

SUPPORTING STATEMENT
U.S. Department of Commerce
National Institute of Standards and Technology
PROJECT 25 COMPLIANCE ASSESSMENT PROGRAM
LABORATORY APPLICATION FOR ASSESSMENT AND RECOGNITION
OMB CONTROL NO. 0693-XXXX

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

This is a request for the laboratory assessment application form for the joint National Institute of Standards and Technology, and the Department of Homeland Security (NIST/DHS) Project 25 Compliance Assessment Program (P25 CAP).

The September 11, 2001 attacks and Hurricane Katrina made apparent the need for public safety radio systems to interoperate, regardless of who manufactured the equipment. In response, and per Congressional direction, DHS and NIST developed the P25 CAP to improve public safety confidence in purchasing land mobile radio (LMR) equipment built to Project 25 LMR (P25) standards, especially those P25 standards related to improving interoperability between different manufacturer's radio systems.^a A key part of the program involves NIST (Office of Law Enforcement Standards-OLEs) experts assessing participating laboratories to determine that they have the requisite technical competence and resources needed to test P25 equipment. To perform these assessments, and launch the program, NIST needs to be able to collect essential information from laboratories interested in participating in the P25 CAP program.

The expectation of the program design team was that participating laboratories would be assessed under NIST's existing National Voluntary Laboratory Accreditation Program (NVLAP) and thus would leverage the existing NVLAP application package. However, as manufactures became more familiar with NVLAP criteria, it became apparent that only a small number of manufacturers would be able to meet the criteria for NVLAP accreditation before a 18-24 month time period. This would have the unintended consequences of limiting purchasing choices for public safety agencies and creating an artificial competitive advantage for those few companies prepared to be NVLAP accredited. Thus the program was restructured to maintain key principles and processes of conformity assessment while allowing for the broadest participation of the LMR manufacturing community in a 3 to 9 month timeframe. As a result, the P25 CAP is now a stand alone lab assessment process, not associated with NVLAP, and can no longer leverage the NVLAP application material.

^a Congressional direction for a P25 compliance assessment program can be found in the *COPS Law Enforcement Technologies and Interoperable Communications Program* section of the Conference Report to Public Law 109-108, as well as the *Science & Technology Management and Administration* section of Division E of the Conference Report to Public Law 110-161.

It is important to note that the P25 CAP will have an impact on over *\$1.3 billion in Federal grants in FY08 alone*, including;

- The \$1 billion Public Safety Interoperable Communications (PSIC) grant program being administered jointly by the Department of Commerce (DoC) and DHS;
- A \$100 million discretionary grant program for public safety interoperability to be administered by the DHS Office of Emergency Communications, and
- Approximately \$200 million in directed grants for public safety interoperable equipment to be administered by the Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS).

It should also be noted that because it can take up to a year or more for Federal grant dollars to be made available to the ultimate grant recipient (the local entity after being administered by the State), in addition to the amount of time required for agencies to develop Requests for Proposals (RFPs) for vendors, it is very likely that the immediate launch of the P25 CAP will impact the use of Federal grant dollars from FY06 and FY07 (potentially another \$1-\$3 billion in Federal grants).^b

These estimates do not include the significant amount of funds spent every year by Federal public safety agencies procuring equipment for their own activities, or the billions spent annually by State and local governments using their own tax dollars to buy LMR equipment. It is expected that many of these agencies would also leverage the P25 CAP for their procurements.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The information collected will be used by the P25 CAP Laboratory Program Manager (LPM) to assess laboratory conformance with applicable criteria (refer to NIST Handbook 153:2007 for specific criteria). The P25 CAP/LPM performs an administrative review for completeness and a technical review to ensure accuracy and availability of the requested services for each application received. To maintain P25 recognition the laboratory must apply for renewal of recognition every year.

The recognition decision is based upon the P25 CAP/LPM review of the information collected during the recognition process and a determination of whether all requirements for recognition

^b Information collected by the Department of Justice's Office of Community Oriented Policing Services regarding communications technology grants shows that, on average, it takes 24-36 months for agencies to have communications equipment delivered and installed from the time that the local procurement process begins. Thus, many agencies that have received Federal grants over the last two years to purchase P25 equipment will not have taken final delivery of systems/products being procured, and could use the P25 CAP information to determine that the products delivered meet P25 specifications, per contract requirements.

have been fulfilled. Once the P25 CAP/LPM determines recognition is appropriate, the P25 CAP/LPM will forward a recommendation to the responsible DHS Program Manager who will then issue the laboratory a certificate of recognition which will also be posted on the DHS SAFECOM website under the P25 Program. The certificate of recognition will signify acceptance into the program and will show that a laboratory has demonstrated competence to conduct all of the test cases or a subset of test cases defined in the applicable Project 25 standard.

This information is collected, maintained, and used in a way that is consistent with the applicable NIST Chief Information Officer (CIO) Information Quality Guidelines and Standards. Information quality is ensured through the effective implementation of the NIST Management System, which is documented through a quality manual and supporting procedures, instructions and forms. The management system documentation addresses the three elements of information quality: utility, integrity, and objectivity. Internal audits and management reviews of the recognition system are conducted regularly to ensure the CAP verifies that its activities conform to the requirements of NIST Handbook 153:2007, ISO/IEC 17011:2004, and to determine the system's effectiveness.

