

**DEPARTMENT OF COMMERCE****National Institute of Standards and Technology****Notice of Availability of Draft Programmatic Environmental Assessment for Modernization and Internal Expansion of Existing Semiconductor Fabrication Facilities Under the CHIPS Incentives Program**

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice; availability of a draft Programmatic Environmental Assessment; request for comments.

**SUMMARY:** The National Institute of Standards and Technology (NIST) announces the availability of the Draft Programmatic Environmental Assessment (PEA) for the modernization and internal expansion of existing semiconductor fabrication facilities under the CHIPS Incentives Program. The PEA addresses financial assistance for the modernization or internal expansion of existing current-generation and mature-node commercial facilities within their existing footprint throughout the U.S. (the “Proposed Action”). NIST is requesting comments on the Draft PEA.

**DATES:** Comments must be received on or before January 25, 2024.

**ADDRESSES:** The PEA will be available for download and review at <https://www.nist.gov/chips/national-environmental-policy-act-nepa> no later than December 26, 2023, under the heading “NEPA Public Involvement.”

You may submit comments on this document by the following methods:

**Electronic Submission:** Submit all electronic public comments via email to [ChipsNEPA@chips.gov](mailto:ChipsNEPA@chips.gov) citing “Modernization PEA” in the subject line. NIST will accept comments in attached Word or PDF formats or within the body of the email.

**By mail:** Comments can also be mailed to the CHIPS Incentives Program at: Department of Commerce; HCHB Room 7419; ATTN: CPO Environmental Division; 1401 Constitution Ave., Washington, DC 20230.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NIST. All comments received are a part of the public record; commenters should not include personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information. NIST will accept

anonymous comments. The most helpful comments include a specific recommendation, explain the reason for any recommended change, and provide supporting information. NIST will consider all relevant comments received on or before the closing date.

**FOR FURTHER INFORMATION CONTACT:**

David Frenkel, NIST, telephone number 240–204–1960, email [David.Frenkel@chips.gov](mailto:David.Frenkel@chips.gov).

**SUPPLEMENTARY INFORMATION:** NIST has prepared the draft PEA in accordance with the National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) and the Council on Environmental Quality’s NEPA (CEQ) implementing regulations (40 CFR parts 1500–1508). The PEA addresses financial assistance for the modernization or internal expansion of existing current-generation and mature-node commercial facilities within their existing footprint throughout the U.S. (the “Proposed Action”).

**Background**

The CHIPS Incentives Program (Program) was 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, as amended by the CHIPS Act of 2022 (Division A of Pub. L. 117–167) (the “CHIPS Act” or “Act”). The Program aims to boost American semiconductor research, development, and production. The Program is administered by the CHIPS Program Office (CPO) within NIST. The CHIPS Incentives Program Commercial Fabrication Facilities Notice of Funding Opportunity (NOFO) was originally published in February 2023 and amended in June 2023. The amended NOFO solicits applications for the construction, expansion, or modernization of commercial facilities for the front- and back-end fabrication of leading-edge, current-generation, and mature-node semiconductors; commercial facilities for wafer manufacturing; and commercial facilities for materials used to manufacture semiconductors and semiconductor manufacturing equipment, provided that the capital investment equals or exceeds \$300 million. The potential amount available under the NOFO is up to \$38.22 billion for direct funding and up to \$75 billion in direct loan or guaranteed principals. CPO is responsible for completion of the NEPA process before financial assistance can be provided.

**Draft PEA**

The purpose of the Proposed Action is to invest in U.S. production of strategically important semiconductor chips, and assure a sufficient, sustainable, and secure supply of older and current generation chips for national security purposes and for critical manufacturing industries. As part of this effort, CPO aims to increase semiconductor manufacturing capacity and strengthen the security of the U.S. supply chain via the modernization of semiconductor production within the current footprint of existing eligible current-generation and mature-node semiconductor fabrication facilities. Such projects include the replacement or upgrade of existing equipment, the addition of new semiconductor manufacturing equipment within existing spaces, and expansion of cleanroom space.

For proposed projects to be covered under the PEA, CPO will evaluate the project for consistency with the scope of the PEA using an inclusion analysis document (e.g., memo, form, or checklist). This analysis document will include the relevant information learned from a site-specific review and serves as the NEPA analysis documentation for the administrative record as applied to specific projects. If the project includes activities outside of the scope of the PEA, then an additional or tiered NEPA document may be required. The PEA can be used as a planning tool to support tiered, site-specific analyses by narrowing the spectrum of environmental impacts to focus on project-level reviews as needed. The following scenarios describe the possible application of the PEA to a project and whether additional environmental review under NEPA is required:

1. All proposed project activities are described in the PEA or the activities are similar enough to the activities analyzed in the PEA to support a conclusion that their impacts will not be different from those described in the PEA; therefore, no additional NEPA review required;

2. One or more proposed project activities are within the scope of the PEA and others are not; therefore, additional NEPA review would be required; and

3. None of the proposed project activities are within the scope of the PEA; therefore, additional NEPA review would be required.

**Authority:** This notice is provided pursuant to NEPA and CEQ’s NEPA

implementing regulations (40 CFR 1506.6).

**Tamiko Ford,**

*NIST Executive Secretariat.*

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## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### National Conference on Weights and Measures 2024 Interim Meeting

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice.

