ^v	DOTHAN NAPIER				X		
19	54	685	DOTHAN NAPIER				X		
20	54	693	PHAN RANG BIEN HOA TAINAN DA NANG TAN SON NHUT NAPIER				X		
21	54	698	PHAN RANG UBON					X	<i>Cambodia</i>
22	54	701	PHAN RANG BIEN HOA DA NANG TAIPEI NAPIER				X		
23	55	4511	PHAN RANG BIEN HOA TAINAN DA NANG TAN SON NHUT					X	
24	55	4520	PHAN RANG BIEN HOA DA NANG TAIPEI NAPIER				X		
25	55	4525	PHAN RANG BIEN HOA TAN SON NHUT TAIPEI					X	
26	55	4532	PHAN RANG BIEN HOA TAINAN DA NANG NAPIER				X		
27	55	4544	NAPIER				X		

UC-123 Aircraft Suspected of Dioxin Contamination

Serial No.

#	Y	R	Tail Number	Processing Station	Lost in Combat	Lost in Accident	Museum Program	At AMARC	Military	Notes
									Assistance Plan (FMS)	
28	55	4547	PHAN RANG BIEN HOA DA NANG NAPIER					X		
29	55	4564	PHAN RANG BIEN HOA TAINAN DA NANG TAN SON NHUT TAIPEI NAPIER						X	
30	55	4570	PHAN RANG BIEN HOA TAN SON NHUT TAIPEI NAPIER						X	
55	55	4571	PHAN RANG BIEN HOA TAIPEI DA NANG NAPIER					X		
32	55	4577	PHAN RANG BIEN HOA TAINAN					X		
33	56	4362	BIEN HOA TAINAN			X				This aircraft is currently on display at the Wright-Patterson AFB Museum.
34	56	4371	PHAN RANG BIEN HOA DA NANG					X		
35	56	4373	PHAN RANG BIEN HOA TAIPEI DA NANG TAINAN	X						
56	56	4375	TAN SON NHUT PHAN RANG						X	El Salvadore
37	56	4384	BIEN HOA DA NANG						X	



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE SECURITY ASSISTANCE CENTER (AFMC)
WRIGHT-PATTERSON AIR FORCE BASE OHIO



05 AUG 1997

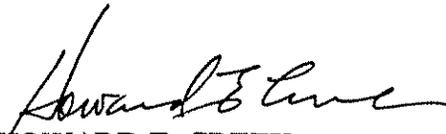
MEMORANDUM FOR SAF/IA

FROM: AFSAC/CV
1822 Van Patton Drive
Wright-Patterson AFB OH 45433-5337

SUBJECT: Potential Dioxin Contaminated UC-123 Aircraft Transferred Under the
Military Assistance Program (MAP)

1. A number of UC-123 aircraft transferred to various foreign countries during the early to mid-1970s under the Military Assistance Program (MAP) may have been contaminated by residual pesticides/herbicides (including substances such as 2, 4-D; 2,4,5-T; and dioxin). Some of these aircraft may still be in use today and could represent a health hazard to their operators. We believe recipient countries should be informed; however, such a pol-mil decision best rests with your office. To date, this information has not been shared with either country or SAO personnel.
2. A number of C-123 aircraft were modified to the UC-123 configuration to perform a variety of spraying missions. Some of these modified aircraft participated in Operation Ranch Hand in Southeast Asia during the Vietnam war. Research of Air Force archives and local HQ AFMC aircraft transfer records has identified the suspect aircraft by tail number. Unfortunately, these records do not tie specific tail numbers to particular recipient countries. We believe the following countries may have received suspect aircraft: El Salvador, Korea, Taiwan, and Thailand. Our sketchy records indicate that a number of the aircraft may have been originally targeted for Cambodia but were redirected to Thailand. Attachment 1 provides a listing of the suspect MAP aircraft.
3. This issue came to HQ AFMC's attention upon the General Service Administration's (GSA) attempt to sell a number C-123 aircraft located at AMARC, Davis-Monthan AFB AZ. Upon preparing the aircraft for movement, the presence of pesticides and dioxin was detected in one of the aircraft. Adopting a conservative approach to mitigate the potential health risk, all aircraft were assumed to be contaminated unless records research subsequently revealed the aircraft had not performed a spraying mission in Southeast Asia. A point paper with accompanying documents is provided at attachment 2. Due to environmental concerns and disposal cost considerations, AMARC is moving the 21 aircraft in their possession to an open area within its fenced yard and sealing them for long-term storage.

