



FAQ Number: 1143

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Question: My company is a spin-off of two separate corporations. As a result several of the new company's facilities are co-located. That is, the facilities either share a fence line or are completely imbedded within a common facility. What will be required of us in regards to CFATS? Do both companies need to develop a Top Screen, SVA, and Site Security Plan? Is it possible for our imbedded plants to share the Top Screen, SVA, and Site Security Plan with the host company? If this is possible, what would be required by both companies to accomplish this and be compliant under 6 CFR Part 27?

Answer: DHS has previously indicated that where multiple owners and/or operators function within a common infrastructure or within a single fenced area, the Assistant Secretary may determine that such owners and/or operators constitute a single chemical facility or multiple chemical facilities depending on the circumstances. See 72 FR 17697. DHS has also indicated that, in general, the party responsible for security of the chemical(s) of interest (COI) is the party that must submit the Top-Screen. See 72 FR 65417. DHS believes that in most circumstances, these rules can be applied in a straightforward manner to determine who has responsibility for Top-Screen submission. However, DHS acknowledges that, in some circumstances, the issue might be more complex. DHS will address these situations on a case-by-case basis. See 72 FR 17697. You are urged to contact DHS directly to explain your circumstances and to obtain further DHS guidance.