

TECHNOLOGY TRANSFER CONTROL PLAN DEVELOPMENT GUIDELINES

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**Defense Technology Security Administration
Space Directorate
(DTSA/SD)**

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REQUIREMENT

Per the Arms Export Control Act implemented in accordance with 22 CFR 120-130 (International Traffic in Arms Regulations), defense articles require export controls.

PURPOSE

The purpose of the Technology Transfer Control Plan (TTCP) is to first tell, then demonstrate to, the U.S. Government (USG) how you intend to maintain the appropriate controls to remain within scope of your export authorization.

REFERENCES

DoD Monitoring Program - for information and details, refer to the following:

- 1) PL 105-261, Title XV, Sections 1511-1516
- 2) PL 106-65, Title XIV, Section 1409
- 3) 22 CFR 124.15

Spacelink - for details, refer to the *Spacelink 1.0 Industry Software User Manual* (initial release dated July 2006). Hereinafter simply referred as the "SUM", it is available in softcopy and may be obtained by contacting any of the POCs identified herein (on the cover page).

ESSENTIAL ELEMENTS OF A TTCP

Conceptually, the TTCP contains ALL documentation, via attachments, that are relevant to the current export authorization; *i.e.*, the TTCP must be complete unto itself. This means anyone picking up the TTCP will have at their fingertips, literally, a complete, unabridged compendium of the export(s) and its authorization(s). In order to achieve such completeness, TTCPs must include, at a minimum, the following:

- 1) The executed export authorization (if an agreement, preferably with signatures but acceptable without as long as it is the agreement in final form, the one distributed for signatures), complete with ALL attachments, for all amendments (if an agreement and as applicable). For instance, for TA 1234-00C, the complete TAA documentation includes the basic TAA with all attachments, as executed by all parties; the A amendment, with all attachments; B, with all attachments; and C, with all attachments. It does not matter whether the attachments for a later amendment are the same as, or duplicates of, an earlier amendment--ALL respective TAA attachments (*e.g.*, Exhibits, Appendices,

Statement of Work, etc.) directly related and applicable to the respective export authorization must be included. These do not include copies of previous amendments, other related export authorizations, or corresponding DTC Approvals that may have been part of the export request originally submitted to DTC. Also, an agreement is considered to be the "base" when it meets one of the following three conditions: 1) it actually is the base agreement, e.g., the initial TAA; 2) its amendment approval is cited as the "Initial Approval" or something similar, which usually occurs when the base agreement is RWA'd (Returned without Action) or denied; 3) its amendment approval is cited as being "Rebaselined" or something similar. "Rebaselined" agreements, although not common, are usually accompanied by a superseding set of provisos (limitations and conditions).

- 2) Copies of the original DTC Approval Letter(s) corresponding to the executed export authorization discussed in Item 1, above.

LICENSE FILES

- 1) License Files are file copies of the export authorization. For agreements, this includes the executed copy, along with any attachments, and its DTC Approval Letter; any amendments thereto (again, complete with any attachments and its DTC Approval Letter). For licenses, this includes the license, its attachments, and the attached DTC Approval.
- 2) License Files must be in Adobe PDF.
- 3) License Files must be submitted via Spacelink before any Draft TTCP or technical data submission against the export authorization can be accepted for review.
- 4) Uploading License Files is designed to be a "one-time" action that will place all export authorizations into a central repository.

SUBMITTING DRAFT AND FINAL TTCPs TO DTSA

- 1) Any TTCP requiring DTSA approval, whether newly developed or having been revised (beyond clarifications and edit corrections), must first be submitted into Spacelink as a Draft. Once *Approved* (or *Approved with Conditions*), the Final TTCP must be submitted. Only then, after the Final TTCP is similarly positively dispositioned, can technical data be submitted to DTSA for review.
- 2) Essential elements (described above) as a part of a Draft TTCP may be included, but it is not necessary as that information would already have to exist in Spacelink as License Files.
- 3) Only a TTCP that does not require a subsequent DTSA approval--for instance, those being resubmitted for clarifications or edit corrections--may be uploaded directly into Spacelink as a Final submission (assuming it is taking the place of an already-existing Final TTCP) but only after it has been coordinated with the POCs stated herein (on the cover page). In the event you forget to pre-coordinate this and attempt this effort in Spacelink, you will receive

a reminder in the form of an error message. For any given export authorization or amendment thereto (as applicable), there can only be ONE Final (and ONE Draft) TTCP.