4. This organization's point of contact is Larry Brown, AFSAC/IPS, DSN 787-1132 extension 4181.



HOWARD E. CREEK
Colonel, USAF
Vice Commander

Attachments:

1. MAP Aircraft Listing
2. Point Paper w/2 Atchs

cc:

SA-ALC/LF
HQ AFMC/LGM-AVDO
HQ AFMC/LG-EV
HQ AFMC/DRT

MAP Aircraft Listing

<u>Aircraft Serial No.</u>	<u>Transfer Date</u>
54-576	29 May 73
54-578	13 Jul 73
54-584	29 May 73
54-591	29 May 73
54-608	Sep 71
54-624	29 May 73
54-673	12 Jun 73
54-698	22 Jan 75
(Note: Records indicate that aircraft may have been originally delivered to Cambodia but was subsequently transferred to Royal Thai Armed Forces.)	
55-4506	29 May 73
55-4511	12 Jun 73
55-4525	29 May 73
55-4564	12 Jun 73
55-4570	3 Dec 74
(Note: Records indicate aircraft was retransferred to Royal Thai Armed Forces on 22 Aug 75.)	
56-4375	22 Mar 84
(Note: Records indicate aircraft was transferred to El Salvador.)	
56-4384	Jul 71
56-4386	31 Jan 73
57-6289	29 May 73

POINT PAPER
ON
SALE OF AIRCRAFT CONTAMINATED WITH DIOXINS

ISSUE

- AMARC/CD requested assistance from AFMC/CV, 11 Oct 96, in determining whether ten C-123 aircraft, potentially contaminated with dioxins (considered carcinogenic) and sold by GSA, can be released as sold, decontaminated and released, or destroyed.
- GSA sold aircraft for the State Department, but inadvertently sold AF owned aircraft as well.
- Additionally, determine who has financial responsibility to fund decontamination or disposal.

BACKGROUND

- There were 21 C-123 aircraft located at AMARC.
 - Ten aircraft were sold to Western Aviation and National Aircraft.
 - Three are being held at AMARC for FMS customers.
 - Eight others are stored at AMARC.
- The State Department Bureau of International Narcotics Matters (INM) obtained two C-123 aircraft from the Air Force in 1986/7, but they also used nine Air Force C-123s located at AMARC as parts donors.
 - The department declared the two INM aircraft and the nine parts donors as excess in 1995.
- As a result, GSA sold ten of the eleven aircraft used by the State Department in Mar 96, even though under current DoD Demilitarization procedures, the nine C-123s that belonged to the Air Force should not have been sold as stated in DoD 4190.21-M1.
 - Two of the ten aircraft sold were released to a buyer who in turn resold them to Disney.
 - According to AMARC and historical military research offices, aircraft were assumed to be clean because aircraft were not stationed in SE Asia and no spraying equipment attached, which would suggest likely use in herbicide application.
 - AMARC tested one of the aircraft held at AMARC after the sale, which indicated dioxin contamination, prompting them to inform HQ AFMC of the situation.

- The safety and bioenvironmental functions at Davis-Monthan, servicing AMARC, and HQ AFMC have concluded that the contamination could represent a health hazard, which must be mitigated before the aircraft can be released.
- There are no current threshold limits, decontamination procedures, or disposal methods that have been established by EPA or OSHA as far as disposal or human exposure levels are concerned.

CURRENT STATUS

- A HQ AFMC Environmental, Safety and Occupational Health IPT focus group began meeting 28 Oct 96 to address the AMARC/CD request.
- To date, the group has recommended the following:
 - Advise AMARC to hold all the C-123s that were sold, on-site, till further notice.
 - An AFMC memo be sent to GSA requesting that the sale be terminated.
 - Request AMARC conduct a cost analysis of different options to dispose of the C-123s.
- HQ AFMC LO/JAV sent a memo, 18 Dec 96, to GSA, requesting they terminate the sale.
 - GSA has officially agreed to cancel the sale of the aircraft currently in AMARC's custody.
 - They don't think anything can be done about the aircraft already released to Disney.
 - JAV is also preparing memos to be sent to the two buyers of the aircraft (including the Disney aircraft) informing them of the Air Force decision to cancel the sale.
 - These memos are a preliminary response to the broader issue of notifying the ultimate holders of C-123 aircraft of the possibility of dioxin contamination.
- A memo from AFMC/LG (who are OPRs for this issue) to AMARC/CD, coordinated by appropriate 2-letter directorates, including CE, was signed out 10 Jan 97 (Attachment).
 - Memo asked AMARC to develop cost information for the following two disposition options:
 - Demilitarize/destroy the C-123s and dispose of in a landfill, per approval of the state of Arizona.
 - Seal the aircraft and store at AMARC for the long-term.
- AFMC/LG has received a response from AMARC/CD (Attachment).
 - Response provides costs for demilitarization and disposal of uncontaminated aircraft, and cost of "sealing" or "cocooning" (complete seal with no openings) the aircraft at AMARC.

