

**U.S. Department of Homeland Security**  
**Chemical Facility Anti-Terrorism Standards**  
**(CFATS)**

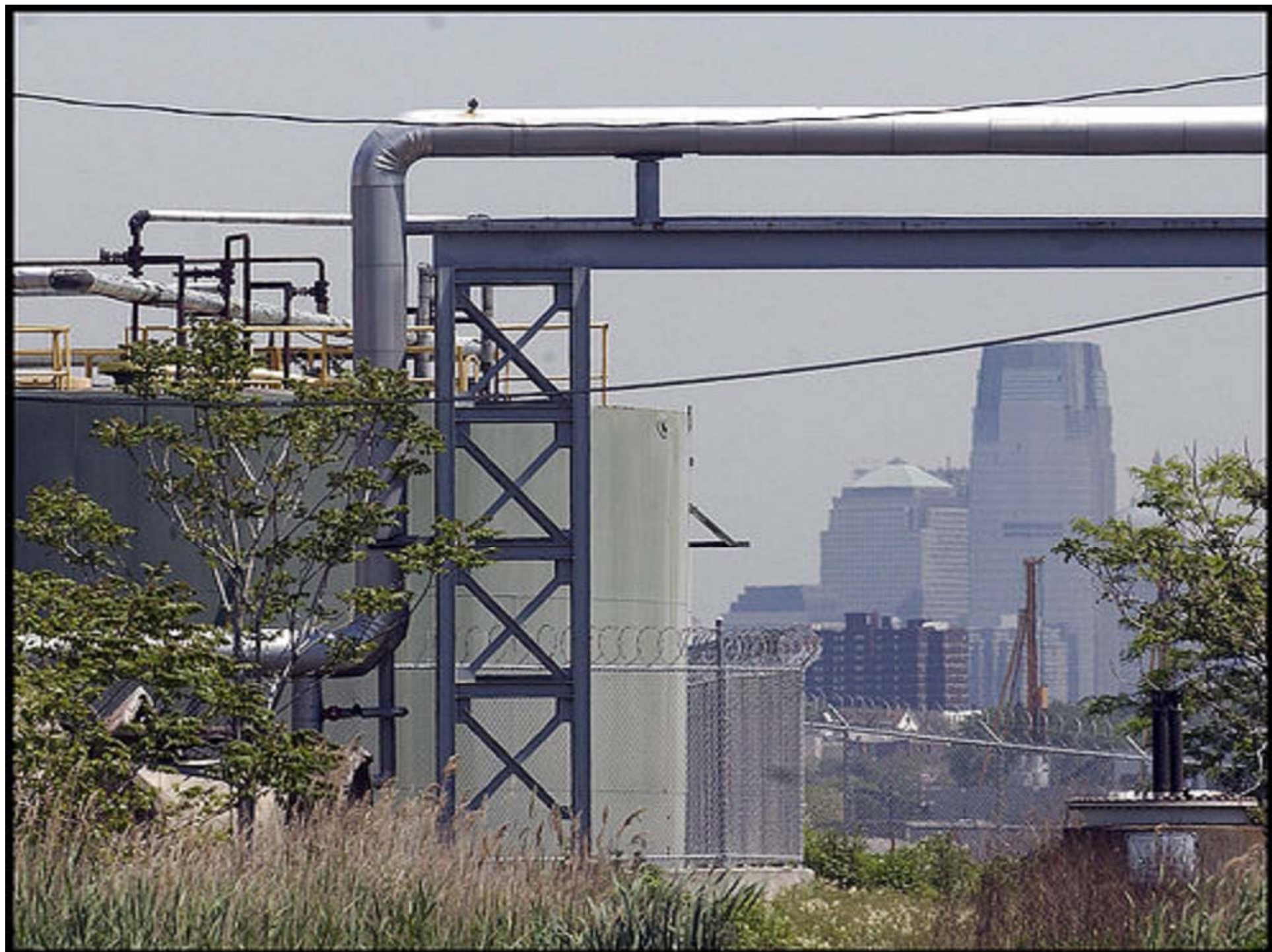
**Interim Final Rule**

**Effective: June 8, 2007**

**Effective Date of Appendix A: TBD (Late Summer/Early Fall 2007)**

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Presented by Steve Roberts  
Attorney at Law  
Practice Limited to Homeland Security  
561-995-4000



Testimony  
Before the Committee on Homeland  
Security and Governmental Affairs, U.S.  
Senate

For Release on Delivery  
Expected at 10:00 a.m. EDT  
Wednesday, April 27, 2005

## HOMELAND SECURITY

### Federal and Industry Efforts Are Addressing Security Issues at Chemical Facilities, but Additional Action Is Needed

Statement of John B. Stephenson, Director  
Natural Resources and Environment



“About 1,100 [chemical] facilities participate in a voluntary industry effort in which they assess vulnerabilities, develop security plans, and undergo a third party verification that the facilities implemented the identified physical security enhancements. The extent to which the remaining facilities are addressing security is unclear and the extent of the chemical facilities’ security preparedness is unknown.”