- 4) Only Final TTCPs must be in Adobe PDF (which means Draft TTCPs can be in MS Word).

GENERAL INSTRUCTIONS

- 1) Rather than provide you with a “fill-in the blank” format, we have identified sections you must address and include, at a minimum, in your TTCP. If a section does not apply, simply state that. Beyond that, you are free to add sections of your own and provide as much information, with as much detail, as you care to in order to fully explain your company’s policies, procedures, and/or processes used to maintain technology transfer controls.
- 2) In the following paragraphs you will see the required sections (e.g., Table of Contents, Record or Changes, 1.0 Introduction), along with the required statements (e.g., "If the TTCP inadvertently conflicts with the limitations and conditions of the DTC Approval, the DTC Approval takes precedence."), are in **bold** text. These sections, or parts thereof (headers, titles), and statements (in bold text) are mandatory and must be verbatim (unless otherwise stated or conditioned). Contained within these sections, where text is not bolded (regular text), are the requirements of the TTCP that must be addressed. These will be accompanied by discussion points, provided for your information and guidance. For instance, we will tell you that each technical data submittal (i.e., document or package) must have its own unique data identifier, but we will not mandate a naming convention or tell you, you are required to enter that identifier in Spacelink when uploading the technical data. That would be up to you as long as you satisfy the requirement that each and every document (or data package) being submitted for approval is uniquely identifiable. We would also explain that this would apply to any revisions to the same. Bracketed "[]" text are empty fields. You should remove the brackets once you replace the bracketed descriptor with the information specified.
- 3) All pages must be numbered. This includes ALL appendices and any other attachments. You may use a local page numbering scheme for your appendices as long as the respective appendices are identified. For example, if Appendix D has a total of 26 pages, you would number the pages D-1 through D-26. It would not be acceptable to just number them 1-26.

TABLE OF CONTENTS W/ SECTION DESCRIPTIONS

TITLE PAGE [page]

The title page must include: **Technology Transfer Control Plan (TTCP)**
[DTC Case (verbatim from DTC Approval Letter)]
[Company Name]
[Company Address]
[Date of the TTCP]

RECORD OF CHANGES [page]

Summarize the evolution of the TTCP, from initial approval through the latest approval. A tabular format has proven to be effective. If it is the initial approval, state just that; otherwise, at a minimum, include the revision number, submittal/approval dates, and reason for the latest submission (e.g., required by latest amendment; changes to internal procedures; etc.)

1.0 INTRODUCTION [page]

1.1 Purpose. For starters, simply identify the purpose of this TTCP. For instance, "This TTCP has been prepared in accordance with approval letter for DTC Case TA [number], dated [date], Proviso # [number]." Also, use this subsection to discuss and/or clarify any apparent discrepancies, or peculiarities, that may exist between this TTCP submittal and a hard requirement (via proviso) to submit one.

In Spacelink, TTCP submittals can only be uploaded against the DTC Case (available through a drop-down menu) that requires, as a condition of its approval, either the development of, or a revision to, a TTCP.

Example:

Let us say you had to develop a TTCP as a condition of your base agreement, only--i.e., none of your other amendments, to include the current one, required you to revise your original TTCP. You are now up to the D amendment, and it has been several years since the base was approved, and you recognize your TTCP is getting a little stale. You just received the E amendment--still no requirement to revise your original TTCP. Regardless, you feel it is the perfect time to update that aging TTCP, now several years old. In revising the TTCP, you first make sure you have the latest TTCP Development Guidelines, which you do. You then explain, in this very subsection, your reason for revising an already-existing, and valid, TTCP. Having completed the draft, you are now ready for the Draft submittal, so you contact us (one of the POCs listed on the cover page) to let us know of your desire to upload a "new" (i.e., revised) TTCP. Again, the reason you would have to do this is that Spacelink only allows for one Draft and one Final per DTC Case record (upload). To allow for this, we have to check the current state of the existing TTCP to determine whether any further action is required on our part before you will be able to use the EDIT feature to attach the newly revised TTCP. Once submitted, we would then review and provide an approval or comment, as appropriate. (Again, some of the terms I have used may seem confusing, but remember, these Guidelines make more sense if reviewed in conjunction with the SUM.)

1.2 Contact Information. At a minimum, identify a point of contact(s) for this TTCP (this may be an office or an individual), providing phone and fax numbers and email address(es) for each.