- Based on the AMARC response, the ESOH IPT focus group recommended, 21 Feb 97, that AMARC develop a long-term disposal plan with sealing the C-123s as the preferred option.
 - AMARC will need to work with their host base, Davis-Monthan, to develop a plan which should be approved by the state of Arizona.
 - State may require another course of action depending on their position on cleanup/containment of dioxin.
- AFMC/LG-EV will notify AMARC to provide AFMC with an Air Combat Command (i.e. Davis-Monthan) and state approved disposal plan and associated costs.
- Meanwhile, AFMC/LG-EV continues to examine historical records, such as missions and former airfield locations of the C-123s, to determine the number of aircraft used in defoliation operations and their locations.
 - Aircraft will be assumed to be contaminated if they were used in such operations and/or have records indicating spray systems were/are attached.
 - Normal demil and disposal will apply if aircraft are proved to be uncontaminated based on history of use or sampling.
 - Based on records from the Alfred F. Simpson Historic Research Center, Maxwell AFB, 38 C-123s, including 18 at AMARC, but excluding those sold to Disney, are suspected of being contaminated based on use in SE Asia and being equipped with spray apparatus.
- Based on the C-123 disposal plan due from AMARC, the ESOH IPT will investigate financial responsibility for disposition costs of the suspected dioxin contaminated C-123s.

Attachment:
AMARC/CD memo w/Attachment



DEPARTMENT OF THE AIR FORCE
 HEADQUARTERS, AEROSPACE MAINTENANCE AND REGENERATION CENTER (AMARC)
 DAVIS-MONTHAN AIR FORCE BASE, ARIZONA

6 Jun 96

MEMORANDUM FOR GSA

FROM: AMARC/CD

SUBJECT: C-123 Aircraft

OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL (U) 2

To: <i>K. Miller</i>	From: <i>Mark G. Johnson</i>
Dept./Agency: <i>AMARC</i>	Phone: <i>415-555-0210</i>
Fax #: <i>801-655-0210</i>	Fax: <i>415-555-0210</i>

NSN 7540-01-31727388 5099-101 GENERAL SERVICES ADMINISTRATION

1. AMARC was notified in April 1996 of a completed sale of 19 C-123 aircraft, serial numbers 54-0711; 55-4517; 55-4535; 55-4567; 54-0583; 54-0585; 54-0586; 54-0605; 54-0607; 54-0618; 54-0628; 54-0635; 54-0701; 55-4520; 55-4532; 55-4544; 55-4547; 55-4571; and 55-4577.

2. As you know, all aircraft must be demilitarized before release from AMARC. During the demil process on C-123 54-0585 and 55-4571, employees experienced a burning sensation and could smell chemical odors. Upon further investigation by the AMARC safety office and base bioenvironmental office, it was determined that these aircraft could possibly contain hazardous chemicals.

3. Our bioenvironmental personnel cannot release these aircraft until completely tested for harmful materials. This testing will take approximately 21 days at a cost of \$1,250.00 per test sample or 72 hours at a cost of \$3,750.00 per test sample. Each aircraft will require approximately 10 test samples.

4. Recommend you notify your customers and take action as necessary until these aircraft can be released.

Ralph F. Schoneman
 RALPH F. SCHONEMAN
 Executive Director

1 Atch
 Cost Estimates for Aircraft Test Samples

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DEPARTMENT OF THE AIR FORCE
AIR FORCE MATERIEL COMMAND LAW OFFICE (AFMC)
WRIGHT-PATTERSON AIR FORCE BASE OHIO

GSA PMB Sales Section, 9-FBPS
Attention: Doug Boylan, Sales Officer
450 Goldengate Ave., Box 36018, 4th Floor
San Francisco, CA 94102-3400

18 December 1996

Re: Request for Termination of Contract for Sale of C-123 Aircraft

CERTIFIED MAIL, RETURN RECEIPT REQUESTED # P 288 706 720

Dear Mr. Boylan:

As we have informed Pat Lamm and Peggy Lowndes of your office, it has come to our attention that the C-123 aircraft sold to Western Aviation and National Aircraft described below and currently located at the Aircraft Marketing and Regeneration Center (AMARC) at Davis Monthan AFB, AZ, are possibly contaminated with dioxin. Because of public health concerns with dioxin, we ask that the sale be terminated.

