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Subject: Procedures for Handling Critical Infrastructure Information
Date: Mon, 16 Jun 2003 17:15:28 -0400
From: "Dan DeWaal" <ddewaal@theooc.com>
To: "RegComments, CII" <CII.RegComments@HQ.DHS.GOV>

To Whom It May Concern:

The Options Clearing Corporation ("OCC") is pleased to comment on the Department of Homeland Security's (DHS) proposed rules regarding procedures for handling critical infrastructure information. Private sector firms will be extremely reticent to voluntarily provide information about critical infrastructure assets, their vulnerabilities and plans to protect them without the knowledge that this information will be protected from disclosure to potential attackers and to competitors. Without information from the private sector, DHS and other government agencies will find it extremely difficult to assist in the protection of the nation's critical infrastructure assets. OCC generally supports DHS's proposed rules and believes that they are an important first step in providing needed protection for critical infrastructure information voluntarily provided to the federal government. OCC strongly encourages similar efforts by state governments and private sector groups to develop procedures for protecting critical infrastructure information.

OCC plays a vital role in the United States financial markets. OCC is a registered securities clearing agency and a registered derivatives clearing organization. OCC is the largest clearing organization in the world for financial derivative instruments and is the first clearinghouse to receive a "AAA" rating from Standard & Poor's Corporation. OCC clears all exchange traded Securities and Exchange Commission ("SEC") -regulated options in the United States. These options are traded on the American Stock Exchange, the Chicago Board Options Exchange, the International Securities Exchange, the Pacific Exchange and the Philadelphia Exchange. OCC also clears all exchange traded security futures traded in the United States. These products are jointly regulated by the SEC and the Commodity Futures Trading Commission ("CFTC").

OCC has always made business continuity a top priority because of our important role in clearing exchange-traded options and security futures. OCC adheres to sound principles for its business continuity plan including use of advanced technology; diversity; redundancy; and testing. OCC works closely with its regulators, SEC and CFTC, as it continues to develop and implement its business continuity plans. OCC also works cooperatively with other federal agencies, including the Department of the Treasury's Office of Critical Infrastructure Protection & Compliance Policy. OCC wants to insure that any critical infrastructure protection information that it voluntarily provides to these and other federal agencies will be protected against disclosure to potential attackers and to competitors.

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OCC generally supports the proposed rules. However, we believe that the proposed rules could be strengthened in a few respects. In Section 29.2(b), Definitions, we suggest adding a subsection (4) to further describe what the records or information protected by the regulations concern. We suggest inclusion of the following language, (4) Detailed plans or diagrams containing non-public information on information systems, network topology, location, or similar information. We also suggest adding a new subsection to Section 29.5, Authority to receive Critical Infrastructure Information. This new subsection (e) would include procedures for the secure return of information to the submitter in cases where the CII Program Manager determines that the submission does not meet the criteria for CII. The addition of this subsection will require a conforming change in Section 29.5(d) to reflect that information submitted to the CII Program Manager, or a designee, may be maintained by a federal agency or DHS components other than the IAIP directorate pending return under new section 29.5(e).

Thank you again for the opportunity to comment on the proposed rules on procedures for handling critical infrastructure information. If you would like to discuss any of these issues further, please contact the undersigned at The Options Clearing Corporation at (312) 322-4497.

Sincerely,

Dan Dewaal
Director of Security Services