



November 5, 2008

Brian Hancock
Director of Voting System Testing and Certification
U.S. Election Assistance Commission
1225 New York Avenue, NW, Ste. 1100
Washington, DC 20005

cc: Jon M. Crickenberger
NIST/NVLAP Program Manager
National Institute of Standards and Technology
100 Bureau Drive, Stop 2140
Gaithersburg, MD 20899

Re: Opportunity to Cure

Dear Mr. Hancock:

Pursuant to Section 5.5.2 of the U.S. Election Assistance Commission's (EAC) Voting System Test Laboratory Program Manual (Program Manual), SysTest Labs hereby requests the opportunity to cure our noncompliance with the EAC's Voting System Test Laboratory (VSTL) requirements as noted in your letter of October 31, 2008 regarding Suspension of Accreditation.

- In the correspondence sent to SysTest Labs, you identified the specific reason for the EAC suspension of SysTest Labs' accreditation to be based solely on the suspension of our NVLAP accreditation.
- As stated in the October 31, 2008 letter, our cure plan for the EAC must ultimately lead to the lifting of SysTest Labs' suspension by NVLAP. Therefore, the specific step required to achieve compliance within the EAC Program Manual is for SysTest Labs to resolve the accreditation suspension imposed by NIST/NVLAP. The attached document details our cure plan submitted to NIST/NVLAP for this express purpose. Identified in the detailed plan are the specific tasks, along with the resources and personnel to accomplish this objective.
- As you recognize, the timeframe for completion of our cure plan is dependent on the availability of personnel from NIST/NVLAP and its audit team. However, the following key dates are identified in our plan:
 - 10/31/2008 through 12/18/2008 – Execution of the NIST/NVLAP Cure Plan, subject to NIST/NVLAP approval
 - 12/08/2008 – Final submission of documentation required by NVLAP
 - 12/16/2008 – 12/18/2008 – Estimated date of NVLAP onsite visit and assessment at SysTest Labs
 - 01/05/2008 – Estimated date of NVLAP response.
 - 01/05/2009 – Estimated date of SysTest Labs' written certification attesting to our completion of our remedial plan and full compliance with EAC program requirements.

- SysTest Labs will provide you with weekly progress reports starting November 7, 2008 through completion of SysTest Labs' EAC cure plan.
- Once SysTest Labs successfully completes our remedial plan and is confident of being in full compliance with program requirements, we will provide a written certification attesting to that effect.

We understand that our plan for cure of our noncompliance of the EAC's VSTL requirements will be reviewed and that we will have the opportunity to work with the EAC Program Director to finalize and obtain approval of the plan. We appreciate the opportunity to bring SysTest Labs into compliance with the EAC's program requirements.

Yours Sincerely,



Mark Phillips
Vice President, Compliance Services

Enclosures: Detailed NVLAP Cure Plan and Schedule of Tasks and Resources
NIST/NVLAP Letter to Jon Crickenberger dated November 5, 2008