<u>Contract Number</u>	<u>Serial Number</u>	<u>Previous Use</u>	<u>Spray Apparatus</u>
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GS09F96FBE2012	S/N:54-4517	State Dept. parts donor	YES
GS09F96FBE2013	S/N:54-0607	State Dept. parts donor	YES
GS09F96FBE2009	S/N:55-4535	State Dept. parts donor (resold to Disney)	NO
GS09F96FBE2011	S/N:55-4532	State Dept. parts donor	YES
GS09F96FBE2014	S/N:54-0586	State Dept. parts donor	YES
GS09F96FBE2006	S/N:54-0583	State Dept. parts donor	YES
GS09F96FBE2007	S/N:56-4361	State Department--Intn'l Narcotics Matters (resold to Disney)	NO
No contract on this	S/N:54-0658	State Department--Intn'l Narcotics Matters	UNKNOWN

We request the GSA terminate these contracts for several reasons. First and most importantly, the potential for harm to individuals from dioxin contamination is great, regardless of whether the aircraft are used as static displays in museums, to put out forest

①

fires or as props for movie sets. We know for certain that 54-0628 and 54-0607 were used in Southeast Asia. We are unable to determine with certainty from historical records how the remaining aircraft were used. The State Department narcotics aircraft were transferred in 1986 and 1987, but we do not know the history of the second plane's use, or the use of the remaining parts donors prior to that time. These aircraft could have been used to spray dioxin as well, particularly since they all contain spray apparatus. One C-123 sold under contract but still at AMARC tested positive for dioxin. Since we cannot be sure that the aircraft were **not** used to spray dioxin in Southeast Asia or during international narcotics operations, we cannot take the risk of endangering human lives by releasing them from military control.

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An additional reason for terminating the sale is DoD Manual 4160.21-M-1, Chapter VIII, Atch 2, which designates aircraft authorized for sale for commercial use. The C-123 does not appear on this list. The aircraft should never have been advertised for sale in the first place, regardless of whether or not they were contaminated with dioxin.

Fortunately, the contract terms appear to give us an avenue for termination. The Standard Form (SF) 114, *Sale of Government Property--Bid and Award*, associated with this sale incorporates by reference SF 114C, *General Sale Terms and Conditions*, SF 114C-1, *Special Sealed Bid Conditions*, and SF 114C-2, *Special Sealed Bid-Term Conditions*. Collectively these provisions appear to provide for rescission with return of the purchase price only.

Under paragraph 7 of SF 144C, "title to the property sold hereunder shall vest in the purchaser as and when removal is effected." With regard to the aircraft still at AMARC, title remains with the Government. Paragraph 14 of SF 114C, Risk of Loss, states, in pertinent part:

Unless otherwise provided in the Invitation, the Government will be responsible for the care and protection of the property subsequent to it being available for inspection and prior to its removal. Any loss, damage, or destruction occurring during such period will be adjusted by the Contracting Officer to the extent it was not caused directly or indirectly by the Purchaser, its agents, or employees. At the discretion of the Contracting Officer, **the adjustment may consist of rescission.** . . . (emphasis added).

Paragraph 15, Limitation on Government's Liability, states ". . .the measure of the Government's liability in any case where liability of the Government to the Purchaser has been established shall not exceed refund of such portion of the purchase price as the Government may have received."

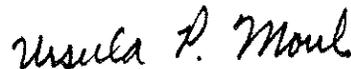
Paragraph 22, Withdrawal of Property After Award, states:

The Government reserves the right to withdraw for its use any or all of the property covered by this contract, if a bona fide requirement for the property develops or exists prior to actual removal of the property from Government control. In the event of a withdrawal under this condition, the Government shall be liable only for the refund of the contract price of the withdrawn property or such portion of the contract price as it may have received.

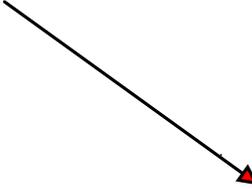
Finally, under SF 114C-2, para. E, Termination, ". . . this contract may be terminated by either party without cost to the Government upon 30 days' written notice to the other, to be calculated from the date the notice is mailed."

Please take appropriate action to terminate these ten sales contracts. In the interim, we have directed that AMARC not release any more C-123s to the purchasers. We look forward to working with you on this rescission. Please contact me at (937) 257-7088 if you require further information. Thank you in advance for your attention to this matter.

Sincerely,



Ursula P. Moul



URSULA P. MOUL, Major, USAF
Assistant Staff Judge Advocate
Directorate of Environmental Law