

Michael Mabee
[REDACTED]
(516) 808-0883
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November 2, 2019

Ingrid A. Kolb, Chief FOIA Officer
U.S. Department of Energy
FOIA Requester Service Center
1000 Independence Avenue, SW
Mail Stop MA-46
Washington, DC 20585

Via U.S. Mail and Email: ingrid.kolb@hq.doe.gov

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

Dear Ms. Kolb:

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 Energy (DOE) 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 DOE 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 information¹. 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 10 CFR § 1004.9(a)(8).

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

Requirement: 10 CFR § 1004.9(a)(8)(i) That disclosure of the information “is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.” Factors to be considered in applying this criteria include but are not limited to:

- (A) The subject of the request: Whether the subject of the requested records concerns “the operations or activities of the government”;
- (B) The informative value of the information to be disclosed: Whether the disclosure is “likely to contribute” to an understanding of government operations or activities;
- (C) The contribution to an understanding by the general public of the subject likely to result from disclosure; and
- (D) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute “significantly” to public understanding of government operations or activities.

Answer:

- (A) The protection of the critical infrastructure, including the electric grid, is a clear function of the federal government.² 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.
- (B) The Department of Energy 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 DOE and the government responded to the discrepancies between these reports is “likely to contribute” to an understanding of government operations or activities.
- (C) 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.³
- (D) The DOE’s views on the differing reports would contribute “significantly” to public understanding of government operations or activities because DOE is one of the agencies with responsibilities under Executive Order 13865 (“Coordinating National Resilience to Electromagnetic Pulses”).

Requirement: 10 CFR § 1004.9(a)(8) (ii) If disclosure of the information “is not primarily in the commercial interest of the requester.” Factors to be considered in applying this criteria include but are not limited to:

² 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 March 24, 2018); 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 March 24, 2018).

³ 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).”

(A) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so

(B) The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."

Answer:

(A) The requester a private citizen and has no commercial interest in the information.

(B) 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.

Sincerely,

A handwritten signature in blue ink, appearing to read "ML", is positioned above the name Michael Mabee.

Michael Mabee

From: civildefensebook@gmail.com
To: ingrid.kolb@hq.doe.gov
Subject: FOIA Request #1
Date: Saturday, November 2, 2019 7:17:56 PM
Attachments: [DOE FOIA Request \(Mabee\) 2019-11-02.pdf](#)

Ms. Kolb,

Please see attached FOIA request, dated November 2, 2019.

Michael Mabee
(516) 808-0883