SysTest Labs - EAC and NIST/NVLAP Non-Compliance Cure Plan

ID	Task Name	Duration	Start	Finish	% Complete	Predecessors	Resource Names
1	EAC VSTL Re-Accreditation Cure Plan	43 days	10/31/08	1/5/09	2%		
2	EAC cure plan	10 days	10/31/08	11/13/08	67%		SysTest Labs
3	Develop EAC Cure Plan and Schedule	3 days	10/31/08	11/4/08	100%		SysTest Labs
4	Submit EAC Cure Plan	1 day	11/5/08	11/5/08	100%	3	
5	Obtain approval of EAC Cure Plan	2 days	11/12/08	11/13/08	0%	3FS+5 days	NVLAP Program Dir
6	EACCure Plan Management and Status to the EAC Program Director	27.5 days	11/7/08	12/18/08	0%		
7	Email progress report to EAC	0 days	11/7/08	11/7/08	0%	3	T. Mapps
8	Meet with EAC to review report	0.5 days	11/7/08	11/7/08	0%	7	SysTest Labs,EAC
9	Email progress report to EAC	0 days	11/11/08	11/11/08	0%	7	T. Mapps
10	Meet with EAC to review report	0.5 days	11/11/08	11/11/08	0%	9	SysTest Labs,EAC
11	Email progress report to EAC	0 days	11/14/08	11/14/08	0%	9	T. Mapps
12	Meet with EAC to review report	0.5 days	11/14/08	11/14/08	0%	11	SysTest Labs,EAC
13	Email progress report to EAC	0 days	11/18/08	11/18/08	0%	11	T. Mapps
14	Meet with EAC to review report	0.5 days	11/18/08	11/18/08	0%	13	SysTest Labs,EAC
15	Email progress report to EAC	0 days	11/21/08	11/21/08	0%	13	T. Mapps
16	Meet with EAC to review report	0.5 days	11/21/08	11/21/08	0%	15	SysTest Labs,EAC
17	Email progress report to EAC	0 days	11/26/08	11/26/08	0%	15	T. Mapps
18	Meet with EAC to review report	0.5 days	11/26/08	11/26/08	0%	17	SysTest Labs,EAC
19	Email progress report to EAC	0 days	12/2/08	12/2/08	0%	17	T. Mapps
20	Meet with EAC to review report	0.5 days	12/2/08	12/2/08	0%	19	SysTest Labs,EAC
21	Email progress report to EAC	0 days	12/5/08	12/5/08	0%	19	T. Mapps
22	Meet with EAC to review report	0.5 days	12/5/08	12/5/08	0%	21	SysTest Labs,EAC
23	Email progress report to EAC	0 days	12/9/08	12/9/08	0%	21	T. Mapps
24	Meet with EAC to review report	0.5 days	12/9/08	12/9/08	0%	23	SysTest Labs,EAC
25	Email progress report to EAC	0 days	12/12/08	12/12/08	0%	23	T. Mapps
26	Meet with EAC to review report	0.5 days	12/12/08	12/12/08	0%	25	SysTest Labs,EAC
27	Email progress report to EAC	0 days	12/18/08	12/18/08	0%	25	T. Mapps
28	Meet with EAC to review report	0.5 days	12/18/08	12/18/08	0%	27	SysTest Labs,EAC
29							
30	NVLAP Cure Plan and Re-Accreditation Process	43 days	10/31/08	1/5/09	0%		
31	Develop and Submit Schedule for Remediation of NVLAP Non-Conformities	11 days	10/31/08	11/14/08	0%		SysTest Labs
32	Develop NVLAP/NIST Cure Plan	3 days	10/31/08	11/4/08	0%		M. Phillips,T. Mapps,D. Forester,B. Phillips
33	Provide cure plan and schedule to NVLAP	1 day	11/5/08	11/5/08	0%	32	SysTest Labs
34	Obtain approval of cure plan schedule	2 days	11/13/08	11/14/08	0%	33FS+5 days	NVLAP Program Dir
35	NVLAP Cure Plan Management and Status	16 days	11/7/08	12/2/08	0%		
36	Email progress report to NVLAP	0 days	11/7/08	11/7/08	0%	33	SysTest Labs
37	Meet with NVLAP to review report	1 day	11/7/08	11/7/08	0%	36	SysTest Labs,NVLAP
38	Email progress report to NVLAP	0 days	11/11/08	11/11/08	0%	36	NVLAP
39	Meet with NVLAP to review report	1 day	11/11/08	11/11/08	0%	38	SysTest Labs
40	Email progress report to NVLAP	0 days	11/14/08	11/14/08	0%	38	SysTest Labs
41	Meet with NVLAP to review report	1 day	11/14/08	11/14/08	0%	40	NVLAP
42	Email progress report to NVLAP	0 days	11/18/08	11/18/08	0%	40	NVLAP
43	Meet with NVLAP to review report	1 day	11/18/08	11/18/08	0%	42	SysTest Labs

