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# 5 CFR 1400.201 - Sensitivity level designations and investigative requirements.

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## § 1400.201 Sensitivity level designations and investigative requirements.

(a) For purposes of this part, the head of each [agency](#) must designate, or cause to be designated, a position within the department or [agency](#) as a [national security position](#) pursuant to [§ 1400.102\(a\)](#). [National security positions](#) must then be designated, based on the degree of potential damage to the [national security](#), at one of the following three sensitivity levels:

(1) Noncritical-Sensitive positions are [national security positions](#) which have the potential to cause significant or serious damage to the [national security](#), including but not limited to:

- (i) Positions requiring eligibility for access to Secret, Confidential, or “L” classified information; or
- (ii) Positions not requiring eligibility for access to classified information, but having the potential to cause significant or serious damage to the [national security](#).

(2) Critical-Sensitive positions are [national security positions](#) which have the potential to cause exceptionally grave damage to the [national security](#), including but not limited to:

- (i) Positions requiring eligibility for access to Top Secret or “Q” classified information;
- (ii) Positions not requiring eligibility for access to classified information, but having the potential to cause exceptionally grave damage to the [national security](#);

(iii) Positions involving development or approval of war plans, major or special military operations, or critical and extremely important items of war;

- (iv)** National security policy-making or policy-determining positions;
- (v)** Positions with investigative duties, including handling of completed counterintelligence or background investigations, the nature of which have the potential to cause exceptionally grave damage to the national security;
- (vi)** Positions involving national security adjudicative determinations or granting of personnel security clearance eligibility;
- (vii)** Positions involving duty on personnel security boards;
- (viii)** Senior management positions in key programs, the compromise of which could result in exceptionally grave damage to the national security;
- (ix)** Positions having direct involvement with diplomatic relations and negotiations;
- (x)** Positions involving independent responsibility for planning or approving continuity of Government operations;
- (xi)** Positions involving major and immediate responsibility for, and the ability to act independently without detection to compromise or exploit, the protection, control, and safety of the nation's borders and ports or immigration or customs control or policies, where there is a potential to cause exceptionally grave damage to the national security;
- (xii)** Positions involving major and immediate responsibility for, and the ability to act independently without detection to compromise or exploit, the design, installation, operation, or maintenance of critical infrastructure systems or programs;
- (xiii)** Positions in which the occupants have the ability to independently damage public health and safety with devastating results;
- (xiv)** Positions in which the occupants have the ability to independently compromise or exploit biological select agents or toxins, chemical agents, nuclear materials, or other hazardous materials;
- (xv)** Positions in which the occupants have the ability to independently compromise or exploit the nation's nuclear or chemical weapons designs or systems;
- (xvi)** Positions in which the occupants obligate, expend, collect or control revenue, funds or items with monetary value in excess of \$50 million, or procure or secure funding for goods and/or services with monetary value in excess of \$50 million annually, with the potential for exceptionally grave damage to the national security;
- (xvii)** Positions in which the occupants have unlimited access to and control over unclassified information, which may include private, proprietary or other controlled unclassified information, but only where the unauthorized disclosure of that information could cause exceptionally grave damage to the national security;
- (xviii)** Positions in which the occupants have direct, unrestricted control over supplies of arms, ammunition, or explosives or control over any weapons of mass destruction;
- (xix)** Positions in which the occupants have unlimited access to or control of access to designated restricted areas or restricted facilities that maintain national security information classified at the Top Secret or "Q" level;
- (xx)** Positions working with significant life-critical/mission-critical systems, such that compromise or exploitation of those systems would cause exceptionally grave damage to essential Government operations or national infrastructure; or
- (xxi)** Positions in which the occupants conduct internal and/or external investigation, inquiries, or audits related to the functions described in paragraphs (a)(2)(i) through (xx) of this section, where

the occupant's neglect, action, or inaction could cause exceptionally grave damage to the [national security](#).

**(3)** Special-Sensitive positions are those [national security positions](#) which have the potential to cause inestimable damage to the [national security](#), including but not limited to positions requiring eligibility for access to Sensitive Compartmented Information (SCI), requiring eligibility for access to any other intelligence-related Special Sensitive information, requiring involvement in Top Secret Special Access Programs (SAP), or positions which the [agency](#) head determines must be designated higher than Critical-Sensitive consistent with Executive order.

**(b)** OPM and ODNI issue, and periodically revise, a Position Designation System which describes in greater [detail agency](#) requirements for designating positions that could bring about a material adverse effect on the [national security](#). Agencies must use the Position Designation System to designate the sensitivity level of each position covered by this part. All positions receiving a position sensitivity designation under this part shall also receive a risk designation under [5 CFR part 731](#) (see [5 CFR 731.106](#)) as provided in paragraphs (c) and (d) of this section.

**(c)** Any position receiving a position sensitivity designation under this part at the critical-sensitive or special-sensitive level shall automatically carry with that designation, without further [agency](#) action, a risk designation under [5 CFR 731.106](#) at the high level.

**(d)** Any position receiving a position sensitivity designation at the noncritical-sensitive level shall automatically carry with that designation, without further [agency](#) action, a risk designation under [5 CFR 731.106](#) at the moderate level, unless the [agency](#) determines that the position should be designated at the high level. Agencies shall designate the position at the high level where warranted on the basis of criteria set forth in OPM issuances as described in [§ 731.102\(c\)](#) of this title.

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