

## Supporting Statement for Paperwork Reduction Act Submissions

### Application for Revision of a Currently Approved Collection

OMB number 1121-0321

#### Part A. Justification

##### 1. Necessity of Information:

Purpose of collection: This collection of information will be undertaken as part of the National Institute of Justice (NIJ) Compliance Testing Program (CTP), which is authorized pursuant to the Homeland Security Act of 2002, relevant portions as codified at 6 U.S.C. 162(b)(4) and 6 U.S.C. 162(b)(6)(B). This act authorizes NIJ/Office of Science and Technology “to establish and maintain performance standards in accordance with the National Technology Transfer and Advancement Act of 1995 for, and test and evaluate law enforcement technologies that may be used by, Federal, State, and local law enforcement agencies.” The collection of this information is necessary for the operation of the NIJ CTP which governs the testing and evaluation of equipment for law enforcement officers.

Revisions: This collection is a revision to a previous collection which it is intended to replace. The revisions include:

- additional information concerning the Paperwork Reduction Act of 1995;
- improvement in describing the operation of the program;
- clarification of roles and responsibilities of participants;
- splits forms in a more appropriate manner to reduce applicant work in the event an applicant wishes to make a change.

##### 2. Needs and Uses:

Intended uses: This collection is a revision of a currently approved collection, and the NIJ CTP will use this information to determine compliance of equipment with applicable NIJ Standards.

##### 3. Use of Technology:

The forms themselves will be available electronically and are designed such that applicants can fill them out electronically. However, they are contracts and therefore require an original signature. After being signed, we also allow them to be scanned and sent back to us.

We are not aware of a secure method which ensures enforcement of a legal contract which does not contain original signatures. We will seek OGC guidance concerning making the signature electronic in future revisions.

#### 4. Efforts to Identify Duplication:

This information is not already available. There are no other conformity assessment programs for law enforcement equipment. Also, the design of the forms ensures that there is no duplicate information requested.

#### 5. Methods to Minimize Burden on Small Businesses:

This information collection will not have a significant economic impact on a substantial number of small entities.

#### 6. Consequences of Less Frequent Collection:

The operation of the NIJ CTP would not be possible without this information collection. Once submitted, the documents only need to be resubmitted in the event of a change or to submit new information not covered by previous submissions.

#### 7. Special Circumstances Influencing Collection:

- New NIJ CTP Applicants (manufacturers) are required to submit six forms (NIJ CTP Applicant Agreement; NIJ CTP Authorized Representatives Notification; NIJ CTP Body Armor Build Sheet; NIJ CTP Body Armor Agreement; NIJ CTP Manufacturing Location Notification; NIJ CTP Multiple Listee Notification) in order to participate in the voluntary NIJ CTP. None of these documents are submitted at regular intervals. Four of these documents are product model specific and must be submitted again for each new model the applicant elects to have evaluated through the NIJ CTP. The other documents need only be resubmitted in the event of changes to the information previously provided.
- Respondents are required to maintain records for a minimum of one year beyond the service life of the last item produced as determined by the date of manufacture and length of the warranty.
- Respondents agree to share armor model build sheets and testing results with the NIJ CTP, and the NIJ CTP has procedures for maintaining confidentiality of that information.

#### 8. Reasons for Inconsistencies with 5 CFR 1320.6:

There are no circumstances that require the collection of data that would be inconsistent with the guidelines set forth in 5CFR 1320.6. All forms will display a currently valid OMB control number and inform the potential person responding that such person is not required to respond to the collection of information unless it displays a currently valid OMB control number.

NIJ has established and participates in meetings with stakeholders and potential applicants on an annual basis. These meetings provide an open forum to discuss matters of mutual concern with representatives of those from whom the information is obtained. NIJ has not received any comments concerning past similar collections.

9. Payment or Gift to Claimants:

There are no payments or gifts to respondents.