[washingtonpost.com](http://washingtonpost.com)

## Chemical Security Upgrades Are Urged

Homeland Official to Tell Senate Panel Of Change in Administration Policy

By John Mintz

Washington Post Staff Writer

Wednesday, June 15, 2005; A02

For the first time, the Bush administration is endorsing mandatory requirements for heightened security at chemical plants, many of which homeland defense experts consider highly vulnerable to catastrophic terrorist attack.

The change in policy is one of the first enunciated by new Homeland Security Secretary Michael Chertoff, who is conducting a top-to-bottom review of the two-year-old department's priorities and organizational chart.

Until this week, administration officials had embraced the chemical industry's proposals for voluntary security precautions, though they had warned that the day might arrive when industry foot-dragging would compel a crackdown.

The new Bush administration stance is outlined in testimony to be delivered today by Robert Stephan, recently named the Homeland Security Department's undersecretary for intelligence and infrastructure, at a Senate hearing. A transcript was made available by Senate staff members.

"I can report on his behalf that Secretary Chertoff has concluded that . . . the existing patchwork of authorities does not permit us to regulate the industry effectively," Stephan is to tell the Senate Homeland Security and Governmental Affairs Committee. "While most companies have been eager to cooperate with the department, it has become clear the entirely voluntary efforts of these companies alone will not sufficiently address security for the entire sector."

U.S. officials say that an attack on some chemical plants in and near large cities, including a number in northern New Jersey, could cause hundreds of thousands of deaths if a resulting chemical cloud were spread by wind. Attacks on any of scores of other sites could result in thousands or tens of thousands of casualties, they said.

“While most companies have been eager to cooperate with [DHS], it has become clear the entirely voluntary efforts of these companies alone will not sufficiently address security for the entire sector.”

109TH CONGRESS  
1ST SESSION

# S. 2145

To enhance security and protect against terrorist attacks at chemical facilities.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 2005

Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COLEMAN, Mr. CARPER, and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To enhance security and protect against terrorist attacks  
at chemical facilities.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Chemical Facility Anti-

5 Terrorism Act of 2005”.

December 19, 2005:  
“*Chemical Facility  
Antiterrorism Act of 2005.*”

One Hundred Ninth Congress  
of the  
United States of America

AT THE SECOND SESSION

*Began and held at the City of Washington on Tuesday  
the third day of January, two thousand and six*

An Act

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, for the Department of Homeland Security and for other purposes, namely:*

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, \$94,470,000: *Provided*, That not to exceed \$40,000 shall be for official reception and representation expenses: *Provided further*, That of the funds provided under this heading, \$5,000,000 shall not be available for obligation until the Secretary of Homeland Security submits a comprehensive port, container, and cargo security strategic plan to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Homeland Security of the House of Representatives; the Committee on Homeland Security and Governmental Affairs of the Senate; and the Committee on Commerce, Science, and Transportation of the Senate that requires screening all inbound cargo, doubles the percentage of inbound cargo currently inspected, sets minimum standards for securing inbound cargo, and includes the fiscal year 2007 performance requirements for port, container, and cargo security as specified in the joint explanatory statement accompanying this Act: *Provided further*, That of the funds provided under this heading, \$10,000,000 shall not be available for obligation until the Secretary submits the Secure Border Initiative multi-year strategic plan to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committees on the Judiciary of the Senate and the House of Representatives no later than December 1, 2006, that includes: a comprehensive

SEC. 550. (a) No later than six months after the date of enactment of this Act, the Secretary of Homeland Security shall issue interim final regulations establishing risk-based performance standards for security of chemical facilities and requiring vulnerability assessments and the development and implementation of site security plans for chemical facilities: *Provided*, That such regulations shall apply to chemical facilities that, in the discretion of the Secretary, present high levels of security risk: *Provided further*, That such regulations shall permit each such facility, in developing and implementing site security plans, to select layered security measures that, in combination, appropriately address the vulnerability assessment and the risk-based performance standards for security for the facility: *Provided further*, That the Secretary may not disapprove a site security plan submitted under this section based on the presence or absence of a particular security measure, but the Secretary may disapprove a site security plan if the plan fails to satisfy the risk-based performance standards established by this section: *Provided further*, That the Secretary may approve alternative security programs established by private sector entities, Federal, State, or local authorities, or other applicable laws if the Secretary determines that the requirements of such programs meet the requirements of this section and the interim regulations: *Provided further*, That the Secretary shall review and approve each vulnerability assessment and site security plan required under this section: *Provided further*, That the Secretary shall not apply regulations issued pursuant to this section to facilities regulated pursuant to the Maritime Transportation Security Act of 2002, Public Law 107-295, as amended; Public Water Systems, as defined by section 1401 of the Safe Drinking Water Act, Public Law 93-523, as amended; Treatment Works as defined in section 212 of the Federal Water Pollution Control Act, Public Law 92-500, as amended; any facility owned or operated by the Department of Defense or the Department of Energy, or any facility subject to regulation by the Nuclear Regulatory Commission.

