



Access and Technology Control Plan

Process Owner: **Administration**

Management:

1. Scope:

The procedures contained in this plan apply to Fluid Conditioning Products, Inc (FCP, Inc) at 101 Warwick St., Lititz, Pa. 17543 as well as any FCP sub-vendor. Disclosure of classified information to foreign persons in a visitor status or in the course of their employment by FCP, Inc is considered an export disclosure under the International Traffic in Arms Regulations (ITAR) and requires a Department of State license or DoS approval or either a Technical Assistance Agreement or a Manufacturing License Agreement.

The policies/procedures set forth apply to any work performed that requires or will require access to Customer proprietary data, militarily critical technology, and/or export-controlled technical data.

2. Purpose:

The purpose of this plan is to delineate and inform employees, visitors, and vendors of FCP, Inc of the controls necessary to ensure that no transfer of classified defense information or controlled unclassified information (defined as technical information or data or a defense service as defined in ITAR paragraphs 120.9 and 120.10) occurs unless authorized by DoS' Office of Defense Trade Controls (ODTC), and to ensure compliance with NISPOM 2-310 and 10-509.

3. Background:

Fluid Conditioning Products, Inc manufactures filters for aerospace, marine, and land applications. Our customers are the U.S. Government, General Dynamics, Huntington Ingalls, Pratt & Whitney, GE, and many other Prime Contractors for the U.S. Government.

4. Safeguarding Information and Technical Data:

Equipment and documentation (including, but not limited to, drawings, sketches, specifications, diagrams, models, equipment) associated with end product and other business endeavors; including discussions, telephone conferences, or any other transfer of information and technical data, whether verbal or written, and regardless of medium or whether occurring within or outside of the United States, should be considered to be technical data for export control purposes as outlined in the International Traffic in Arms Regulations (ITAR) (22 CFR 120 et seq).

Equipment and technical data subject to export control shall be safeguarded from unauthorized disclosure and that any dissemination of such equipment and technical data is accomplished in accordance with any customer Purchase Order requirements and applicable Government regulations. In addition, all required licenses, agreements, and other approvals (including Governmental as well as written Customer consent to disclose) are obtained prior to any export or disclosure to unauthorized persons or entities or prior to any public release. Refer to the Part III DFARS clause 252.204-7000, Disclosure of Information for additional information.

5. Access Control:

It is the responsibility of FCP, Inc and its authorized agents to comply with export control laws and regulations as well as contractual requirements and prevent unauthorized disclosures (including visual disclosures) of export-controlled articles, items, and technical data.

Unless specific prior written Customer approval has been requested by FCP, Inc and granted, no person (including FCP employees) or entity is to be given access to militarily critical technology or technical data, including NNPI, if they are debarred, suspended, proposed for debarment, or otherwise ineligible to perform on US or Canadian Government contracts or has violated US export control laws.



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Access shall not be provided to Customer proprietary data, militarily critical technology and/or technical data, or NNPI to persons other than those otherwise eligible employees or other eligible persons designated by FCP, Inc to act on its behalf unless such access is permitted by US DoD Directive 5230.25, by the cognizant US Government Agency, or written Customer authorization.

6. US Person/Foreign Person:

The NISPOM defines a US person as any form of business enterprise or entity organized, chartered or incorporated under the laws of the United States or its possessions and trust territories, and any person who is a citizen or national of the United States.

A US National is defined in the NISPOM as a citizen of the US, or a person who, though not a citizen of the US, owes permanent allegiance to the US. Also see 8 USC 1101(a) (22) or 8 USC 1401 (a) paragraph 1 to 7 for further clarification on those who may qualify as nationals of the United States.

A Foreign National is any person who is not a citizen or national of the United States. A Foreign Person is defined as any foreign interest, and any US Person effectively controlled by a foreign interest. A Foreign Interest is any foreign government, agency a foreign government, or representative of a foreign government; any form of business enterprise or legal entity organized, chartered, or incorporated under the laws of any country other than the US or its possessions and trust territories, and any person who is not a citizen or national of the United States.

6.1. Foreign Persons:

No foreign person will be given access to classified material or controlled unclassified information on any project or program that involves the disclosure of technical data as defined in ITAR paragraph 120.10 until that individual's license authority has been approved by ODTC.

FCP, Inc employees who have supervisory responsibilities for foreign persons must receive an export control/licensing briefing that addresses relevant ITAR requirements as they pertain to classified and controlled unclassified information.

