

§ 1214.503

(b) *Mission Critical Positions/Duties.* Positions/duties which, if performed in a faulty, negligent, or malicious manner, could jeopardize mission critical space systems and/or delay a mission. While this regulation establishes suitability screening requirements which, if met, will allow unescorted access to mission critical space areas, compliance with the requirements does not authorize unescorted access to classified areas by Personnel Reliability Program (PRP) personnel who do not have security clearances.

(c) *Medical Authority.* A NASA civil service or contract physician/psychiatrist responsible for maintaining medical records, providing results of medical evaluations, and interpreting evaluations as they relate to reliable performance of mission-critical duties. The medical authority will coordinate evaluations with the investigatory authority.

(d) *Investigatory Authority.* A NASA civil service or contract individual responsible for reviewing court, law enforcement (Civil, DOD, NASA, other Federal), and other official records and NASA screening plans/procedures records to provide evaluations, recommendations, and guidance to NASA organizations, supervisors, and PRP adjudicators on issuing, denying, or revoking eligibility for mission critical positions/duties.

(e) *Certification.* The determination that an employee assigned to duties as described in §1214.505 of this part, is qualified to perform those duties, and that this employee has been found reliable in accordance with the adjudication guidelines set forth in Attachment B of NMI 8610.13.¹

§ 1214.503 Policy.

(a) The Space Shuttle and the Space Station Freedom are included in the NASA National Resource Protection Program as delineated in NMI 8610.22, "National Resource Protection Program."² The Space Shuttle and the Space Station Freedom provide a capability to support a wide range of scientific applications and commercial,

¹ Copies may be obtained from NASA Headquarters (Code NA-2), Washington, DC 20546.

² See footnote 1 to §1214.502(e).

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defense, and international uses. Since they will contribute significantly to ensuring a scientifically, technologically, and economically strong and secure nation, program reliability, operational and safety considerations require that stringent measures be taken to provide for the protection of the systems. In addition to the Space Shuttle and the Space Station Freedom, designated ELV's, designated payloads, Shuttle Carrier Aircraft and other designated resources which provide the same critical access to space or the ability to accomplish critical objectives in space are considered to constitute valued national resources.

(b) Measures to ensure this protection are:

(1) Special physical security provisions as provided in NMI 8610.22.³

(2) Procedures to ensure that personnel assigned to mission critical positions/duties meet screening requirements, as set forth in §1214.504 of this part prior to unescorted access to areas where mission critical space systems are located.

§ 1214.504 Screening requirements.

(a) Only those persons who are certified under the PRP will have unescorted access to mission critical space systems areas, be assigned to, employed in, or retained in mission critical positions/duties. While this regulation provides for unescorted access to mission critical space systems areas, it does not preclude the need for escorting of PRP personnel who do not have security clearances in classified areas. The certification will be based on an evaluation of screening data which is to be undertaken by a trained evaluator using evaluation guidance and criteria contained in Federal Personnel Manual (FPM) chapter 731 and Attachment B (Adjudication Guidelines) of NMI 8610.13.⁴ The need for impartial and consistent evaluation of data based on a set of standards is considered paramount to the successful implementation of this program.

³ See footnote 1 to §1214.502(e).

⁴ See footnote 1 to §1214.502(e).

(b) Determination of suitability for assignment to mission critical positions/duties will be made on the basis of the following criteria:

(1) Supervisory nomination (per requirements of §1214.505(c) of this part) and assurance of ability to perform mission critical duties as evidenced by performance during training and while on the job.

(2) Medical evaluation (for cause only) by NASA designated medical/psychiatric authority consistent with:

(i) The guidelines and requirements of the NASA Occupational Health Division as required to ensure adequate health for competent and reliable performance; and

(ii) Information developed by testing, review and other screening regarding an individual's health, drug or alcohol abuse, or other factors which may reflect adversely on his or her cognizance, judgement, and ability to act reliably. Such information shall be considered "cause" within the meaning of this subsection.

(iii) All information obtained by medical or Employee Assistance Program evaluation is subject to federal and state statutes and regulations pertaining to the privacy and confidentiality of patient/client information.

(3) Evaluation by a NASA-designated investigatory authority including a review of the results of any National Agency Check (including a name check of the Federal Bureau of Investigation (FBI) fingerprint records) completed within the past 5 years. When the National Agency Check indicates that a more extensive investigation has been completed, the results of that investigation will also be reviewed.

(4) Local agency checks as appropriate.

(5) A review of the PRP candidate's personnel employment records.

(6) A review of the Inspector General case files.

(c) Information acquired during the screening process will be protected in a manner consistent with the provisions of the Privacy Act and other pertinent laws and regulations.

§ 1214.505 Program implementation.

(a) The Director of each NASA Installation will designate mission critical space systems areas.

(b) NASA installations will identify positions/duties subject to this regulation and will identify all civil service and contractor personnel assigned to these positions/duties. The number of persons so identified must be the absolute minimum necessary to meet operational requirements.

(c) Each NASA installation to which this regulation is applicable will establish:

(1) A suitability certification system including a designated certifying official to ensure that the screening requirements of this regulation are met. Adjudication Guidelines (Attachment B of NMI 8610.13)⁵ provides a baseline for each installation to consider in formulating a certification approach. The screening/evaluation plans and procedures formulated at each installation will be approved by Headquarters (Office of Safety and Mission Quality (Code Q) and appropriate Program Associate Administrators) before implementation.

(2) A management review process to validate the objectivity of individual suitability certification determinations and to ensure that reassignments or other personnel actions taken pursuant to this regulation are fair and in consonance with applicable personnel policies and procedures.

(3) An adequate training program for certifying officials, supervisors, adjudicators, and other installation personnel approved by Headquarters Code Q before implementation.

(4) Each NASA installation will maintain a roster of installation adjudicators. Directors of the Installations will approve appointment of adjudicators.

(d) Supervisors will:

(1) Review for reliability and nominate personnel whose duties require certification under the PRP.

(2) Certify that the PRP candidate holds current licenses, skill training certificates, and other documentation issued as required by applicable directives.

⁵See footnote 1 to §1214.502(e).