(b) Interim regulations issued under this section shall apply until the effective date of interim or final regulations promulgated under other laws that establish requirements and standards referred to in subsection (a) and expressly supersede this section: *Provided*, That the authority provided by this section shall terminate three years after the date of enactment of this Act.

(c) Notwithstanding any other provision of law and subsection (b), information developed under this section, including vulnerability assessments, site security plans, and other security related information, records, and documents shall be given protections from public disclosure consistent with similar information developed by chemical facilities subject to regulation under section 70103 of title

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## It's Worth Noting...

1. The statutory authority is limited to three years.
2. DHS cannot approve or deny a Site Security Plan based on the presence or absence of a specific security measure (i.e. IST).
3. The statute is *silent* on preemption.
4. Alternative Security Plans may be permitted (i.e. ACC).
5. Unlike entirely prescriptive statutes, Section 550 is a *risk-based performance standard*.
6. Certain facilities are exempt – MTSA, NRC, DOE, DOD, Public Water Systems.



# Federal Register

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Monday,  
April 9, 2007

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Part III

**Department of  
Homeland Security**

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6 CFR Part 27  
Chemical Facility Anti-Terrorism  
Standards; Final Rule

## Key Elements

1. Establishes a 4 application *Chemical Security Assessment Tool* (CSAT): User Registration, Top Screen, SVA, SSP.
  - The risk methodology *is* CSAT. This is a change from the Proposed Rule, which emphasized RAMCAP.
2. For most facilities, whether to complete a Top-Screen is a function of Appendix A. Yet, DHS can (and has) individually notified companies of the need to complete a Top-Screen. This “phased approach” is one explanation for the lag between the CFATS’ June 8 effective date and Appendix A.

# Appendix A: Date of Final Release TBD

17740

Federal Register / Vol. 72, No. 67 / Monday, April 9, 2007 / Rules and Regulations

## APPENDIX A TO PART 27.—DHS CHEMICALS OF INTEREST—Continued

Chemical of interest	Chemical Abstract Service (CAS) number	Screening threshold quantity (STQ) (lbs)
1,2-bis(2-chloroethylthio)ethane	3563-36-8	Any Amount.
1,3-bis(2-chloroethylthio)-n-propane	63905-10-2	Any Amount.
1,3-Butadiene	106-99-0	7,500.
1,3-Pentadiene	504-60-9	7,500.
1,4-bis(2-chloroethylthio)-n-butane	142868-93-7	Any Amount.
1,5-bis(2-chloroethylthio)-n-pentane	142868-94-8	Any Amount.
1-Butene	106-98-9	7,500.
1-Chloropropylene	590-21-6	7,500.
1H-Tetrazole	16681-77-9	2,000.
1-Pentane	109-67-1	7,500.
2,2-Dimethylpropane	463-82-1	7,500.
2-Butene	107-01-7	7,500.
2-Butene-cis	590-18-1	7,500.
2-Butene-trans	624-64-6	7,500.
2-chloroethylchloromethylsulfide	2625-76-5	Any Amount.
2-Chloropropylene	557-98-2	7,500.
2-Chlorovinylchloroarsine	541-25-3	Any Amount.
2-Methyl-1-butene	563-46-2	7,500.
2-Methylpropene	115-11-7	7,500.
2-Pentene, (Z)-	627-20-3	7,500.
2-Pentene, (E)-	646-04-8	7,500.
3,3-dimethyl-2-butanol	464-07-3	Any Amount.
3-Methyl-1-butene	563-45-1	7,500.
3-Quinuclidinyl benzilate (BZ)	62869-69-6	Any Amount.
5-Nitrobenzotriazol	2338-12-7	2,000.
Acetaldehyde	75-07-0	7,500.
Acetone	67-64-1	2,000.
Acetone cyanohydrin, stabilized	75-86-5	2,000.
Acetyl bromide	506-96-7	2,000.
Acetyl chloride	75-36-5	2,000.
Acetyl iodide	507-02-8	2,000.
Acetylene	74-86-2	7,500.
Acrolein	107-02-8	3,750.
Acrylonitrile	107-13-1	15,000.
Acrylyl chloride	814-68-6	3,750.
Allyl alcohol	107-18-6	11,250.
Allylamine	107-11-9	7,500.
Allyltrichlorosilane, stabilized	107-37-9	2,000.
Aluminum bromide, anhydrous	7727-15-3	2,000.
Aluminum chloride, anhydrous	7446-70-0	2,000.
Aluminum phosphide	20859-73-8	2,000.
Ammonia (anhydrous)	7664-41-7	7,500.
Ammonia (conc. 20% or greater)	7664-41-7	15,000.
Ammonium nitrate (nitrogen concentration of 28%–34%)	6484-52-2	2,000.
Ammonium perchlorate	7790-98-9	2,000.
Ammonium picrate	131-74-8	2,000.
Amyltrichlorosilane	107-72-2	2,000.
Antimony pentafluoride	7783-70-2	2,000.
Arsenous trichloride	7784-34-1	Any Amount.
Arsine	7784-42-1	Any Amount.
Barium azide	18810-58-7	2,000.
bis(2-chloroethyl)methylamine	538-07-8	Any Amount.
bis(2-chloroethyl)methylamine	51-75-2	Any Amount.
bis(2-chloroethyl)sulfide	505-60-2	Any Amount.
bis(2-chloroethylthio)methane	63869-13-6	Any Amount.
bis(2-chloroethylthio)ethyl ether	63918-89-8	Any Amount.
bis(2-chloroethylthiomethyl)ether	63918-90-1	Any Amount.
bis(2-chlorovinyl)chloroarsine	40334-69-8	Any Amount.
Boron tribromide	10294-33-4	2,000.
Boron trichloride	10294-34-5	Any Amount.
Boron trifluoride	7637-07-2	Any Amount.
Boron trifluoride compound with methyl ether (1:1)	353-42-4	11,250.
Bromine	7726-95-6	7,500.
Bromine chloride	13863-41-7	Any Amount.
Bromine pentafluoride	7789-30-2	2,000.
Bromine trifluoride	7787-71-5	2,000.
Bromotrifluoroethylene	598-73-2	7,500.
Butane	106-97-8	7,500.
Butene	25167-67-3	7,500.
Butyltrichlorosilane	7521-80-4	2,000.