SysTest Labs - EAC and NIST/NVLAP Non-Compliance Cure Plan

ID	Task Name	Duration	Start	Finish	% Complete	Predecessors	Resource Names
44	Email progress report to NVLAP	0 days	11/21/08	11/21/08	0%	42	SysTest Labs
45	Meet with NVLAP to review report	1 day	11/21/08	11/21/08	0%	44	NVLAP
46	Email progress report to NVLAP	0 days	11/26/08	11/26/08	0%	44	NVLAP
47	Meet with NVLAP to review report	1 day	11/26/08	11/26/08	0%	46	SysTest Labs
48	Email progress report to NVLAP	0 days	12/2/08	12/2/08	0%	46	SysTest Labs
49	Meet with NVLAP to review report	1 day	12/2/08	12/2/08	0%	48	NVLAP
50	Remediation of Non-conformance Item 1 - Test Method Validation (Response to lack of properly documented and validated test methods)	25 days	10/31/08	12/8/08	0%		
51	Confirm definition of Test Method with NVLAP	3 days	10/31/08	11/4/08	0%		SysTest Labs
52	Approval of Test Method definition	1 day	11/5/08	11/5/08	0%	51	NVLAP
53	Update, per NIST/NVLAP, mapping from Federal Voting System Standards to Test Method	17 days	11/6/08	12/2/08	0%		
54	Review/Update Test Method Template	5 days	11/6/08	11/12/08	0%	52	D. Valdez,D. George,T. Simmons
55	Review current requirements to test methods mapping	5 days	11/6/08	11/12/08	0%	52	J. Schweitzer,S. Davis,D. Valdez,D. Forester
56	Update requirements to test methods mapping	12 days	11/13/08	12/2/08	0%	55	S. Davis,J. Schweitzer,D. Valdez,D. Forester,D. George,R. Thomas,S. Singh
57	Deliverable to NVLAP - Updated Test Methods mapping to Federal Voting System Standards	0 days	12/2/08	12/2/08	0%	56	SysTest Labs
58	Update Test Methods	17 days	11/6/08	12/2/08	0%		
59	Review/Update Test Method Development Procedures	2 days	11/6/08	11/7/08	0%	52	R. Thomas,M. Santos
60	Create/Update/Trace new Test Methods, If Required	15 days	11/10/08	12/2/08	0%	59	S. Davis,J. Schweitzer,D. Valdez,D. Forester,D. George,R. Thomas,S. Singh,T. Simmons,T. Mapps,J. Garcia
61	Deliverable to NVLAP -Updated Test Methods	0 days	12/2/08	12/2/08	0%	60	SysTest Labs
62	Validation of Test Methods	17 days	11/6/08	12/2/08	0%	51	
63	Review/Update Test Method Validation Procedures	2 days	11/6/08	11/7/08	0%	52	M. Santos,R. Thomas
64	Validate Test Methods	15 days	11/10/08	12/2/08	0%	63	D. Forester,J. Schweitzer,R. Thomas,D. Valdez,S. Davis,D. George,S. Singh,T. Simmons,T. Mapps,J. Garcia
65	Deliverable to NVLAP -Validated Test Methods	0 days	12/2/08	12/2/08	0%	64	SysTest Labs
66	Readiness Test	4 days	10/31/08	11/5/08	0%		
67	Submit Readiness Test RFI	1 day	10/31/08	10/31/08	0%		M. Santos
68	Obtain Approval from EAC on Readiness RFI	3 days	11/3/08	11/5/08	0%	67	R. Thomas
69	Create / Update SLPs as required	4 days	12/3/08	12/8/08	0%		
70	Review/Update SLP for Writing Discrepancies	3 days	12/3/08	12/5/08	0%	58,62	R. Thomas[50%],S. Davis[50%]
71	Review/Update SLP for Test Execution	4 days	12/3/08	12/8/08	0%	58,62	D. George[50%]