2.0 SCOPE [page]

- 2.1 Authorized Export.** Summarize the scope of your export and clearly define the technical data and/or defense services you will be providing. You should also include any background information that may help the reader understand the full scope of the program, especially if there are multiple parts or stages. It sometimes helps to identify other, associated export authorizations that are either pending or have been approved.
- 2.2 Summary of Export Authorizations.** If you have amendments to your base agreement, add a one- to two-sentence/phrase summary of those amendments, starting with the base (or initial approval). Include the DTC Approval dates for each. Tabular or bullet format seems to work well.

Example:

- 1234-00, approved 12 Dec 01, is a marketing TAA for SuperSpacecraft XT.
- 1234-00A, approved 30 Mar 03, added scope, to include satellite build, manufacture, and delivery.
- 1234-00B was RWA'd.
- 1234-00C (Revised), approved 29 Aug 03, added three foreign and one U.S. signatories with no expansion in scope.
- 1234-00D, approved 13 Dec 03, includes launch services (minus on-orbit support); adds eight foreign signatories, drops one, corrects name of another; superseding provisos .

That way, the reader is able to follow the evolution of this agreement. If there are no amendments, then you should simply state it is the initial approval, being sure to still identify the DTC Approval date and provide a brief summary of its respective scope. This would also be the model to follow if your export authorization is a license. In any event, you must also include the statement: **If the TTCP inadvertently conflicts with the limitations and conditions of the DTC Approval, the DTC Approval takes precedence.**

- 2.3 Signatories/End-Users.** Include the names, addresses, and countries of all the signatories to the agreement, U.S. and Foreign alike, with a brief description of roles and responsibilities of each. This includes you, who should be listed first. Similarly, if the subject export authorization is a license (*i.e.*, DSP-5), list the end-users (name, address, and country) you have identified in Block 14 of your license application. For licenses, you do not need to include yourself. In either case, whether Signatories or End-Users, those you list here should directly correspond to those you enter into Spacelink under the same header.
- 2.4 Sublicensing.** First, state whether sublicensing (subcontracting) is authorized, then if it is, identify the sublicensees.
- 2.5 Reexport and/or Retransfer Authority.** State whether the subject export authorization allows for reexports and/or retransfers and if so, by whom. In most cases, if authorized, these would be between and amongst the signatories.

2.6 Separate or Independent Export Authority. Identify whether this is authorized and if so, by whom (they all would have to be U.S. persons).

3.0 DTSA MONITORING PROVISOS [page]

Short and to the point, identify (paraphrase or take verbatim) all provisos (by number and which amendment, as applicable) related to DTSA monitoring. This includes requirements for: a TTCP; technical data reviews; monitoring of technical interchanges; reimbursement procedure; anything else that might qualify (e.g., data review by other government agencies, etc.). You only have to identify the current requirement. For instance, if you have a proviso from the D amendment requiring a revised TTCP, you only have to identify that proviso and that requirement, not the original one that may have been borne as a condition from the base agreement.

Example:

- 1234-00, Proviso #10, technical data review;
- 1234-00, Proviso #11, DTSA monitoring;
- 1234-00, Proviso #15, reimbursement and data library;
- 1234-00C, Proviso #5, revise TTCP.

This will serve to let the reader know the extent of DTSA's (or other USG's) involvement in the subject export authorization.

4.0 EXPORT COMPLIANCE TRAINING [page]

4.1 U.S. Persons. In this subsection, you shall acknowledge your responsibility (as the applicant) for ensuring ALL U.S. persons who represent U.S. signatories or end-users to your agreement or license, respectively, are trained on the limitations and conditions of your export authorization. This includes providing, at a minimum, an awareness briefing to Non-Signatory Attendees--U.S. persons allowed to attend technical interchanges with you and your foreign signatories/end-users, but only as non-participants in non-participatory roles. Non-Signatory Attendees would not be covered by your export authorization, and therefore, have no export authorization, whatsoever. Potentially, these could include your subcontractors, future customers, or perhaps even current customers, "once removed", meaning they would be your ultimate customer. Having a contract with a USG agency is a good example, so let us follow that.