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6 CFR Part 27  
Chemical Facility Anti-Terrorism  
Standards; Final Rule

### Key Elements

3. The failure to complete a Top-Screen in a timely manner may result in a “presumptively high risk” determination, thereby forcing a facility to overcome the presumption.
4. Material modifications to facility operations require resubmission of the Top-Screen within 60 days of the modification (e.g. the facility *now* stores TIH material when it previously did not).
5. As part of an ongoing security initiative, Tier 1 and Tier 2 facilities must resubmit a Top-Screen at least every 2 years. Tier 3 and Tier 4 facilities must resubmit a Top-Screen at least every 3 years.



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### Key Elements

6. The Security Vulnerability Assessment (SVA) has 5 parts:
  - Asset characterization
  - Threat Assessment
  - Security Vulnerability Analysis
  - Risk Assessment
  - Countermeasure Analysis
7. Together, the Top-Screen and the SVA provide a risk snapshot to enable DHS to make a *final* tier determination (Tier 1- Tier 4).



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## Key Elements

8. The Site Security Plan (SSP) must:
  - Address each vulnerability identified in the SVA, and the security measure selected to remediate the vulnerability.
  - Identify and describe how each security measure will, in fact, meet the applicable risk-based performance standards.
9. Each covered facility must conduct an annual audit to ensure SSP compliance.



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## Key Elements

10. The risk-based performance standards are the essence of CFATs, and includes, among other features:
- Access Control;
  - Credentialing;
  - Cybersecurity;
  - Recordkeeping, Training, and Emergency Response;
  - Testing of security equipment;
  - Reporting of security incidents and suspicious activity; and
  - Deterring, Detecting, and Delaying to create sufficient time between detection of an attack and the point at which the attack succeeds.



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### Key Elements

11. Tier 4 facilities may submit an Alternate Security Program in lieu of an SVA, SSP, or both...but Tier 1, Tier, 2 and Tier 3 facilities may not submit an Alternate Security Program in lieu of an SVA.
  - This will ensure a uniform snapshot of security vulnerabilities nationally.
  - All Alternate Security Programs must satisfy the applicable risk-based performance standard.



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### Key Elements

12. DHS will review and approve (or deny) all SVAs and SSPs:
- SSP approval is a two-step process:
    - ✓ DHS will make a preliminary decision. If DHS preliminarily approves, then DHS will issue a Letter of Authorization and dispatch an inspector;
    - ✓ Following the physical inspection, DHS will issue a Letter of Approval. At this time, the facility must implement the approved SSP.



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## Key Elements

13. Inspection will occur with 24 hour advance notice, in most cases:
  - Inspectors will be duly authorized, may give oaths, and may request access to all required records.
  - False Statement Concern.
14. Covered facilities must keep records for 3 years regarding:
  - Training;
  - Drills and Exercises;
  - Incidents and Breaches Security;
  - Security Threats;
  - Audits; and
  - DHS Correspondence (6 years).



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## Key Elements

15. Violations of CFATS include a fine, not to exceed \$25,000 per day – and, in extreme cases, cessation of operations.
16. Due process is an important element of CFATS. Orders issuing fines or ordering a cessation of operation include notice and an opportunity to be heard.
17. Challenges to CFATS will be heard by a neutral adjudicator, and DHS has the initial burden of proof in all administrative actions. There is also an appeal process, and the conclusion of which represents final agency action which allows a party to elevate the matter to a U.S. District Court.