6.2. Foreign Person Indoctrination:

Foreign persons employed by, assigned to (extended visit) or visiting shall receive a briefing that addresses the following items:

- 6.2.1. that prior to the release of classified material or controlled unclassified information to a foreign person, an export authorization issued by ODTC needs to be obtained by FCP, Inc;
- 6.2.2. that they adhered to the FCP, Inc security rules, policies and procedures and in-plant personnel regulations;
- 6.2.3. that outlines the specific information that has been authorized for release to them;
- 6.2.4. that addresses the FCP, Inc in-plant regulations for the use of facsimile, automated information systems, and reproduction machines;
- 6.2.5. that any classified information they are authorized to have access and need to forward overseas will be submitted to the FCP, Inc. security department for transmission through government-to-government channels;
- 6.2.6. that information received at FCP, Inc shall be prepared in English;



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6.2.7. that violations of security procedures and in plant regulations committed by foreign nationals are subject to FCP, Inc sanctions.

6.2.7.1. Sanctions:

6.2.7.1.1. Persons not adhering to the above will be escorted out of the building.

6.2.7.1.2. Visitors will be asked to leave.

6.2.7.1.3. Employees will be terminated.

7. Access Control for Foreign Nationals:

If a foreign national is on the premises:

7.1. Badges: The foreign national will wear a name badge identifying them as a foreign national and it will identify the areas of the building they will be allowed access.

7.2. Escorts: The foreign national will be escorted by an employee of FCP, Inc. at all times and FCP, Inc. shall ensure that foreign nationals are escorted in accordance with U.S. Government and FCP, Inc. regulations.

7.3. Establishment of a segregated work area(s), if necessary

8. Non-Disclosure Statement and Acknowledgement:

All employees, External Providers and foreign nationals shall sign a Non-Disclosure Statement, form F-18-083, that acknowledges that classified and controlled unclassified information will not be further disclosed, exported, or transmitted by the individual to any foreign national or foreign country unless ODTG authorizes such a disclosure and the receiving party is appropriately cleared in accordance with its government's personnel security system.

9. Supervisory Responsibilities:

10. Supervisors of cleared personnel and foreign national employees and foreign national visitors shall ensure that the employees and visitors are informed of and cognizant of the following:

- 10.1. that technical data or defense services that require an export authorization is not transmitted, shipped, mailed, hand carried (or any other means of transmission) unless an export authorization has already been obtained by FCP, Inc and the transmission procedures follows US Government regulations;
- 10.2. that individuals are cognizant of all regulations concerning the handling and safeguarding of classified information and controlled unclassified information;
- 10.3. that the individuals execute a Technology Control (TCP) Briefing Acknowledgement, form F-18-084, acknowledging that they have received a copy of the TCP and were briefed on the contents of the plan;
- 10.4. that U.S. citizen employees are knowledgeable of the information that can be disclosed or accessed by foreign nations.

11. Employee Responsibilities:

All FCP, Inc employees who interface with foreign nationals shall receive a copy of the TCP and a briefing that addresses the following:



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- 11.1. that documents under their jurisdiction that contain technical data are not released to, or accessed by, any employee, visitor, or subcontractor who is a foreign national unless an export authorization has been obtained by FCP, Inc in accordance with ITAR or Export Administration Regulations (EAR);
- 11.2. if there is any question as to whether or not an export authorization is required, promptly contact FCP, Inc management for guidance;
- 11.3. that technical information of defense services cannot be forwarded or provided to a foreign national regardless of the foreign nationals location unless an export authorization has been approved by DTC and issued to FCP, Inc.

12. Definitions:

- ITAR: International Traffic in Arms Regulations
- DoS: Department of State
- ODTC: Office of Defense Trade Controls
- NISPOM: National Industrial Security Program Operating Manual
- TCP: Technology Control Plan
- EAR: Export Administration Regulations
- DTC: Defense Trade Controls
- NNPI: Naval Nuclear Propulsion Information



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Applicable Documents

F-18-083

F-18-084

Applicable AS9100/ISO 9001 Clauses

NA

Previous Documents

SOP-23

Record Requirements

Record I.D.	Document Name	Active Storage Location	In-Active Storage Location	Retention Time (Minimum)	Disposal Method
F-18-083	Non-Disclosure Statement	Electronic Filing System	Electronic Filing System	Indefinite	NA
F-18-084	Technology Control Plan Briefing Acknowledgement	Electronic Filing System	Electronic Filing System	Indefinite	NA

Revision History

Training Required?	Rev	Pages or sections affected			Date
		Revised	Added	Removed	
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	-		Initial release		10/31/17
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	A	Clarified Paragraph 8 to include employees and External Providers are required to sign the form F-18-083			06/07/18
YES <input type="checkbox"/> NO <input type="checkbox"/>					
YES <input type="checkbox"/> NO <input type="checkbox"/>					