

**SUPPORTING STATEMENT**  
**U.S. Department of Commerce**  
**National Institute of Standards and Technology**  
**Solicitations of Outside Advisors Information Collection Request (ICR)**  
**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 CHIPS Incentives Program is authorized by Title XCIX—Creating Helpful Incentives to Produce Semiconductors for America of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116-283, referred to as the CHIPS Act or Act), as amended by the CHIPS Act of 2022 (Division A of Pub. L. 117-167). The CHIPS Incentives Program is administered by the CHIPS Program Office (CPO) within the National Institute of Standards and Technology (NIST) of the United States Department of Commerce (Department).

On February 28, 2023, the CHIPS Program Office (CPO) released its first notice of funding opportunity (First NOFO) to solicit applications for CHIPS Incentives that will support investments in the construction, expansion, and modernization of (a) commercial facilities in the United States for the front- and back-end fabrication of leading-edge, current-generation, and mature-node semiconductors; (b) commercial facilities in the United States for wafer manufacturing; and (c) commercial facilities in the United States for materials used to manufacture semiconductors and semiconductor manufacturing equipment, provided that the capital investment, equals or exceeds \$300 million.

On September 29, 2023, CPO released its second notice of funding opportunity (Second NOFO) to solicit applications for CHIPS Incentives that will support investments in the construction, expansion, or modernization of commercial facilities for semiconductor materials and manufacturing equipment with capital investments of less than \$300 million.

This information collection request is part of both the First NOFO and the Second NOFO. As stated on p. 14 of the First NOFO, the Department “will engage outside advisors, consultants, and/or attorneys at the due diligence stage...” The information request seeks information from potential advisors, consultants, and/or attorneys to determine their qualifications to provide advice on transactions under the First NOFO and the Second NOFO in fields such as construction management, corporate investigations and risk, finance and audits, insurance, market reviews, legal, real estate, and other technical issues.

**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.**

Information collected via this ICR will be submitted from applicants through the following email address, [advisors@chips.gov](mailto:advisors@chips.gov). Other methods, e.g., interviews, etc. may also be leveraged.

**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.**

All submission materials must be submitted electronically via the following email address: [advisors@chips.gov](mailto:advisors@chips.gov).

The email-based method was chosen to reduce applicant burden.

**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 Question 2.**

For the Call for Submission (CFS), applicants must have submitted the following documents –

- Cover Letter and Eligibility Criteria
- Technical Capability and Financial Proposal
- Conflicts of Interest and Disclosure
- Guidelines for Transaction Advisors (TA)

Other than our own efforts to connect all aspects of the process into a comprehensive program, we are unaware of any similar efforts to collect this information in the past or currently from other sources within Commerce or from outside sources. Other agencies have collected similar information in the past, but each is unique due to differing legal and programmatic requirements.

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

The CPO has used formats for requesting this information that are customary in the industry and anticipated by any small entities that may want to respond.

**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.**

A potential applicant must submit the following documents –

- Cover Letter and Eligibility Criteria
- Technical Capability and Financial Proposal
- Conflicts of Interest and Disclosure
- Guidelines for Transaction Advisors

Without this interaction the government would not be able to assess applicants' ability to meet program objectives.

**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.

For each Call for Submission, applicants are only required to submit one application per application instance. The results from these submissions activities are not intended for general publication, however the results will/may be disseminated to CHIPS or DOC staff, and key federal policy and management officials.

**8. If applicable, provide a copy and identify the date and page number of publication 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 Friday, February 9, 2024 (Vol. 89, Number 128, page 9125-9126). No public comments were received.

A 30-day Federal Register Notice (FRN) soliciting public comments was published on Wednesday, July 17, 2024 (Vol. 89, Number 137, page 58122).

Consultations were consulted with Department of Commerce experts in acquisitions management for the development of these information collections.

**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.**

CPO recognizes the importance of protecting confidential business information from public disclosure. CPO and the Department will follow applicable laws, including, for example, the CHIPS Act, the Trade Secrets Act, and the Freedom of Information Act (FOIA), to protect such information.

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. Information is maintained in the system's Department's Senior Agency Official for Privacy approved PIA ,201-01 CHIPS Program Office System, which reflects the collection and maintenance of CHIPS-related information. It is publicly available on the Department's privacy program page available at: [https://www.commerce.gov/sites/default/files/2024-02/NIST-201-01-FY24-PIA\\_SAOP\\_Approved.pdf](https://www.commerce.gov/sites/default/files/2024-02/NIST-201-01-FY24-PIA_SAOP_Approved.pdf).

**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 information of this nature is being collected.

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

<b><u>Collection Activity</u></b>	<b><u>Number of Respondents</u></b>	<b><u>Number of responses annually / respondent</u></b>	<b><u>Total annual responses</u></b>	<b><u>Estimated hours per response</u></b>	<b><u>Total Annual Burden Hours</u></b>
Construction Manager – CFS for TA Panel	25	1	25	8 hours	200 hours
Corporate Investigation & Risk Advisor – CFS for TA Panel	25	1	25	8 hours	200 hours
Financial Advisory	25	1	25	8 hours	200 hours

and Audit Services – CFS for TA Panel					
Insurance Advisory Services – CFS for TA Panel	25	1	25	8 hours	200 hours
Market Advisory Services – CFS for TA	25	1	25	8 hours	200 hours
Outside Counsel – CFS for TA	25	1	25	8 hours	200 hours
Real Estate Appraisal – CFS for TA	25	1	25	8 hours	200 hours
Technical Advisor – CFS for TA	25	1	25	8 hours	200 hours
TOTAL	200		200		1,600 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).**

\* 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>

Type of Respondent	Number of Respondents	Number of Responses per Respondent	Average Burden per Response	Hourly Wage Rate*	Total Burden Costs
	200	1	8 hours	\$47.32	\$75,712
<b>Total</b>	--	--	--	--	\$75,712

**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.**

	Grade/Step		Fringe (if	% of	Total
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Staff		Salary	applicable	Effort	Annualized Cost to Gov't
<b>Federal Oversight</b>					
NIST Project Oversight Officer -	ZP-IV	170,000	65.6% (leave and benefits)	40%	\$112,608
<b>System Maintenance (labor)</b>					
NIST OISM systems maintenance staff x 2		140,000	65.6% (leave and benefits)	5%	\$23,184
NIST OISM IT Security		140,000		5%	\$11,592
<b>System Operation (labor)</b>					
CPO Engagement Staff x 6		170,000	65.6% (leave and benefits)	40%	\$675,648
<b>Other Objects (Non-labor)</b>					
Licenses					\$50,000
<b>Total Cost to the Government</b>					\$873,032

**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.**

Not applicable, as the agency does not plan to perform certain analyses and develop statistics, reports, or other items summarizing the results of the collection activity.

**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\(b\)\(3\)](#).

