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## 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 of determining whether or not facilities are 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 has established a help desk for CSAT users. The phone number for the help desk is located on the CSAT Web page.

**Robert B. Stephan,**

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

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## 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.

FOR FURTHER INFORMATION CONTACT: Jeffrey P. Cowan, (202) 622-3860 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this document are under section 1503(d) of the Internal Revenue Code.

Need for Correction

As published, final regulations (TD 9315) contain errors that may prove to be misleading and are in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

Accordingly, 26 CFR part 1 is corrected by making the following correcting amendments:

PART 1—INCOME TAXES

Paragraph 1. The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 \* \* \*

Par. 2. Section 1.1503(d)-0 is amended by revising the entries (1) and (2) of Section 1.1503(d)-8(b). The revisions read as follows:

§ 1.1503(d)-0 Table of contents.

\* \* \* \* \*

§ 1.1503(d)-8 Effective dates.

\* \* \* \* \*

(b) \* \* \*

(1) Reduction of term of agreements filed under §§ 1.1503-2A(c)(3), 1.1503-2A(d)(3), 1.1503-2(g)(2)(i), or 1.1503-2T(g)(2)(i).

(2) Reduction of term of agreements filed under §§ 1.1503-2(g)(2)(iv)(B)(2)(i) (1992), 1.1503-2(g)(2)(iv)(B)(3)(i), or Rev. Proc. 2000-42.

\* \* \* \* \*

Par. 3. Section 1.1503(d)-5 is amended by revising the last sentence of paragraph (a), the second sentence of paragraph (c)(4)(i)(A), and the only sentence of paragraph (d) to read as follows:

§ 1.1503(d)-5 Attribution of items and basis adjustments.

(a) \* \* \* The rules in this section apply for purposes of §§ 1.1503(d)-1 through 1.1503(d)-7.

\* \* \* \* \*

(c) \* \* \*

(4) \* \* \*

(i) \* \* \*

(A) \* \* \* For purposes of determining items of income, gain, deduction, and loss of the domestic owner that are attributable to the domestic owner's foreign branch separate unit described in the preceding sentence, only items of income, gain, deduction, and loss that are attributable to the domestic owner's interest in the hybrid entity, or transparent entity, as provided in paragraph (c)(3) of this section, shall be taken into account.

\* \* \*

\* \* \* \* \*

(d) \* \* \* The fact that a particular item taken into account in computing the income or dual consolidated loss of a dual resident corporation or a separate unit, or the income or loss of an interest in a transparent entity, is not taken into account in computing income (or loss) subject to a foreign country's income tax shall not cause such item to be excluded from being taken into account under paragraph (b), (c), or (e) of this section.

\* \* \* \* \*

Par. 4. Section 1.1503(d)-7(c) is amended by revising the last sentence of paragraph (iv) of Example 5 and the last sentence of paragraph (C) of Example 40(ii).

The revisions read as follows:

§ 1.1503(d)-7 Examples.

\* \* \* \* \*

(c) \* \* \*

Example 5. \* \* \*

(iv) \* \* \* In addition, pursuant to § 1.1503(d)-6(f)(1) and (3), the deemed transfers pursuant to Rev. Rul. 99-5 as a result of the sale are not treated as triggering events described in § 1.1503(d)-6(e)(1)(iv) or (v).

\* \* \* \* \*

Example 40. \* \* \*

(ii) \* \* \*

(C) \* \* \* Pursuant to § 1.1503(d)-6(j)(1)(iii), the domestic use agreement filed by the P consolidated group with respect to the year 1 dual consolidated loss of the Country X separate unit is terminated and has no further effect.

\* \* \* \* \*

Par. 5. Section 1.1503(d)-8 is amended by revising the heading texts of paragraphs (b)(1) and (2), the only sentence of paragraph (b)(1), the first sentence of paragraph (b)(2) and the last sentence of paragraph (b)(4).

The revisions read as follows:

§ 1.1503(d)-8 Effective dates.

\* \* \* \* \*

(b) \* \* \*

(1) Reduction of term of agreements filed under §§ 1.1503-2A(c)(3), 1.1503-2A(d)(3), 1.1503-2(g)(2)(i), or 1.1503-2T(g)(i). If an agreement is filed in accordance with §§ 1.1503-2A(c)(3),

1.1503-2A(d)(3), 1.1503-2(g)(2)(i), or 1.1503-2T(g)(2)(i) with respect to a dual consolidated loss incurred in a taxable year beginning prior to the application date and an event requiring recapture with respect to the dual consolidated loss subject to the agreement has not occurred as of the application date, then such agreement will be considered by the Internal Revenue Service to apply only for any taxable year up to and including the fifth taxable year following the year in which the dual consolidated loss that is the subject of the agreement was incurred and thereafter will have no effect.

(2) Reduction of term of agreements filed under §§ 1.1503-2(g)(2)(iv)(B)(2)(i) (1992), 1.1503-2(g)(2)(iv)(B)(3)(i), or Rev. Proc. 2000-42. Taxpayers subject to the terms of a closing agreement entered into with the Internal Revenue Service pursuant to §§ 1.1503-2(g)(2)(iv)(B)(2)(i) (1992), 1.1503-2(g)(2)(iv)(B)(3)(i), or Rev. Proc. 2000-42 (2000-2 CB 394), see § 601.601(d)(2)(ii)(b) of this chapter, will be deemed to have satisfied the closing agreement's fifteen-year certification period requirement if the five-year certification period specified in § 1.1503(d)-1(b)(20) has elapsed, provided such closing agreement is still in effect as of the application date, and provided the dual consolidated losses have not been recaptured.

\* \* \* \* \*

(4) \* \* \* Notwithstanding the general application of this paragraph (b)(4) to events described in § 1.1503-2(g)(2)(iv)(B)(1)(i) through (iii) that occur after April 18, 2007, a taxpayer may choose to apply this paragraph (b)(4) to events described in § 1.1503-2(g)(2)(iv)(B)(1)(i) through (iii) that occur after March 19, 2007 and on or before April 18, 2007.

\* \* \* \* \*

LaNita Van Dyke,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel, (Procedure and Administration).

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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.