Example:

You bid, you won, and you have decided the best way to achieve your contract objectives is to engage in export activities. You seek out and receive the appropriate export authorizations, but your customer, the USG agency under which you have your contract, is not a party to any of your export authorizations (and they usually are not and would not have to be). Well, now, your customer--who is not a party to any of your export authorizations--decides to send a representative, accompanied by technical advisors, to one of your technical interchanges authorized

by one of your TAAs (let us say, for example). What do you do? Not only are they your customers, they are representatives of a USG agency. So, how do you tell them they cannot actively participate in your meeting? ... It is quite simple, really. When it comes down to it, you or any other U.S. person--USG agencies included--must have either a waiver or an export authorization in order to be able to export technical data or provide defense services to foreign persons. In this example, you would at the minimum provide an awareness briefing to your USG customers and their advisors, being sure they realize the extent of not only your export authorization but export law and regulations, in general, and the penalties for violating such. In response your customer states they do have either a waiver or the proper export authorization to participate, you can acknowledge this while at the same time telling them they then have the option to exercise either--the waiver or export authorization--elsewhere and on their own, separate and disparate from any of your activities. You can clarify by stating they might have what they have, but you know what you have, and what you have does not permit them to participate in your activities.

Use this subsection, then, to also identify potential, Non-Signatory Attendees, citing: who they are or might be; their relationship to you; and a brief description as to why they might be attending.

4.2 Foreign National Employees. As above, this also applies to any foreign national employee (*i.e.*, not a foreign signatory to the agreement) working for you. If there are, you would already have to have a valid export license and/or agreement with the foreign national. If that is the case, you must then cite the relevant export authorization(s); otherwise, this section would not apply to you.

4.3 Description of Training. You need to describe contents (*e.g.*, TTCP, general ITAR awareness, company policies pertaining to exports, consequences of violations of export law and regulations, etc.); frequency of training, at a minimum at least twice a year (or equivalent), initial followed by semi-annual; who trains, if not by name, at least by office symbol or title; training certificates or logs, signifying successful completion of your training program, which is mandatory prior to the individual's participation in any export activity governed by your export authorization. State clearly that all individuals shall be trained prior to their participation in any export activity and how you will maintain and track your training records. Again, if an awareness (or similarly-named) briefing is different from standard training, tell us about it: how and who gets what and why.

5.0 TECHNICAL DATA [page]

5.1 Documentation Control.

5.1.1 Unique Data Identifier. Technical data, sometimes referred to as documents or packages, tagged for export must have a unique identifier; *i.e.*, a document control number. This means no two technical data exports--a simple one-pager, a complex CDR package, or even previously exported data that has just been updated or revised and is being readied for export--are to have the same identifier or "number" (which could be alphanumeric). Not only must

each export be uniquely identifiable, you are responsible for maintaining those records and tracking those exports. At the minimum, your records must be able to show what has been exported, when, and to whom, and unless it was the exact same technical data, no two entries should carry the same unique data identifier. You do not want to be in a position to have to explain why two different sets of documents--even if the only difference is something seemingly inconsequential, such as the titles of the documents--carry the very same unique identifier. Realize, the consequences of such a finding are immense. Not only does your technical data exports records maintenance come into question, your whole technology transfer control process may automatically become suspect.

It is not sufficient to just state you have a naming convention in place, you must provide us an example. If you are hesitant to do so, because it might change, go ahead and provide an example while stating you may revisit the process in the future, which might lead to such a change and a better naming convention. Again, the more information and details you provide regarding your processes, the more confident we become in your processes.

Although not mandatory, Spacelink does give you the opportunity to enter these identifiers, or *Industry ID*, as they are referred to in Spacelink, during the technical data upload process.

5.1.2 Internal Processes. Describe your internal process for documentation control, from the moment the technical data is generated to the time it is exported, to include procedures for how you track and maintain your records for technical data exports and your processes for the maintenance of a library of exported technical data. In the end, you should be able to answer these types of questions: Who in your organization makes the determination on whether a data marked for export is technical or not? How do you physically mark your documents after they have been approved, internally, for export? Or do you even wait that long before marking them for export? Based solely on the documentation markings and the unique data identifier, can anyone picking up the document discern whether the document was actually exported? How do you track your data exports? Do you use a spreadsheet or some proprietary or off-the-shelf electronic database system? Who is your POC for documentation control? How does the engineer chairing your next technical interchange meeting know that the data packages he or she will be presenting are approved for export? Are the technical data packages for your library archived electronically (soft format) or in hard copy format, and where and what are those procedures? What guidance is provided to your employees: handbooks, training, etc.? You get the idea.

5.1.3 Documentation Markings. All technical data for release must be marked, at a minimum, with the following: 1) DTC Case (the export authorization, this includes identifying the correct and current amendment); 2) the Unique Data Identifier. Another common marking, although not mandatory, is an ITAR warning (disclaimer) against unauthorized reexport or third-party transfer of the controlled data. Provide an example of your documentation markings.