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### Key Elements

18. Importantly, three matters may be adjudicated:
  - A finding that a person is a security threat;
  - Disapproval of a SSP; and
  - A fine or order to cease operations.
19. DHS has taken the view that CFATS preempts state or local law that conflicts with or frustrates the purpose of the federal regulatory regime.
  - DHS's position on preemption may not survive.
20. CFATS does not permit third-party actions.



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## Chemical-Terrorism Vulnerability Information (CVI)

1. DHS developed CVI as a new class of protected information:
  - CVI borrows features from existing information protection regimes for *Sensitive But Unclassified Information* (SBU), such as Sensitive Security Information (SSI) and Protected Critical Infrastructure Information (PCII).
  - CVI restricts disclosure to “authorized users” with “a need to know” and precludes disclosure under the federal Freedom of Information Act or similar state law.



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## Chemical-Terrorism Vulnerability Information (CVI)

- An *authorized user* is a *covered person* with a *need to know* who:
  - ✓ Satisfied all DHS mandated CVI training;
  - ✓ Submitted a CVI NDA to DHS; and
  - ✓ Passed a background check, if required.
- A *covered person* is a person who:
  - ✓ Because of a *need to know*, has lawful access to CVI;
  - ✓ Receives or gains access to CVI; or
  - ✓ Receives or gains access to what the person would reasonably know is CVI.



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## Chemical-Terrorism Vulnerability Information (CVI)

- A person has a *need to know* if that person requires access to specific information to perform or assist in a lawful government function, which includes, among other things:
  - ✓ Carrying out chemical facility security activities approved, accepted, funded, recommended or directed by DHS.
  - ✓ In other words, if you have a role in/assist with CFATS compliance, you have a “need to know.”



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## Chemical-terrorism Vulnerability Information (CVI)

2. As enumerated by 6 CFR 27.400(b), CVI includes, among other things:
  - The Top-Screen and information developed pursuant to the Top-Screen;
  - SVAs & SSPs;
  - Inspection Reports/Findings;
  - Audit Records;
  - Training Records; and
  - Correspondence between DHS and the Covered Facility.
3. Each Covered Facility must appoint a CVI Point of Contact to act as a liaison with DHS and to assist with “need to know” determinations and CVI training needs.

# Chemical Facility Anti-Terrorism Standards – Interim Final Rule

CHEMICAL SECURITY ASSESSMENT TOOL (CSAT) Comprises 4 Parts:  
User Registration, Top Screen, SVA, SSP



Required if 1) the facility possess any of the chemicals, at the threshold quantities, listed in Appendix A or 2) the facility is directed to do so by DHS

**TOP SCREEN**



**Does Present a High Level of Security Risk**

**Does NOT Present a High Level of Security Risk**

**NOT Regulated**

**Regulated**

**SVA (90 Days)**

**Final Tier Determination & SVA Review**

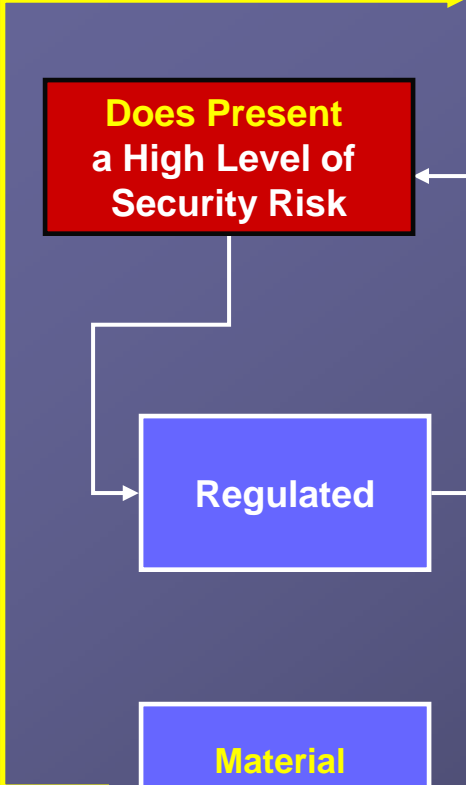
**SSP (120 Days)**

**Material Modifications?**

**Submit Revised TOP SCREEN**

**Compliance & Recordkeeping**

**DHS Reviews the SSP and Conducts a Physical Facility Inspection. If Not Approved, Deficiencies Must Be Corrected. The Approved SSP is Implemented.**



## Rules and Regulations

Federal Register

Vol. 72, No. 79

Wednesday, April 25, 2007

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

### DEPARTMENT OF HOMELAND SECURITY

#### 6 CFR Part 27

[DHS-2007-0025]

#### Notice to Facilities to Begin Registration for Chemical Security Assessment Tool

**AGENCY:** Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** The Department of Homeland Security (DHS or Department) recommends that chemical facilities begin the registration process to gain access to the Chemical Security Assessment Tool (CSAT) system. This is a voluntary registration process for facilities that think they may be covered by DHS's Chemical Facility Anti-Terrorism Standards located in 6 CFR Part 27 and that would like to initiate the process to determine whether or not they are covered by 6 CFR Part 27.

