

to apply relevant laws, regulations, policies, and procedures to the ISS crewmembers it provides, consistent with the IGA and the MOU's.

V. PHYSICAL AND INFORMATION SECURITY GUIDELINES

The use of all equipment and goods to which ISS crewmembers have access shall be limited to the performance of ISS duties. Marked or otherwise identified as export controlled data and marked proprietary data obtained by an ISS crewmember in the course of ISS activities shall only be used in the performance of his or her ISS duties. With respect to data first generated on-board the ISS, the ISS crewmembers will be advised by the appropriate Cooperating Agency or by the data owner or provider through that Cooperating Agency as to the proprietary or export-controlled nature of the data and will be directed to mark and protect such data and to continue such protection for as long as the requirements for such protection remain in place. Additionally, ISS crewmembers shall act in a manner consistent with the provisions of the IGA and the MOU's regarding protection of operations data, utilization data, and the intellectual property of ISS users. They shall also comply with applicable ISS program rules, operational directives, and management policies designed to further such protections.

Personal information about ISS crewmembers, including all medical information, private family conference, or other private information, whether from verbal, written, or electronic sources, shall not be used or disclosed by other ISS crewmembers for any purpose, without the consent of the affected ISS crewmember, except as required for the immediate safety of ISS crewmembers or the protection of ISS elements, equipment, or payloads. In particular, all personal medical information, whether derived from medical monitoring, investigations, or medical contingency events, shall be treated as private medical information and shall be transmitted in a private and secure fashion in accordance with procedures to be set forth by the MMOP. Medical data which must be handled in this fashion includes, for example, biomedical telemetry, private medical communications, and medical investigation data. Nothing in this paragraph shall be interpreted to limit an ISS crewmember's access to all medical resources aboard the ISS, to ground-based medical support services, or to his or her own medical data during preflight, on-orbit, and postflight activities.

VI. PROTECTION OF HUMAN RESEARCH SUBJECTS

No research on human subjects shall be conducted which could, with reasonable foresight, be expected to jeopardize the life,

health, physical integrity, or safety of the subject.

No research procedures shall be undertaken with any ISS crewmember as a human subject without: (1) written approval by the Human Research Multilateral Review Board (HRMRB) and (2) the full written and informed consent of the human subject. Each such approval and consent shall be obtained prior to the initiation of such research, and shall fully comply with the requirements of the HRMRB. The HRMRB is responsible for procedures for initiation of new experiments on-orbit when all consent requirements have been met, but the signature of the human subject cannot be obtained; explicit consent of the human subject will nonetheless be required in all such cases. Subjects volunteering for human research protocols may at their own discretion, and without providing a rationale, withdraw their consent for participation at any time, without prejudice, and without incurring disciplinary action. In addition, approval or consent for any research may be revoked at any time, including after the commencement of the research, by: the HRMRB, the Crew Surgeon, the Flight Director, or the ISS Commander, as appropriate, if the research would endanger the ISS Crew Member or otherwise threaten the mission success. A decision to revoke consent by the human subject or approval by the other entities listed above will be final.

§ 1214.404 Violations.

This subpart is a regulation within the meaning of 18 U.S.C. 799, and whoever willfully violates, attempts to violate, or conspires to violate any provision of this subpart or any order or direction issued under this subpart may be cited for violating title 18 of the U.S. Code and could be fined or imprisoned not more than 1 year, or both.

Subpart 1214.5—Mission Critical Space System Personnel Reliability Program

SOURCE: 55 FR 53289, Dec. 28, 1990, unless otherwise noted.

§ 1214.500 Scope.

This subpart 1214.5 establishes a program designed to ensure that personnel assigned to mission critical positions/duties meet the screening requirements outlined in § 1214.504 of this part.

§ 1214.501 Applicability.

(a) This regulation applies to civil service and contractor personnel at

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NASA Headquarters and field installations who work in activities that are vital to the safety and success of mission critical space systems.

(b) The provisions of this regulation apply to all civil service and contractor personnel assigned to mission critical positions/duties with the exception of the personnel addressed in §1214.501(c) of this part. This includes command and decision making personnel as well as technicians.

(c) This regulation does not include flight crew or payload specialists. They are covered by NASA Management Instruction (NMI) 33304 (14 CFR part 1214, subpart 1214.11), "NASA Astronaut Candidate Recruitment and Selection Program."

(d) This regulation applies to Space Station Freedom International Partners in that the certification requirements in §1214.505(f) of this part apply to foreign personnel in mission critical positions/duties.

§ 1214.502 Definitions.

(a) *Mission Critical Space Systems.* The Space Shuttle and other critical space systems, including Space Station Freedom, designated Expendable Launch Vehicles (ELV's), designated payloads, Shuttle Carrier Aircraft and other designated resources that provide access to space. The Director of each NASA Installation will designate areas associated with these systems that are mission critical space systems areas.

(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.

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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, 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:

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

²See footnote 1 to §1214.502(e).