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October 14, 2021

U.S. Customs & Border Protection  
Office of Trade  
Trade Analytics and Innovation Division  
1331 Pennsylvania Avenue, NW. 9th Floor  
Washington, DC 20229-1142  
ATTN: FOIA Officer/ITRAC

Re: Freedom of Information Act (FOIA) Request for ITRAC Data

This request is submitted pursuant to the Freedom of Information Act, as amended (5 U.S.C. § 552), and in accordance with 19 C.F.R. §103.5. As more fully outlined below, I also request a fee waiver pursuant to 6 CFR § 5.11(k)

**Description of records sought:**

I seek the following records:

All U.S. imports from the People's Republic of China from January 1, 2006 to the present of the following items under the Harmonized Tariff Schedule of the United States (HTSUS):

1. 85042300: Liquid dielectric transformers having a power handling capacity exceeding 10,000 kVA
2. 8504230040: Liquid dielectric transformers having a power handling capacity exceeding 10,000kVA but not exceeding 100,000 kVA
3. 8504230041: Liquid dielectric transformers having a power handling capacity exceeding 10,000 kVA but not exceeding 59,999 kVA
4. 8504230045: Liquid dielectric transformers having a power handling capacity exceeding 59,999 kVA but not exceeding 100,000 kVA.
5. 8504230080: Liquid dielectric transformers having a power handling capacity exceeding 100,000 kVA

I believe ITRAC includes the following information fields and request all be included:

- Country of Export
- Country of Origin
- Discrepancy Types
- Entered Value
- Entry Date
- Entry Number
- Entry Type

- Est. Duty/Rate
- Est. Tax
- Exams
- Export Date
- Filer
- HTS Number/Desc.
- Manuf. ID
- Mode of Transport
- Port of Lading/Unlading
- Related Party Status
- Special Program Ind.
- Ultimate Consignee

In addition, if not included in the above, I request:

- Importer Name
- Manufacturer Name
- Related Party name
- Consignee Name

I understand ITRAC is provided in electronic format (e.g., Microsoft Excel or Microsoft Access) on computer disk, CD-ROM, or electronic mail, whichever is most convenient.

#### **Request for Waiver of Fees:**

I am a private citizen with expertise in emergency preparedness and critical infrastructure protection. I maintain a website where I intend to disseminate this information<sup>1</sup>. I accept no advertising on my website and derive no revenue from writing or posting my research 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).

**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.

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<sup>1</sup> <https://michaelmabee.info>

- (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 cyberattack and the possibility that the equipment covered by this FOIA request has been installed in the electric grid may have risks or vulnerabilities is of the utmost concern. These imports concern the operations or activities of the government as there are presently no government restrictions on these imports since Executive Order 13920 (Securing the United States Bulk-Power System) has been suspended by Executive Order 13990.
- (ii) These records are the only source of data on the import of equipment which was formerly subject to Executive Order 13920 restrictions. These records will inform the public of the scope of potential threats occurring before Executive Order 13920 and after it was suspended by Executive Order 13990.
- (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 public attention to the security of the electric grid, as well as cyber threats from adversaries of the United States, such as the PRC.<sup>3</sup>
- (iv) Because these records are the only source of data on the import of equipment which was formerly subject to Executive Order 13920 restrictions. These records will greatly enhance the public understanding of the need for adequate protection of the electric grid from equipment imported from adversaries of the U.S.

**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.

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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>; 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>.

<sup>3</sup> See Secretary of Energy's comments to CNN at: <https://www.cnn.com/2021/06/06/politics/us-power-grid-jennifer-granholm-cnntv/index.html> and see Steve Holland and Doina Chiacu. Reuters. "U.S. and allies accuse China of global hacking spree." July 20, 2021. <https://www.reuters.com/technology/us-allies-accuse-china-global-cyber-hacking-campaign-2021-07-19/>

- (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.

**Requestor's Mailing Address:**

The ITRAC records may be provided to me electronically at this email address:  
CivilDefenseBook@gmail.com or by USB flash-drive or CD-ROM to the mailing address below.

Michael Mabee

Sincerely,



Michael Mabee