

evaluating, certifying, or validating information assurance products under the National Information Assurance Program (NIAP) or successor program. Table A sets forth the Fee-For-Service rates that will be assessed to NIAP accredited commercial Common Criteria Testing Labs (CCTLs) for "validation" services performed by NIAP validator personnel on information technology (IT) security products being evaluated by the NIAP CCTLs pursuant to the Common Criteria Evaluation and Validation Scheme (CCEVS).

DATES: Comments must be received on or before August 27, 2007. Do not submit comments directly to the point of contact or mail your comments to any address other than what is shown below. Doing so will delay the posting of the submission.

ADDRESSES: You may submit comments, identified by docket number and or RIN number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301-1160.

Instructions: All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Audrey M. Dale, 410-854-4458.

SUPPLEMENTARY INFORMATION: NSA and the National Institute of Standards and Technology (NIST) formed the NIAP in order to promote information security in various ways, including the evaluation of IT security products. Commercial IT security product vendors initiate the NIAP evaluation process through submission of their IT security product to a nationally accredited commercial CCTL for evaluation against the internationally recognized Common Criteria (CC) Standard for Information Technology Security Evaluation (ISO Standard 15408). NIAP evaluation is voluntary for IT security products that are acquired by United States Government (USG) civil agencies and non-USG entities, but as per National Security Telecommunications & Information Systems Security Policy (NSTISSP) No. 11, mandatory for IT

DEPARTMENT OF DEFENSE

Office of the Secretary

[DoD-2007-OS-0066]

National Information Assurance Program

AGENCY: Department of Defense; National Security Agency.

ACTION: Notice of new fees.

SUMMARY: Section 933 of Pub. L. 109-364, the John Warner National Defense Authorization Act for Fiscal Year 2007, provides that the Director, National Security Agency, may collect charges for

security products purchased for use on systems that process national security information. Additionally, per DoD Instruction 8500.2 the DoD mandates the use of CC or NIAP evaluated IT security products on all DoD networks.

Evaluations are conducted by NIAP accredited commercial CCTLs, with oversight provided by NIAP validator personnel who are NSA government employees, Federally Funded Research & Development Center (FFRDCs) personnel or contractors. Prior to the enactment of Sec 933, NSA paid for all validation costs. Sec 933 shifts the costs for this validation oversight from NSA to the commercial CCTLs (who may, in turn, will pass these fees onto the product vendors seeking NIAP evaluation of their IT security products). This change will ensure that NIAP can keep pace with the commercial demand for IT security product evaluations and will not be constrained by NSA's program budget for validation services.

Fee Schedule: TABLE A delineates the NIAP Validation Oversight Fee Schedule which will be assessed to CCTLs for validation services provided in support of their NIAP evaluations. Fees are predicated on a per hourly basis by validator skill type and are a function of the Evaluation Assurance Levels (EALs) along with the type and complexity of the product technology. The CC standard used for NIAP evaluations is broken down into increasingly more rigorous Evaluation

Assurance Levels (EALs) beginning at EAL 1 and moving up to the highest possible assurance at EAL 7.

The two primary factors used in developing the Validation Fee Schedules were the EALs of the evaluations and the complexity (simple, moderately complex, and complex) of the product being evaluated. Higher EALs require more rigorous and thus more costly evaluations. More complex products typically take more time to analyze resulting in longer and more costly evaluations. The complexity factor takes into account size of the product in terms of lines of code but must also reflect the fact that new technologies will require additional analysis. Simple products would include basic routers, switches or file encryptors. Products of moderate complexity would include simple firewalls or general application software. Complex products would include standard operating systems and new/unique IA products or technologies.

While validation oversight occurs throughout the course of an evaluation, the majority of this oversight is focused on Validation Oversight Reviews (VORs). These reviews take place at critical points during the evaluation. Evaluations require Initial, Test and Final VORs. The VOR process typically consists of three phases: the preparation phase where validators review documents pertaining to that specific

VOR, the actual VOR meeting (attended by the validators and lab personnel), and the Issue Resolution and Wrap-Up phase. During this final phase all relevant issues are addressed by the CCTL then the VOR report is finalized. At EAL 3s and above, witnessing of testing by validator personnel may also be required.

