

Panhandle Energy.txt

Subject: NOPR - 6 CFR Part 29 Procedures for Handling Critical Infrastructure Information

Date: Mon, 16 Jun 2003 16:15:02 -0400

From: "Robert A. Moody" <ramoody@panhandleenergy.com>

To: "RegComments, CII" <CII.RegComments@HQ.DHS.GOV>

Attached please find our comments to the subject NOPR.

An original and 3 copies are being submitted by regular mail also.

Thank you for the opportunity to provide input on this matter.

(See attached file: PEnergy_comments to NOPR_on CII.doc)

Bob Moody

Operations and Engineering

Panhandle Eastern Pipe Line Company

713-989-7466

Please make a note of my New Internet Address: ramoody@panhandleenergy.com

PEnergy_comments to NOPR_on CII.doc

Name: PEnergy_comments to
NOPR_on CII.doc
Type: WINWORD File
(application/msword)
Encoding: base64
Description: PEnergy_comments to
NOPR_on CII.doc

Associate General Counsel (General Law)
Department of Homeland Security
Washington, DC 20528

June 16, 2003

RE: Comments to NOPR 6 CFR Part 29, "Procedures for Handling Critical Infrastructure Information."

Gentlemen:

Panhandle Eastern Pipe Line Company, Sea Robin Pipe Line Company, and Trunkline Gas Company, which are entities of Panhandle Energy Company, operate an extensive interstate natural gas transmission system including the Trunkline LNG regassification facility in Lake Charles, Louisiana. This pipeline system receives natural gas from the major production areas of the Midwest and Gulf Coast for transportation and sale in the Upper Midwest of the United States. Natural gas pipeline systems have been determined by the federal government to be a part of the critical infrastructure of the United States

Panhandle Energy supports the efforts of the Department of Homeland Security to improve security from man-made disruptions and offers the following comments to the subject NOPR:

In general, we wish to point out that this proposed regulation seems to create yet another classification of information (voluntarily submitted from private enterprise) and does not appear to warrant handling in a manner similar as classified information (restricted use and handling within the federal government). There also appears to be a lack of control and protection against the inappropriate or harmful use of voluntarily submitted information by those gaining access to it from within federal government channels.

We offer the following specific comments:

29.4 Critical Infrastructure Information Program Administration: (e) Critical Infrastructure Information Management System (CIIMS). We encourage that the database of CII contain the ability to record user access (whom, when, and why) of the information contained therein and that a means be provided for the person or entity voluntarily submitting the CII to request a report of user access at a reasonable frequency. Additionally, we are not familiar that the Federal Records Act requires the deletion of records in the database that would otherwise be destroyed if they were in paper form or if not deleted at least indicated so.

29.5 Authority to receive Critical Infrastructure Information. The thought process used to develop the substance of this document does not include results of reviews or audits of the regulated community generated by government representatives. For example, we recently participated in a security audit by representatives of the Department of Transportation-Office of Pipeline Safety and Department of Homeland Security-Transportation Security Administration during which copious notes were taken during

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discussions and about printed information that was made available during the review. We do not see that there are any provisions for treating such notes and checklists that the government representatives created and took with them back to Washington be treated as CII or as classified information.

29.6 Acknowledgement, validation, and marking of receipt: (e) (i) (D) Validation of Information. Return of the entire package of information to the submitter, including any letters or other files associated with the determination that the information is not protected CII should also be an option rather than just being maintained as unprotected information or disposal.

29.7 Safeguarding of protected Critical Infrastructure Information: (e) Transmission of Information. It appears that the ability to utilize commercial delivery firms such as UPS or Federal Express is not provided for, and we offer that we should not be restricted to only the USPS.

29.8 Disclosure of Information. Again, we emphasize that records be maintained of CII disclosures pertaining to whom, when, and for what purposes and that this information be made available to the person or entity voluntarily submitting the information upon request.

Additionally, we do not see where any provisions have been made for the person or entity voluntarily submitting the information to have disclosure privileges for their own information.

29.8 Disclosure of Information: (j) Disclosure to foreign governments. We do not condone providing this information to foreign governments unless the document(s) owner agrees in writing.

Panhandle Energy appreciates the opportunity to provide input to this proposed regulation and stands ready to work diligently with the Department of Homeland Security to achieve practical and prudent security of critical infrastructure.

Sincerely yours,

Robert Al Moody
Manager, Technical Services
Operations and Engineering
Panhandle Energy Company

CC:
Richard Keyser
Eric Amundsen

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Infrastructure Information.”

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Lou Lacock

Garry Tripp

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