SysTest Labs - EAC and NIST/NVLAP Non-Compliance Cure Plan

ID	Task Name	Duration	Start	Finish	% Complete	Predecessors	Resource Names
72	Deliverable to NVLAP - Updated Writing Discrepancies and Test Execution SLPs	0 days	12/8/08	12/8/08	0%	70,71	SysTest Labs
73	Remediation of Non-Conformance Item 2 - Personnel Qualifications and Training (Response to testing conducted by unqualified or untrained personnel)	18 days	11/6/08	12/3/08	0%		
74	Update Overall Training Plan	7 days	11/6/08	11/14/08	0%	33	L. Hoppert,T. Mapps,J. Prochazka,R. Thomas,M. Santos
75	Define/Update List of SLPs	1 day	11/17/08	11/17/08	0%	74	J. Prochazka,L. Hoppert
76	Update Training Records to include classes, approvals, and certifications	1 day	11/18/08	11/18/08	0%	75	L. Hoppert,J. Prochazka
77	Validation/Testing Training	11 days	11/10/08	11/24/08	0%		
78	Update Training and Materials	5 days	11/10/08	11/14/08	0%	59,63	R. Thomas,M. Santos
79	Develop Training Session	5 days	11/17/08	11/21/08	0%	78	J. Prochazka,L. Hoppert
80	Re-administer training per updated training SLP and Materials	1 day	11/24/08	11/24/08	0%	79	SysTest Labs
81	Deliverable to NVLAP - Updated Training Procedures, Materials and Curriculum	0 days	11/21/08	11/21/08	0%	79	M. Phillips
82	Election Process	11 days	11/17/08	12/3/08	0%		
83	Update Training and Materials	5 days	11/17/08	11/21/08	0%	74	J. Henry,T. Mapps,L. Hoppert
84	Develop Training Session	5 days	11/24/08	12/2/08	0%	83	L. Hoppert,T. Mapps,J. Henry
85	Re-administer training per updated training SLP and Materials	1 day	12/3/08	12/3/08	0%	84	SysTest Labs
86	Deliverable to NVLAP - Updated Training Procedures, Materials and Curriculum	0 days	12/2/08	12/2/08	0%	84	M. Phillips
87	Voting Equipment System Training (General)	11 days	11/17/08	12/3/08	0%		
88	Update Training and Materials	5 days	11/17/08	11/21/08	0%	74	L. Hoppert,T. Mapps,J. Henry,D. Valdez
89	Develop Training Session	5 days	11/24/08	12/2/08	0%	88	L. Hoppert,J. Henry,T. Mapps,D. Valdez
90	Re-administer training per updated training SLP and Materials	1 day	12/3/08	12/3/08	0%	89	SysTest Labs
91	Deliverable to NVLAP - Updated Training Procedures, Materials and Curriculum	0 days	12/2/08	12/2/08	0%	89	M. Phillips
92	Document Control	5 days	11/17/08	11/21/08	0%		
93	Update Training and Materials	2 days	11/17/08	11/18/08	0%	74	T. Mapps,L. Hoppert
94	Update Document Control Procedures	3 days	11/17/08	11/19/08	0%	74	L. Hoppert,T. Mapps
95	Develop Training Session	2 days	11/19/08	11/20/08	0%	93	L. Hoppert,T. Mapps
96	Re-administer training per updated training SLP and Materials	1 day	11/21/08	11/21/08	0%	95	SysTest Labs
97	Deliverable to NVLAP - Updated Training Procedures, Materials and Curriculum	0 days	11/20/08	11/20/08	0%	95	M. Phillips
98	Deliverable to NVLAP - Updated Training Records	0 days	12/3/08	12/3/08	0%	81,86,87,92	J. Prochazka
99	Remediation of Non-Conformance Item 3 - Vendor Communication (To include approved signature form)	8.5 days	10/31/08	11/12/08	0%		
100	Update Mfr Comm Training & Materials	3 days	10/31/08	11/4/08	0%		L. Hoppert,T. Mapps
101	Update Mfr Comm Training Procedures	3 days	11/5/08	11/7/08	0%	100	L. Hoppert,T. Mapps
102	Develop Training Session	1 day	11/10/08	11/10/08	0%	101	L. Hoppert,T. Mapps

