

Michael Mabee

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November 3, 2019

Chief Privacy Officer/Chief FOIA Officer  
The Privacy Office  
U.S. Department of Homeland Security  
245 Murray Lane SW  
STOP-0655  
Washington, D.C. 20528-0655

Via U.S. Mail and Email: [foia@hq.dhs.gov](mailto:foia@hq.dhs.gov)

**Subject: Request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552.**

Dear Chief FOIA Officer:

I request records under the Freedom of Information Act, which are described below. Further, as more fully set forth below, I also request a fee waiver as I have no commercial interest in the described records and it is in the public interest for the Department of Homeland Security (DHS) to disclose these records to the public.

**Description of records sought:**

I seek the following records:

All emails, reports, notes correspondence or other documents either sent/produced by, or sent to DHS employee Scott Backhaus between August 1, 2019 and October 30, 2019 which in any way reference:

1. The Electromagnetic Defense Task Force (EDTF)
2. Electric Power Research Institute (EPRI)

**Request for Waiver of Fees:**

I am a private citizen with expertise in emergency preparedness and critical infrastructure protection. I maintain a blog where I intend to disseminate this information<sup>1</sup>. I accept no advertising on my blog and derive no revenue from writing or posting my blog articles. I have no commercial interest in these records and will use these records in research and information dissemination to the public.

As set forth fully below, I am entitled to a waiver of fees as I meet all the requirements of 6 CFR § 5.11(k).

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<sup>1</sup> <https://michaelmabee.info> (accessed November 2, 2019).

**Requirement:** 6 CFR § 5.11(k)(2): In deciding whether disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of operations or activities of the government, components will consider the following factors:

- (i) The subject of the request must concern identifiable operations or activities of the federal government, with a connection that is direct and clear, not remote or attenuated.
- (ii) Disclosure of the requested records must be meaningfully informative about government operations or activities in order to be “likely to contribute” to an increased public understanding of those operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not contribute to such understanding where nothing new would be added to the public's understanding.
- (iii) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as his or her ability and intention to effectively convey information to the public shall be considered. It shall be presumed that a representative of the news media will satisfy this consideration.
- (iv) The public's understanding of the subject in question must be enhanced by the disclosure to a significant extent. However, components shall not make value judgments about whether the information at issue is “important” enough to be made public.

**Answer:**

- (i) The protection of the critical infrastructure, including the electric grid, is a clear function of the federal government.<sup>2</sup> The vulnerability of the electric grid to electromagnetic pulse (“EMP”) or geomagnetic disturbance (“GMD”) and the reports and documents generated by the government assessing this threat concerns the operations or activities of the government.
- (ii) The Department of Homeland Security is aware of the conflicting reports on the EMP and GMD threats, such as the reports produced by the Electromagnetic Defense Task Force (EDTF) and the Electric Power Research Institute (EPRI). Understanding how DHS and the government responded to the discrepancies between these reports is “likely to contribute” to an understanding of government operations or activities.
- (iii) Disclosure of this information will inform the public as to the actions the government and regulators have taken to ensure the security of the electric grid. There has been a great deal of attention to the security of the electric grid, including EMP and GMD threats.<sup>3</sup>
- (iv) The DHS's views on the differing reports would contribute to public understanding of government operations or activities to a “significant extent” because DHS is one of the

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<sup>2</sup> Executive Order 13800 “Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure.” May 11, 2017. <https://www.gpo.gov/fdsys/pkg/FR-2017-05-16/pdf/2017-10004.pdf> (accessed November 3, 2019); Presidential Policy Directive 21 (PPD-21) – Critical Infrastructure Security and Resilience. February 12, 2013. <https://obamawhitehouse.archives.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil> (accessed November 3, 2019).

<sup>3</sup> See the U.S. Senate Committee on Homeland Security and Governmental Affairs hearing on February 27, 2019 entitled: “Perspectives on Protecting the Electric Grid from an Electromagnetic Pulse (EMP) or Geomagnetic Disturbance (GMD).”

agencies with responsibilities under Executive Order 13865 (“Coordinating National Resilience to Electromagnetic Pulses”).

**Requirement** 6 CFR § 5.11(k)(3) To determine whether disclosure of the requested information is primarily in the commercial interest of the requester, components will consider the following factors:

- (i) Components shall identify any commercial interest of the requester, as defined in paragraph (b)(1) of this section, that would be furthered by the requested disclosure. Requesters shall be given an opportunity to provide explanatory information regarding this consideration.
- (ii) A waiver or reduction of fees is justified where the public interest is greater than any identified commercial interest in disclosure. Components ordinarily shall presume that where a news media requester has satisfied the public interest standard, the public interest will be the interest primarily served by disclosure to that requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return shall not be presumed to primarily serve the public interest.

**Answer:**

- (i) The requester a private citizen and has no commercial interest in the information.
- (ii) Not applicable since the requester has no commercial interest in the information.

The records may be provided to me electronically at this email address: [CivilDefenseBook@gmail.com](mailto:CivilDefenseBook@gmail.com).

Sincerely,



Michael Mabee

**From:** [civildefensebook@gmail.com](mailto:civildefensebook@gmail.com)  
**To:** [foia@hq.dhs.gov](mailto:foia@hq.dhs.gov)  
**Subject:** FOIA Request  
**Date:** Sunday, November 3, 2019 10:14:14 AM  
**Attachments:** [DHS FOIA Request \(Mabee\) 2019-11-03.pdf](#)

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Dear DHS FOIA Officer:

Please see attached FOIA request, dated November 3, 2019.

Michael Mabee  
(516) 808-0883