An additional factor that will affect the validation oversight costs is the length of the evaluation since monthly validation fees will be applied to cover validator coordination and guidance costs throughout the course of the evaluation.

The final section of the fee schedule depicts costs for assurance maintenance which is the process vendors use to maintain the currency of their product evaluations. Vendors submit rationale for why changes to their product did not impact their evaluated product's security. The vendor proposals are reviewed by a NIAP senior validator who determines if their rationale is sound and makes a recommendation to NIAP management who then renders a verdict on the vendor assurance maintenance proposal.

Dated June 19, 2007.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

BILLING CODE 5001-06-P

HOURLY RATES

Mid-Level Validator \$150
 Technical Coordination (mix of mid-level & Senior) \$180
 Senior / Expert Validator \$210

PROPOSED FEE-FOR-SERVICE SCHEDULE

Activity	EAL2 Validation Costs				Moderately Complex Product				Complex Product			
	Simple Product		Costs		M Sr Hours		Costs		M Sr Hours		Costs	
	M	Sr	Hours	Costs	M	Sr	Hours	Costs	M	Sr	Hours	Costs
Initial VOR												
Preparation	10	6	16	\$2,760	14	8	22	\$3,780	26	14	40	\$6,840
VOR Meeting	4	4	8	\$1,440	5	5	10	\$1,800	6	6	12	\$2,160
Issue Resolution & Wrap-Up	8	4	12	\$2,040	12	6	18	\$3,060	16	8	24	\$4,080
Cost for Initial VOR			36	\$6,240			50	\$8,640			76	\$13,080
Testing VOR												
Preparation	16	12	28	\$4,920	20	16	36	\$6,360	24	20	44	\$7,800
VOR Meeting	4	4	8	\$1,440	5	5	10	\$1,800	6	6	12	\$2,160
Issue Resolution & Wrap-Up	8	8	16	\$2,880	12	8	20	\$3,480	16	8	24	\$4,080
Cost for Testing VOR			52	\$9,240			66	\$11,640			80	\$14,040
Witness Testing												
Travel Cost				\$0				\$0				\$0
Witness Testing by Validator			0	\$0			0	\$0			0	\$0
Final VOR												
Preparation	10	8	18	\$3,180	16	12	28	\$4,920	26	16	42	\$7,260
VOR Meeting	4	4	8	\$1,440	5	5	10	\$1,800	6	6	12	\$2,160
Issues Resolution & Wrap-Up	10	10	20	\$3,600	16	12	28	\$4,920	24	16	40	\$6,960
Cost for Final VOR			46	\$8,220			66	\$11,640			94	\$16,380
Monthly Guidance/Coordination			1	\$180			2	\$360			3	\$540
Review/Coord of NSA Penetration Testing			N/A	N/A			N/A	N/A			N/A	N/A
EAL2 TOTALS			134	\$23,700			182	\$31,920			250	\$43,500

Note: EAL 2 TOTALS do not include monthly fees since those depend on the length of the projected evaluation

EAL3 Validation Costs
 Simple Product Moderately Complex Product Complex Product

Activity	16		8		24		\$4,080		20		10		30		\$5,100		24		16		40	
	M	Sr	M	Sr	M	Sr	Costs	M	Sr	M	Sr	Costs	M	Sr	M	Sr	Costs	M	Sr	M	Sr	Costs
Issue Resolution & Wrap-Up							\$11,880										\$14,940					
Witness Testing																						
Travel Cost																						
Witness Testing by Validators																						
Final VOR																						
Preparation	24	12	24	12	24	12	\$8,640	32	16	32	16	64	32	16	40	20	\$11,520	40	20	40	20	80
VOR Meeting	4	4	4	4	4	4	\$6,120	6	6	6	6	12	6	6	6	6	\$8,160	6	6	6	6	12
Issue Resolution & Wrap-Up	20	10	20	10	20	10	\$5,100	32	16	32	16	48	24	12	24	12	\$8,160	24	12	24	12	48
Cost for Final VOR							\$12,660										\$18,480					
Monthly Guidance/Coordination							\$360										\$540					
Review/Coord of NSA Penetration Testing							N/A										N/A					

EAL 4 TOTALS 258 \$45,300 338 \$59,220 432 \$76,200

Note: EAL4 TOTALS do not include monthly fees since those depend on the length of the projected evaluation