**SUMMARY:** The 2024 Interim Meeting of the National Conference on Weights and Measures (NCWM) will be held in-person at the Royal Sonesta New Orleans in New Orleans, Louisiana from Sunday, January 7, 2024, through Wednesday, January 10, 2024. This notice contains information about some, but not all, significant agenda items of the NCWM committees. As a result, the items are not consecutively numbered.

**DATES:** The 2024 NCWM Interim Meeting will be held from Sunday, January 7, 2024, through Wednesday, January 10, 2024. The meeting schedule will be available on the NCWM website at [www.ncwm.com](http://www.ncwm.com).

**ADDRESSES:** This meeting will be held at the Royal Sonesta New Orleans, with an address at 300 Bourbon Street, New Orleans, Louisiana 70130.

**FOR FURTHER INFORMATION CONTACT:** Dr. Katrice Lippa, NIST, Office of Weights and Measures, 100 Bureau Drive, Stop 2600, Gaithersburg, MD 20899-2600. You may also contact Dr. Lippa at (301) 975-3116 or by email at [katrice.lippa@nist.gov](mailto:katrice.lippa@nist.gov). The meeting is open to the public, but the payment of a registration fee is required. Please see the NCWM website ([www.ncwm.com](http://www.ncwm.com)) to view the meeting agendas, registration forms, and hotel reservation information.

#### SUPPLEMENTARY INFORMATION:

Publication of this notice on the NCWM's behalf is undertaken as a public service and does not itself constitute an endorsement by the National Institute of Standards and Technology (NIST) of the content of the notice. NIST participates in the NCWM as an NCWM member and pursuant to 15 U.S.C. 272(b)(10) and (c)(4) and in accordance with Federal policy (e.g., OMB Circular A-119 "Federal Participation in the Development and Use of Voluntary Consensus Standards").

The NCWM is an organization of weights and measures officials of the states, counties, and cities of the United States, and representatives from the private sector and federal agencies. These meetings bring together government officials and representatives of business, industry, trade associations, and consumer organizations on subjects related to the field of weights and measures technology, administration, and enforcement. NIST hosted the first meeting of the NCWM in 1905. Since then, the conference has provided a model of cooperation between Federal, State, and local governments and the private sector. NIST participates in the NCWM to provide technical insights and expertise and encourage cooperation between the private sector, federal agencies, and the states in the development of legal metrology requirements. NIST also promotes uniformity in state laws, regulations, and testing procedures used in the regulatory control of commercial weighing and measuring devices, packaged goods, and for other trade and commerce issues.

The NCWM has established multiple committees, task groups, and other working bodies to address legal metrology issues of interest to, *inter alia*, regulatory officials, industry representatives, and consumers. Comments will be taken by the various NCWM committees on agenda items during the open hearing portions of the conference identified in the meeting schedule. At this stage, the items are proposals. The open hearing sessions are accessible to all registered attendees of the conference, including both NCWM members and non-members. The conference also includes committee work sessions in which the committees may, *inter alia*, accept comments, withdraw or carryover agenda items that need additional maturation, and develop recommendations for the agenda items for consideration and possible adoption at the NCWM 109th Annual Meeting.

These notices are intended to make interested parties aware of significant agenda items and alert them to the committees' intentions to share reports on the status of each at the 2024 NCWM Interim Meeting. The notices are also presented to invite the participation of manufacturers, experts, consumers, users, and others who may be interested in these efforts.

The following are brief descriptions of some of the significant agenda items that will receive further consideration by the standing committees at the upcoming 2024 NCWM Interim Meeting. The full agenda of each

standing committee is provided in NCWM Publication 15 ([ncwm.com/publication-15](http://ncwm.com/publication-15)). Comments will be taken on recommendations intended to amend NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices" (NIST HB 44), NIST Handbook 130, "Uniform Laws and Regulations in the Areas of Legal Metrology and Fuel Quality" (NIST HB 130), and NIST Handbook 133, "Checking the Net Contents of Packaged Goods" (NIST HB 133). The NIST Handbooks are regularly adopted by the states, either by reference or through administrative procedures.

#### NCWM S&T Committee

The NCWM Specifications and Tolerances Committee (S&T Committee) will consider proposed amendments to NIST HB 44, including those identified below. A detailed technical review of the S&T Committee agenda items will be made available prior to the 2024 NCWM Interim Meeting in the 2024 NIST OWM Interim Technical Analysis at <https://www.nist.gov/pml/owm/publications/owm-technical-analysis>.

#### SCL—Scales

SCL-23.3. Verification Scale Division e: Multiple Sections.

The S&T Committee will consider a proposal submitted by the NCWM Verification Scale Division e Task Group that has an Assigned Status and is intended to update NIST Handbook 44, Section 2.20 Scales to:

1. Clarify how error is determined in relation to the verification scale division (e) and the scale division (d)
2. Clarify which is the proper reference; the verification scale division (e) or the scale division (d) throughout this section
3. Ensure proper selection of a scale in reference to the verification scale division (e) and the scale division (d)
4. Clarify the relationship between the verification scale division (e) and the scale division (d).

#### WIM—Weigh-In-Motion Systems

WIM-23.1. 2.26 Weigh-in-Motion Systems Used for Vehicle Direct Enforcement.

The S&T Committee will consider a proposal submitted by New York City DOT, C2SMART, Kistler, and Maryland DOT that has an Informational Status. The proposal to include a new Section 2.26. Weigh-in-Motion Systems Used for Vehicle Direct Enforcement to NIST HB 44 is intended to provide a legal document that can be used by local and State agencies to certify Weigh-In-