**DATES:** Effective April 25, 2007.

**FOR FURTHER INFORMATION CONTACT:** Matthew Bettridge, Chemical Security Regulatory Task Force, Department of Homeland Security, 703-235-5263.

**SUPPLEMENTARY INFORMATION:** Section 550 of the Homeland Security Appropriations Act of 2007 provided the Department of Homeland Security (DHS or Department) with authority to promulgate "interim final regulations" for the security of certain chemical facilities in the United States. See Pub. L. 109-295, sec. 550, On December 28, 2006, the Department issued an Advance Notice of Rulemaking seeking comment on the significant issues and regulatory text (see 71 FR 78276), and on April 9, 2007, the Department published an Interim Final Rule establishing anti-terrorism standards for chemical facilities (see 72 FR 17688).

The Interim Final Rule is effective June 8, 2007.

Although the Interim Final Rule does not go into effect until June, DHS strongly recommends that facilities begin the registration process as soon as possible to gain access to the Chemical Security Assessment Tool (CSAT) system. The CSAT is a suite of four applications, including the User Registration, Top-Screen, Security Vulnerability Assessment, and Site Security Plan, through which the Department will collect and analyze key data from chemical facilities. Facilities will submit information to DHS through an on-line, web-based component of the CSAT system. CSAT user registration is the first step in the process.

covered by the Interim Final Rule.

In the course of the CSAT user registration process, facilities will provide basic information to DHS (e.g., the name, contact information, and mailing address for the submitter), and DHS will, in turn, provide each approved CSAT user with a user identification and password, so that they can access the CSAT system. DHS will provide approved users with user identifications and passwords in the weeks just before the interim final rule becomes effective (i.e., June 8, 2007).

By beginning and encouraging early user registration, DHS believes that it will facilitate the efficient roll-out of the Interim Final Rule. The registration process can take some time, as there are several parts involved: Potential users must complete an online form, DHS must create an account, and potential users must then sign the user registration form and return it to DHS. Facilities who have registered early will have completed this process and will be able to begin completing the Top-Screen as soon as the rule goes into effect.

Until the effective date of the rule, this is a voluntary registration process for facilities that think they may be covered by DHS's Chemical Facility Anti-Terrorism Standards located in 6 CFR Part 27 and that would like to initiate the process to determine whether or not they are covered by 6 CFR Part 27. By registering with DHS, facilities will obtain access to the CSAT system, so that they can obtain a user registration and password, complete the Top-Screen, etc. Note that this Federal Register Notice is not notice under 6

CFR 27.200(b) that DHS is seeking information from certain chemical facilities. This notice does not impose any obligation or requirement on any party. Instead, it simply provides written notice of the Web site available for parties voluntarily choosing to access the CSAT system.

To begin the CSAT registration process, facilities should go to <http://www.DHS.gov/chemicalsecurity> and follow the instructions for gaining access to the CSAT system. DHS has activated this CSAT Web page concurrent with its publication of the interim final rule on April 9, 2007. In addition, DHS notes that it is establishing a

*Assistant Secretary for Infrastructure Protection, Department of Homeland Security.*

[FR Doc. E7-7923 Filed 4-24-07; 8:45 am]

**BILLING CODE** 4410-10-P

### DEPARTMENT OF THE TREASURY

#### Internal Revenue Service

#### 26 CFR Part 1

[TD 9315]

RIN 1545-BD10

#### Dual Consolidated Loss Regulations; Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correcting amendments.

**SUMMARY:** This document contains corrections to final regulations (TD 9315) that were published in the Federal Register on Monday, March 19, 2007 (72 FR 12902) regarding dual consolidated losses. Section 1503(d) generally provides that a dual consolidated loss of a dual resident corporation cannot reduce the taxable income of any other member of the affiliated group unless, to the extent provided in regulations, the loss does not offset the income of any foreign corporation.

**DATES:** These correcting amendments are effective April 25, 2007.

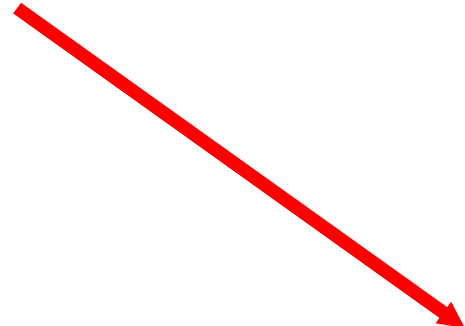
DHS is encouraging facilities that think they may be covered to begin the regulatory process now by completing the "User Registration" portion of the CSAT available at: [www.dhs.gov/chemicalsecurity](http://www.dhs.gov/chemicalsecurity)



# CSAT Top-Screen

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## Questions



Homeland Security Chemical Security Assessment Tool (CSAT) User Registration

**Submitter**

The Submitter is certified by the company or corporation to formally submit the regulatory data to DHS.  
The Submitter must be an officer of the corporation (or equivalent) or designated by an Officer of the Corporation, and domiciled in the United States.