SysTest Labs - EAC and NIST/NVLAP Non-Compliance Cure Plan

ID	Task Name	Duration	Start	Finish	% Complete	Predecessors	Resource Names
103	Re-administer training per updated training Procedures and Materials	1 day	11/11/08	11/11/08	0%	102	T. Mapps,L. Hoppert
104	Confirm employee signatures on all required forms	0.25 days	11/12/08	11/12/08	0%	103	M. Phillips,L. Hoppert,T. Mapps
105	Deliverable to NVLAP - Update Training Records	0.25 days	11/12/08	11/12/08	0%	104	J. Prochazka
106	Confirmation of Delivery of all Required Documents Demonstrating Compliance per NVLAP Instructions & Letter Dated October 28, 2008	0 days	12/8/08	12/8/08	0%	50,73,99	M. Phillips
107	NVLAP Review of Documents	5 days	12/9/08	12/15/08	0%	106	NVLAP
108	Planning & Preparation for on-site assessment	24 days	10/31/08	12/5/08	0%		SysTest Labs
109	Schedule on-site assessment	0 days	12/15/08	12/15/08	0%	107	M. Phillips
110	Onsite Assessment	3 days	12/16/08	12/18/08	0%	109	NVLAP
111	NVLAP Response to Onsite Assessment	0 days	1/5/09	1/5/09	0%	110FS+10 days	NVLAP
112	Email progress report to EAC on Results of On-site Assessment and NVLAP Decision	0.5 days	12/19/08	12/19/08	0%	110	T. Mapps
113	Meet with EAC to review report	0.5 days	10/31/08	10/31/08	0%		SysTest Labs,EAC
114	Goal for Achieving NIST/NVLAP 17025, HB 150 and HB 150-22 Accreditation	0 days	1/5/09	1/5/09	0%	111	SysTest Labs
115	Submit Certification Letter to the EAC Program Director	0 days	1/5/09	1/5/09	0%	114	B. Phillips
116	EAC Review of Certification Letter	3 days	1/6/09	1/8/09	0%	115	EAC
117	Decision by EAC	0 days	1/8/09	1/8/09	0%	116	EAC



November 5, 2008

Jon M. Crickenberger
NIST/NVLAP Program Manager
National Institute of Standards and Technology
100 Bureau Drive, Stop 2140
Gaithersburg, MD 20899

cc: Brian Hancock
Director of Voting System Testing and Certification
U.S. Election Assistance Commission
1225 New York Avenue, NW, Ste. 1100
Washington, DC 20005

Re: Plan to Cure NIST/NVLAP Suspension

Dear Mr. Crickenberger,

SysTest Labs hereby requests the opportunity to cure noncompliance concerns noted in your letter of October 28, 2008 to SysTest Labs, resulting in the decision to suspend SysTest Labs' NVLAP accreditation.

In the correspondence sent to SysTest Labs, NIST/NVLAP identified three specific noncompliance items which constituted the basis for suspension:

1. Lack of properly documented and validated test methods.
2. Testing conducted by unqualified or untrained personnel.
3. Improper assurances made to manufacturers regarding testing outcomes.

The attached document comprises a detailed cure plan that will allow SysTest Labs the opportunity to complete the items necessary to demonstrate to NIST/NVLAP voting system testing in accordance with the requirements of the applicable voting system standards and NIST Handbook 150. We believe that this will lead to the lifting of SysTest Labs' suspension by NIST/NVLAP. SysTest Labs' plan has three distinct work-streams that correspond to the three areas of non-compliance noted by NIST/NVLAP. Steps needed to achieve compliance are identified, along with timeframes and associated resources/personnel. Included in the plan are weekly status meetings with NVLAP representatives and periodic reviews of deliverables. We also will provide a weekly status report directly to the EAC to ensure progress is understood. The plan anticipates curing all noncompliance areas with the final submission of all required documents no later than December 8, 2008 and a request for an onsite assessment at SysTest Labs December 16 through December 18, 2008. We ask for NIST/NVLAP to review this plan and provide feedback or approval.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Mark Phillips", is written over a white background.

Mark Phillips
Vice President, Compliance Services

Enclosures: NIST/NVLAP Detailed Cure Plan
EAC Letter to Brian Hancock dated November 5, 2008