

Southern California Edison Company.txt

Subject: Comments of Southern California Edison Company re Proposed Procedures
reCritical Infrastructure Information

Date: Mon, 16 Jun 2003 14:30:51 -0400

From: <Joanna.Moore@sce.com>

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

(See attached file: SCE CII Comments.pdf)

Attached are comments of Southern California Edison Company on the
Department of Homeland Security's Notice of Proposed Rulemaking on
procedures for the handling of critical infrastructure information. Please
contact me if you have any questions. Thank you very much.

Joanna Moore

Senior Attorney

Southern California Edison Company

2244 Walnut Grove Avenue, P.O. Box 800

Rosemead, California 91770

Tel: (626) 302-1418 Fax: (626) 302-2050

E-mail: Joanna.Moore@sce.com

| | |
|----------------------|-----------------------------------|
| | Name: SCE CII Comments.pdf |
| SCE CII Comments.pdf | Type: Acrobat (application/pdf) |
| | Encoding: base64 |
| | Description: SCE CII Comments.pdf |



SOUTHERN CALIFORNIA
EDISON

An EDISON INTERNATIONAL Company

Joanna Moore
Senior Attorney
joanna.moore@sce.com

June 16, 2003

Associate General Counsel
Department of Homeland Security
Washington, D.C. 20528

RE: 6 C.F.R. PART 29, RIN 1601-AA14

Dear Associate General Counsel:

Enclosed are **COMMENTS OF SOUTHERN CALIFORNIA EDISON COMPANY** in response to the Notice of Proposed Rulemaking concerning Procedures for Handling Critical Infrastructure Information.

If there are any questions concerning this submission, please contact the undersigned.

Very truly yours,

A handwritten signature in black ink, consisting of a stylized 'J' followed by a long horizontal line.

Joanna Moore

JM/nlg:
Enclosures

LW031670001

UNITED STATES OF AMERICA
BEFORE THE
DEPARTMENT OF HOMELAND SECURITY

| | |
|-----------------------------------|--------------------|
| Procedures for Handling Critical |) 6 C.F.R. PART 29 |
| <u>Infrastructure Information</u> |) RIN 1601-AA14 |

COMMENTS OF SOUTHERN CALIFORNIA EDISON COMPANY

Southern California Edison Company ("SCE") hereby comments on the Department of Homeland Security's ("Department") Notice of Proposed Rulemaking ("NOPR") establishing procedures for handling Critical Infrastructure Information ("CII") to implement Section 214 of the Homeland Security Act of 2002 (Pub. L. 107-296). The NOPR was issued on April 15, 2003 and comments were invited by June 16, 2003.

I.

DISCUSSION

This NOPR setting forth procedures for the protection of critical infrastructure information submitted to the Department is of significant interest to SCE because the unrestricted release of sensitive information regarding SCE's extensive critical energy infrastructure could put not only SCE's assets, but also the public, at risk from a potential terrorist attack.

SCE therefore strongly supports the Department's development of procedures for protecting CII that may be voluntarily submitted to the Department as part of

an effort to reduce the vulnerability of critical infrastructure to acts of terrorism. SCE is also encouraged by the extensive efforts detailed in the proposed procedures to safeguard and maintain the confidentiality of CII once in the Department's possession.

Likewise, SCE agrees with the deference accorded the submitter in the identification of information submitted as CII under Sections 29.6(b) and (e) and the provisions setting forth notification procedures in the event the CII Program Manager makes an initial or final determination that the information submitted should not be treated as CII.

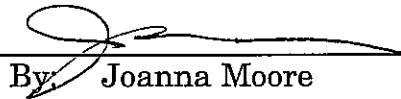
SCE is concerned, however, with Section 29(f), which provides a lack of "good faith" exception to the notification protections.¹ Section 29(f) states that if the "CII Program Manager determines that any information is not submitted in good faith accordance with the CII Act of 2002 and these procedures, the Program Manager is not required to notify the submitter that the information does not qualify as Protected CII." Not only do the procedures fail to explain under what circumstances a submission of CII might be found to lack good faith, they also do not state what will be done with the information if it is determined that it was submitted in bad faith. SCE requests that this provision be eliminated from the CII procedures or at least more information should be provided as to the grounds for a bad faith finding. In addition, the submitter should be notified if the CII Program Manager finds that any information was not submitted in good faith.

¹ The notion of a good faith standard is also mentioned in Section 29.8(i).

In sum, SCE strongly supports the Department's proposed procedures for protection of CII except for the provision concerning the lack of good faith notification exception, which SCE recommends be eliminated.

Respectfully submitted,

Michael D. Mackness
Joanna Moore


By: Joanna Moore

Attorneys for
SOUTHERN CALIFORNIA EDISON COMPANY

2244 Walnut Grove Avenue
Post Office Box 800
Rosemead, CA 91770
Tel. (626) 302-1418
Fax (626) 302-2050
E-mail: joanna.moore@sce.com

Dated: June 16, 2003