First Name:  Middle Initial:  Last Name:

Organization:

Mailing Address 1:

Mailing Address 2:

City:  State:  Zipcode:

Phone Number:  -  Extension:

E-mail Address:

Is the Submitter a U.S. Citizen?  Yes  No

Is the Submitter an Officer of the Corporation or designated by an Officer of the Corporation?  Yes  No

Is the Submitter domiciled in the U.S.?  Yes  No

**Authorizing Person for Submitter**

The Authorizer verifies that the user account request for the Submitter is valid on behalf of the company that owns the facility.

First Name:  Middle Initial:  Last Name:

Job Title:

Phone Number:  -  Extension:

[Continue to Facility Information >](#)

One Hundred Tenth Congress  
of the  
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Thursday,  
the fourth day of January, two thousand and seven*

An Act

Making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE

GLOBAL WAR ON TERRORISM SUPPLEMENTAL  
APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, \$460,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 1101. There is hereby appropriated \$40,000,000 to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(F)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used to replenish the Bill Emerson Humanitarian Trust.

H. R. 1591—18

DOMESTIC NUCLEAR DETECTION OFFICE  
RESEARCH, DEVELOPMENT, AND OPERATIONS

For an additional amount for "Research, Development, and Operations" for non-container, rail, aviation and intermodal radiation detection activities, \$39,000,000, to remain available until expended.

SYSTEMS ACQUISITION

For an additional amount for "Systems Acquisition", \$223,500,000, to remain available until expended: *Provided*, That none of the funds appropriated under this heading shall be obligated for full scale procurement of Advanced Spectroscopic Portal Monitors until the Secretary of Homeland Security has certified through a report to the Committees on Appropriations of the Senate and the House of Representatives that a significant increase in operational effectiveness will be achieved.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1501. (a) AMENDMENTS.—Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by—

(1) in subsection (c), by striking "consistent with similar" and inserting "identical to the protections given";

(2) in subsection (c), by striking ", site security plans, and other information submitted to or obtained by the Secretary under this section, and related vulnerability or security information, shall be treated as if the information were classified material" and inserting "and site security plans shall be treated as sensitive security information (as that term is used in section 1520.5 of title 49, Code of Federal Regulations, or any subsequent regulations relating to the same matter)"; and

(3) by adding at the end of the section the following:

"(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State."

(b) REGULATORY CLARIFICATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall update the regulations administered by the Secretary that govern sensitive security information, including 49 CFR 1520, to ensure the protection of all information required to be protected under section 550(c) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note), as amended by paragraph (a).

SEC. 1502. None of the funds provided in this Act, or Public Law 109-295, shall be available to carry out section 872 of Public Law 107-296.

SEC. 1503. LINKING OF AWARD FEES UNDER DEPARTMENT OF HOMELAND SECURITY CONTRACTS TO SUCCESSFUL ACQUISITION OUTCOMES. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide

Calendar No. 206

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2638

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IN THE SENATE OF THE UNITED STATES

JUNE 18, 2007

Received; read twice and placed on the calendar

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## AN ACT

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for the  
5 Department of Homeland Security for the fiscal year end-  
6 ing September 30, 2008, and for other purposes, namely:

**Passed by the House on June 15, 2007**

11 SEC. 532. (a) AMENDMENTS.—Section 550 of the  
12 Department of Homeland Security Appropriations Act,  
13 2007 (6 U.S.C. 121 note) is amended—

14 (1) in subsection (c), by striking “consistent  
15 with similar” and inserting “identical to the protec-  
16 tions given”;

17 (2) in subsection (c), by striking “, site security  
18 plans, and other information submitted to or ob-  
19 tained by the Secretary under this section, and re-  
20 lated vulnerability or security information, shall be  
21 treated as if the information were classified mate-  
22 rial” and inserting “and site security plans shall be  
23 treated as sensitive security information (as that  
24 term is used in section 1520.5 of title 49, Code of

1 Federal Regulations, or any subsequent regulations  
2 relating to the same matter)”; and

3 (3) by adding at the end of the section the fol-  
4 lowing:

5 “(h) This section shall not preclude or deny any right  
6 of any State or political subdivision thereof to adopt or  
7 enforce any regulation, requirement, or standard of per-  
8 formance with respect to chemical facility security that is  
9 more stringent than a regulation, requirement, or stand-  
10 ard of performance issued under this section, or otherwise  
11 impair any right or jurisdiction of any State with respect  
12 to chemical facilities within that State.”.