10. Assurance of Confidentiality:

The collection includes both forms which contain Confidential Commercial Information supplied by the applicant and those that do not. All forms include one of the following Assurance of Confidentiality (Privacy Act Notice) as appropriate:

- “The National Institute of Justice Compliance Testing Program (hereafter, the NIJ CTP) shall use reasonable efforts to maintain confidential all information identified as “Confidential Commercial Information” that it obtains from the Applicant. Confidential Commercial Information shall not include information that is (a) publicly available; (b) subsequently acquired by the NIJ CTP from other sources in a manner that does not constitute a breach of this Agreement; (c) disclosed by the NIJ CTP when deemed, at its sole discretion, to be necessary to the NIJ CTP’s performance of the requested conformity assessment; (d) required to be produced pursuant to an order or command of any judicial or regulatory authority; (e) required by any common law or statutory duty; or (f) disclosed in the interest of officer safety.

The NIJ CTP shall take reasonable steps to safeguard Applicant data within the NIJ CTP systems prior to external transmission and may transmit Applicant's Confidential Information and data to Applicant through the Internet or any public network, unless otherwise directed in writing by Applicant.”; or

- “The information provided in this document is not considered Confidential Commercial Information and may be released without limitations or restrictions.”

11. Justification for Sensitive Questions:

Questions of a sensitive nature are not included in this information collection.

12. Estimate of Hour Burden:

The estimated time is based on the time required to read and complete the forms.

The following forms are submitted by applicants at least once but may be resubmitted in the event of changes:

- NIJ CTP Applicant Agreement,
- NIJ CTP Authorized Representatives Notification,

- NIJ Approved Laboratory Application and Agreement.

The following forms are submitted by applicants each time they desire a new product model evaluation:

- NIJ CTP Body Armor Build Sheet,
- NIJ CTP Body Armor Agreement,
- NIJ CTP Manufacturing Location Notification,
- NIJ CTP Listee Notification,

<i>Estimates</i>	<b>Number of Annual Respondents</b>	<b>Number of Annual Responses</b>	<b>Average Time per Response</b>	<b>Total Annual Hours</b>
<u>NIJ CTP Applicant Agreement</u>	90	90	60 minutes	90 hours
<u>NIJ CTP Authorized Representatives Notification</u>	90	90	20 minutes	30 hours
<u>NIJ CTP Body Armor Build Sheet</u>	60	150	60 minutes	150 hours
<u>NIJ CTP Body Armor Agreement</u>	60	150	20 minutes	50 hours
<u>NIJ CTP Manufacturing Location Notification</u>	90	200	20 minutes	67 hours
<u>NIJ CTP Listee Notification</u>	90	90	20 minutes	30 hours
<u>NIJ Approved Laboratory Application and Agreement</u>	4	4	60 minutes	4 hours
<b>Total</b>		774		431 hours

Estimates are based on upon the current NIJ CTP utilizing a similar collection.

13. Estimate of Cost Burden:

There are no start up or capital costs associated with this information collection because the information requested is already maintained by the applicants. There are also no fees or costs charged to the applicant for submitting forms for this collection.

14. Estimated Annualized Cost to Federal Government:

These forms are processed by a “contractor” under a cooperative agreement with NIJ. The portion of the cooperative agreement related to costs to process forms is estimated at \$37,000 annually.

15. Reasons for Change in Burden:

Based upon experience, a change has occurred in the number of estimated responses

An increase in the contractual obligations for participation in the program has occurred in order to reduce the potential legal liability to NIJ. This has resulted in an increase in the amount of time necessary for an applicant to process the forms.

The table below summarizes the changes since the last renewal of this information collection.

<b>BURDEN:</b>	<u>RESPONSES</u>	<u>HOURS</u>	<u>COSTS</u>
Previous (2009)	810	310	0
New (2012)	774	431	0
Difference	-36	121	0
Change due to new Statute			0
Change due to Agency Discretion		121	0
Change due to Agency Adjustment	-36		0
Change due to Potential Violation of the PRA			0

16. Plans for Publication:

A list of compliant products and a list of NIJ-approved test laboratories will be published on [www.justnet.org](http://www.justnet.org). No other information collected will be published or released in any way, except as may be required by federal law.

17. Expiration Date Approval:

NIJ is requesting an expiration date of three years from the approval date.

18. Exceptions to the Certification Statement:

The intent of this collection is contractual in nature and not intended to collect data for a statistical analysis. Therefore, Clause 19 (i) of Form OMB 83-I concerning the use of “effective and efficient statistical survey methodology” does not apply to this information collection. No other exceptions exist.

Part B. Statistical Methods

The NIJ will not be employing statistical methods in this information collection.