

## SUPPORTING STATEMENT

U.S. Department of Commerce

National Institute of Standards and Technology

“National Environmental Policy Act (NEPA) Financial Disclosure” Information Collection

OMB Control No. 0693-XXXX

### SUPPORTING STATEMENT PART A

#### Justification

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The National Environmental Policy Act (NEPA) requires Federal agencies to interpret and administer Federal policies, regulations, and laws in accordance with NEPA’s policies and to consider environmental values in their decision making, including through preparation of environmental review documents such as environmental impact statements and environmental assessments. On June 3, 2023, President Biden signed the Fiscal Responsibility Act of 2023 (FRA) into law, which included amendments to NEPA. Specifically, the FRA added section 107, which addresses, in part, timely preparation of environmental review documents. Section 107(f) of NEPA requires agencies to “prescribe procedures to allow a project sponsor to prepare an environmental assessment or an environmental impact statement under the supervision of the agency.” 42 U.S.C. 4336a(f).

Additionally, the NEPA implementing regulations state, “Contractors or applicants preparing environmental assessments or environmental impact statements shall submit a disclosure statement to the lead agency that specifies any financial or other interest in the outcome of the action. Such statement need not include privileged or confidential trade secrets or other confidential business information.” 40 CFR 1506.5(b)(4).

**2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

NIST will use the NEPA financial disclosure form to comply with the requirements of 40 CFR 1506.5(b)(4). This regulation states that “[c]ontractors or applicants preparing environmental assessments or environmental impact statements shall submit a disclosure statement to the lead agency that specifies any financial or other interest in the outcome of the action. Such statement need not include privileged or confidential trade secrets or other confidential business information.” This statement may be used by NIST in a variety of contexts. NIST may request recipients of funds for extramural construction to prepare environmental review documents and to submit the NEPA financial disclosure statement. This statement may also be used by the CHIPS Incentives Program. The CHIPS Program Office (CPO) may request recipients of CHIPS incentives prepare environmental review documents and submit the NEPA financial disclosure statement. The purpose of the statement is to improve transparency and communication between proponents of a proposal for agency action and the officials tasked with evaluating the effects of the action. Although most applicants will have a financial interest, the preparation of environmental documents by applicants improves efficiency, and agencies retain responsibility for the final environmental document.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g.,**

**permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The NEPA financial disclosure statement can be submitted via e-mail. CPO believes this will be the least burdensome method for applicant submission.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

This is a new program; CPO is unaware of any efforts that would correlate to the data collection involved in this request. CPO is unaware of any efforts to collect this information in the past or currently from other sources within Commerce, from other government sources, or from outside sources. CPO has no reason to believe that applicants would find the collection of this information duplicative of another collection effort.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

The CPO Environmental Division is requesting the minimum amount of information necessary to comply with the NEPA implementing regulations. It is anticipated that very few small businesses, if any, will need to submit a NEPA financial disclosure statement.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

The CPO Environmental Division cannot comply with the NEPA implementing regulations without collecting this information.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner: requiring respondents to report information to the agency more often than quarterly; requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; requiring respondents to submit more than an original and two copies of any document; requiring respondents to retain records, other than health, medical, government contract; grant-in-aid, or tax records, for more than three years; in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study; requiring the use of a statistical data classification that has not been reviewed and approved by OMB; that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances applicable to this information collection, and information will not be collected in any of the ways described above.

**8. If applicable, provide a copy and identify the date and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken**

**by the agency in response to these comments. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

A 60-day Federal Register Notice (FRN) soliciting public comments was published on Wednesday, September 20, 2023 (Vol. 88, Number 181, page 64886). No comments were received.

A 30-day Federal Register Notice (FRN) soliciting public comments was published on Friday, January 12, 2024 (Vol. 89, Number 9, pages 2201-2202).

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

There are no plans to provide payments or gifts to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.**

Information in this system is not maintained in a Privacy Act system of records (i.e., information about an individual is not retrieved by the individual's name or unique identifier) and a SORN and Privacy Act Statement are not required.

In accordance with the privacy provisions of the E-Government Act of 2002, a privacy impact assessment is required for this information system. The information will be maintained in NIST's Business Operations Office System. The system's PIA (201-01) reflects the collection and maintenance of CHIPS-related information and is approved by the Department's Senior Agency Official for Privacy a published and published on the Department's privacy program page available at: <https://osec.doc.gov/opog/privacy/NIST-pias.html>.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

No sensitive or private information of this sort is being collected.

**12. Provide estimates of the hour burden of the collection of information.**

The CHIPS NEPA financial disclosure form will require a very limited hour burden for submission. Average submission time is approximately 15 minutes.

<u>Collection Activity</u>	<u>Number of Respondents</u>	<u>Number of responses annually / respondent</u>	<u>Total annual responses</u>	<u>Estimated hours per response</u>	<u>Total Annual Burden Hours</u>
NEPA Financial Disclosure	20	1	20	15 minutes	5 hours.

**13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).**

There is no annual cost to respondents or record keepers resulting from the collection of this information. There is no subscription or service cost to submit a NEPA financial disclosure statement.

Type of Respondent	Number of Respondents	Number of Responses per Respondent	Average Burden per Response	Hourly Wage Rate*	Total Burden Costs
Applicant	20	1	15 minutes	\$47.32	\$236.60
<b>Total</b>	--	--	--	--	<b>\$236.60</b>

\* Hourly wage based on U.S. Bureau of Labor Statistics for a 13-1082 Project Management Specialist, mean annual wage. <https://www.bls.gov/oes/current/oes131082.htm>

**14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.**

Staff	Grade/Step	Salary	Fringe (if applicable)	% of Effort	Total Annualized Cost to Gov't
<b>Federal Oversight</b>					
NIST NEPA Analyst	ZA-IV	170,000		1%	\$1,700
<b>Total Cost to the Government</b>					<b>\$1,700</b>

**15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.**

This is a new information collection.

**16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.**

At this time, there are no statistical analyses being conducted and no plans for publication of statistical data.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

The expiration date will be clearly displayed with the OMB Control Number.

**18. Explain each exception to the topics of the certification statement identified in “Certification or Paperwork Reduction Act Submissions.”**

There will be no exceptions to the certification statement and NIST certifies compliance with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3).