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

The P25 CAP Laboratory Assessment application will be posted on the NIST OLES website (http://www.eeel.nist.gov/oles/public_safety.html). The form will be in Adobe PDF format. The applicant laboratory may complete the form electronically or by hand. The completed form may then be submitted via facsimile, email, or mail to the P25 CAP Laboratory Program Manager.

4. Describe efforts to identify duplication.

Information requirements contained in the application form are specific to the P25 CAP and are not duplicated by other government programs.

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

Access to P25 CAP laboratory recognition is not conditioned on the size of a laboratory or on its membership in any association or group, nor is it conditioned upon the number of laboratories already recognized. P25 CAP services are available to public and private testing laboratories, including commercial laboratories, manufacturers' in-house laboratories, university laboratories, and federal, state, and local government laboratories.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If the information is not collected, P25 CAP could not operate in conformance with ISO/IEC 17011:2004 and NIST Handbook 153:2007, and would be unable to comply with the specific Congressional direction previously mentioned. If the information is collected less frequently then the P25 CAP is at risk that the recognized laboratories are not meeting the recognition criteria established in the standards

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

There are no special circumstances that would require the collection to be conducted in a manner inconsistent with OMB guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice soliciting public comments was published on April 2, 2008 (Volume 73, Number 64, page 17955). No comments were received.

The P25 CAP process has been discussed in Telecommunications Industry Association (TIA) meetings which are opened to any interested party. The process including the information requested has been approved in TIA committee meeting minutes and formal votes. The TIA committee members reviewed the P25 CAP including the forms for availability of data, frequency of collection, clarity of instructions and recordkeeping, disclosure, and reporting format and approved the program.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

P25 CAP does not provide any payments or gifts to applicant laboratories.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

NIST Handbook 153:2007, 1.6, Confidentiality states:

1.6.1

To the extent permitted by applicable laws, the P25 CAP will protect the confidentiality of all information obtained relating to the application, on-site assessment, evaluation, and recognition of laboratories.

1.6.2

In addition, P25 CAP and the laboratory further agree that, to the extent permitted by law, P25 CAP/LPM and Laboratory Assessment Team members will protect information obtained during application, on-site assessment, evaluation, and recognition from disclosure pursuant to Title 15 USC 3710a(c)(7)(A) and (7)(B) for a period of 5 years after such information is obtained.

1.6.3

For the first 5 years that laboratory information is held by the P25 CAP, the provisions of 1.6.1 and 1.6.2 will be in force. Information in the P25 CAP's possession for more than 5 years will continue to be held in confidence under the provisions of 1.6.1.

The completed applications are reviewed by NIST staff and contractors. Contractors are required to sign a declaration stating they will maintain confidentiality of all information relating to applications, hold in strict confidence all information obtained during the on-site assessments of the laboratories, and reveal information about individual laboratories only to the P25 CAP LPM, the laboratories themselves, and members of the P25 CAP assessment team.

NIST has the authority under a provision of the United States Code (USC) to strengthen this confidentiality policy. For the text of the code, see USC, Title 15, Chapter 63, Sec. 3710a, *Cooperative research and development agreements*.

http://www.law.cornell.edu/uscode/15/usc_sec_15_00003710---a000-.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.

There are no questions of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

The estimate of the number of laboratories and the amount of time to complete the form are based on information obtained at TIA meetings.

Frequency of response would be annually.

Number of respondents = 20 laboratories
 Frequency of response = 1 (per annum)
 Hours per response = 1 hour

Total Annual Burden: 20 hours

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

The estimate of the total annual cost is \$100 (15 applications submitted electronically via email and 5 applications at \$20 air freight service per application). This cost estimate for postage is based on assuming each applicant using a freight express service (for example, USPS Express Mail, UPS Red, or FEDEX Priority) to send the application to the P25 CAP/LPM.

(Note: certified or priority postage is not required).

14. Provide estimates of annualized cost to the Federal government.

Table 1. Estimates of annualized cost to the Federal Government	Amount (US dollars)
Labor Costs (all hourly rates include base rate plus NIST overhead of 2 times base)	
Paperwork Reduction Act compliance: (40 hours @ \$180 per hour)	\$ 7,200.00
PRA maintenance: (20 hours @ \$180 per hour)	\$ 3,600.00
Application processing (20 applications @ 30 minutes each @ \$50 hour)	\$ 500.00
Clerical Support: Filing (20 hours @ \$35 per hour)	\$ 700.00
Total Labor Costs	\$12,000.00
Non-Labor Costs	
Printed applications: 20 applications @ 200 sheets per application @ \$0.02 per sheet	\$ 80.00
Duplicating: 8,000 sheets @ \$0.05 per sheet	\$ 400.00
Postage: 20 pieces (estimate of 3 ounce each) @ \$4.20 each	\$ 84.00
Total Non-Labor Costs	\$ 564.00
Total Estimated Annualized Cost	\$12,564.00

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This is a new collection.

16. For collections whose results will be published, outline the plans for tabulation and publication.

Information submitted by the applicant laboratories is treated in a confidential manner and is used internally during the P25 CAP laboratory recognition process. After recognition is granted, the laboratories name, address, telephone number, facsimile number, email and URL addresses, contact person, and scope of recognition are published on the SAFECOM Website.

The information provides a service to customers in business, industry, and government, including regulatory agencies and purchasing authorities, who are seeking recognized laboratories to perform competent testing services on P25 land mobile radio communications system products.

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

Not Applicable

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

Not Applicable

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not Applicable