EAL4+(AVA VLA.3/4) Validation Costs

Activity	Simple Product		Moderately Complex Product		Complex Product	
	M	Sr	M	Sr	M	Sr
Initial VOR						
Preparation	16	12	20	16	24	20
VOR Meeting	4	4	6	6	6	6
Issue Resolution & Wrap-Up	16	16	16	16	20	20
Cost for Initial VOR						
Testing VOR						
Preparation	20	16	26	18	36	28
VOR Meeting	4	4	6	6	6	6
Issue Resolution & Wrap-Up	16	8	20	10	24	16
Cost for Testing VOR						
Witness Testing						
Travel Cost						
Witness Testing by Validators	24	24	32	32	40	40
Final VOR						
Preparation	24	12	32	16	40	24
VOR Meeting	4	4	6	6	6	6
Issue Resolution & Wrap-Up	20	10	32	12	40	24

Costs: \$7,800, \$2,160, \$7,200, \$17,160, \$11,280, \$2,160, \$6,960, \$20,400, Gov't per diem \$14,400, \$6,360, \$2,160, \$5,760, \$14,280, \$7,680, \$2,160, \$5,100, \$14,940, Gov't per diem \$11,520, \$8,160, \$2,160, \$7,320, \$11,040, \$2,160, \$11,040

Cost for Final VOR		74	\$12,660	104	\$17,640	140	\$24,240
Monthly Guidance/Coordination		2	\$360	3	\$540	4	\$720
Review/Coord of NSA Penetration Testing		8	\$1,440	8	\$1,440	8	\$1,440

EAL 4+ (AVA_VLA.3(4) TOTALS 266 \$46,740 342 \$59,820 440 \$77,640
 Note: EAL4+ TOTALS do not include travel/per diem costs or monthly fees since those depend on the location of the testing and length of the projected evaluation

EAL5 to EAL7 Validation Costs

Activity	Simple Product			Moderately Complex Product			Complex Product		
	M	Sr	Hours	M	Sr	Hours	M	Sr	Hours
Initial VOR									
Preparation	16	24	40	24	32	56	32	40	72
VOR Meeting	4	8	12	6	12	18	6	12	18
Issue Resolution & Wrap-Up	16	16	32	20	24	44	32	32	64
Cost for Initial VOR			\$15,480			\$21,780			\$28,140
Testing VOR									
Preparation	20	24	44	24	32	56	24	40	64
VOR Meeting	4	8	12	6	12	18	6	12	18
Issue Resolution & Wrap-Up	16	24	40	16	24	40	24	40	64
Cost for Testing VOR			\$17,760			\$21,180			\$27,420
Witness Testing									
Travel Cost									
Witness Testing by Validators	32	32	64	40	40	80	60	60	120
Gov't per diem			\$11,520			\$14,400			\$21,600
Final VOR									
Preparation	24	24	48	32	32	64	40	40	80
VOR Meeting	4	8	12	6	12	18	6	12	18
Issue Resolution & Wrap-Up	24	16	40	32	32	64	40	40	80
Cost for Final VOR			\$17,880			\$26,460			\$32,220
Monthly Guidance/Coordination									
Review/Coord of NSA Penetration Testing Results	6		6			8			10
Gov't per diem			\$1,080			\$1,440			\$1,800
Cost for Final VOR			\$1,440			\$1,440			\$1,440

EAL 5 and EAL 7 TOTALS 352 \$64,080 466 \$85,260 606 \$110,820
 Note: EAL5-7 TOTALS do not include travel/per diem costs or monthly fees since those depend on the location of the testing and length of the projected evaluation

Note: for EAL5s and above, Sr hours include at least 2 Senior Validators

Assurance Continuity Validation Costs

Cost / Hour

Cost Description

Validator Costs

Mid-level Validator

Technical Coordination (mix of mid-level & Senior)

Senior / Expert Validator

\$150

\$180

\$210

Assurance Continuity Validation Costs (EAL 2 through EAL 4)

Average Hours

Major Activity

Average Costs

Assurance Continuity with Minor Changes (1 Senior)	8	\$1,680
Assurance Continuity with Major Changes (1 Senior)	40	\$8,400