13 (b) REGULATORY CLARIFICATION.—Not later than  
14 30 days after the date of the enactment of this Act, the  
15 Secretary of Homeland Security shall update the regula-  
16 tions administered by the Secretary that govern sensitive  
17 security information, including 49 CFR 1520, to reference  
18 all information required to be protected under section  
19 550(c) of the Department of Homeland Security Appro-  
20 priations Act, 2007 (6 U.S.C. 121 note), as amended by  
21 subsection (a).

1. Replacing CVI with SSI
2. Preemption

**December 21, 2006**



# Federal Register

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Thursday,  
December 21, 2006

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Part V

**Department of  
Homeland Security**

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Transportation Security Administration

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49 CFR Parts 1520 and 1580  
Rail Transportation Security; Proposed  
Rule



# Federal Register

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Thursday,  
December 21, 2006

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Part IV

**Department of  
Transportation**

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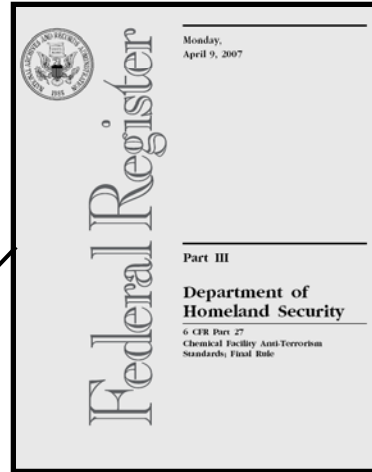
Pipeline and Hazardous Materials Safety  
Administration

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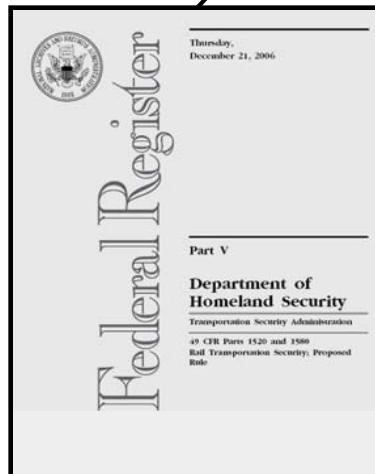
49 CFR Parts 172 and 174  
Hazardous Materials: Enhancing Rail  
Transportation Safety and Security for  
Hazardous Materials Shipments; Proposed  
Rule

# Chemical Security: End of 2007/Early 2008

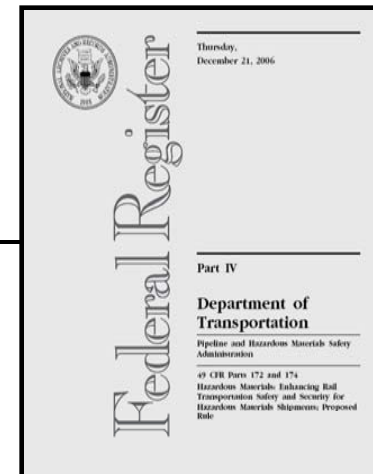
## CFATS



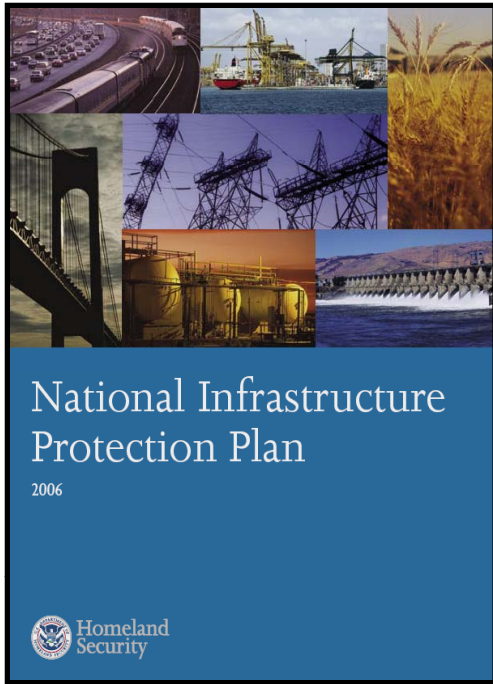
## Securing the Chemical Supply Chain



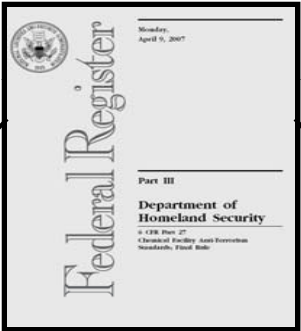
**PHMSA**



**TSA**



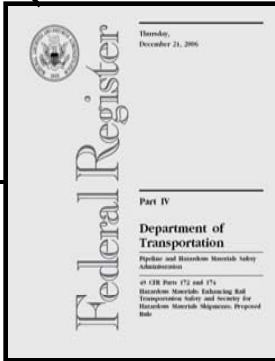
# A Move Toward NIPP Implementation



CFATS



PHMSA



TSA

**Thank you.**

**Steve Roberts  
Attorney at Law  
Practice Limited to Homeland Security  
561-995-4000  
sroberts@serobertslaw.com**