5.2 DTSA Review. Simply state whether this is a requirement or not, and if so, cite the proviso; if not, say "Not Applicable". If DTSA review of technical data is required, you must include the following statement: **[Your company name] acknowledges that DTSA has up to 10 business days to review technical data submitted for approval. The first full normal business day after DTSA's receipt of the submission is counted as Day 1 (of the 10).** As an example, submittals received anytime on Friday does not start counting toward the 10 days until the following Monday, which starts the "clock" as Day 1.

5.3 Spacelink. If DTSA review of technical data is required, you must include, and address, the following subsections as written and verbatim, where noted; however, if none of this applies, then simply state "Not Applicable".

5.3.1 Requirement. In accordance with DTC Proviso #[number], all technical data to be released will be submitted to DTSA/SD for review. Spacelink, a web-based application designed by and for DTSA/SD, will be used as the medium for such submittals. Alternative methods may only be used if first coordinated, then approved, by DTSA/SD. [Your company name] will contact DTSA/SD (703-325-3049) to initiate the requisite Spacelink Company and User Accounts.

5.3.2 Uploading License Files. License Files shall be submitted into Spacelink in accordance with the Software User Manual (SUM) before ANY Draft TTCP or technical data submission against the export authorization can be accepted for review. License Files must be in Adobe PDF. Uploading License Files is a one-time action that will place all export authorizations into a central repository.

- 1) License Files are file copies of the export authorization and include the following:
 - a) If an agreement, the "executed" copy, with or without signatures, and the corresponding DTC Approval Letter; if a license, the license itself and the corresponding DTC "Attachment" (*i.e.*, Approval).
 - b) All attachments (*e.g.*, Exhibits, Appendices, Statement of Work, etc.) directly related and applicable to the respective export authorization. This does not include copies of previous amendments, related export authorizations, or corresponding DTC approvals that may have been part of the export request originally submitted to State/DDTC. Transmittal Letters may be included but are not required as they are not part of the official export request.
- 2) File Format. Each file is limited to a single export authorization (*e.g.*, base agreement, absent any amendments; an amendment less the base agreement or previous amendments) and must have the

following elements or "parts", in this order: (1) DTC Approval; (2) the export authorization itself; (3) all its attachments. The following are exceptions:

- a) **RWAs.** For export authorizations which have been RWA'd, the RWA itself (or notice thereof) is required in place of the respective DTC Approval (since there would not be one). Neither the respective export authorization nor its attachments are required to be part of this type of License File.
- b) **Changes That Do Not Affect Scope.** For changes that do not affect the scope of the respective agreement (e.g., proviso reconsiderations, extensions of terms, applicant name changes, etc.), only the DTC Approval Letter is required. Neither the respective export authorization nor its attachments are required to be part of this type of License File.
- 3) **DTC Case.** DTC Case is the term used in Spacelink to refer to the export authorization. DTC Case entries **MUST** be entered as it appears, verbatim, on the DTC Approval Letter. For instance, if the TA number is followed by "(Initial Approval)", then "(Initial Approval)" must similarly be entered; if it is followed by "(revised 2)", then "(revised 2)" must be entered; etc.
- 4) **Base and Amendments.** There should be no gaps in License Files for agreements. License Files must start with the initial approval (not always the base agreement) and end with the current, or in some instances future and soon-to-be current, amendment (assuming there are amendments). If any amendment designator (*i.e.*, letter) is missing because DTC skipped the letter, then a statement to that effect must be made in the Comments field on either the previous or subsequent License File submittal.

5.3.3 Company and User Accounts.

- 1) **New user accounts may only be initiated by contacting DTSA/SD at 703-325-3049.**
- 2) **[Your company name] will ensure Spacelink Company and User Accounts remain current by reflecting updates (e.g., changes in email addresses or phone numbers; addition or deletion of users; changes in Financial POCs or the Empowered Official (EO); etc.) on the respective Spacelink Registration Form and forwarding them to DTSA/SD.**
- 3) **[Your company name] acknowledges that user accounts that show no log-in activity for a period of 120 days or more may be deactivated.**

5.3.4 Technical Support. Refer to the SUM for contact information for Spacelink system technical support, which includes issues related to user accounts (e.g., resetting passwords) and Spacelink functionality (processes and procedures, how it works, why it does not work, why it is not working, problems with uploading files, unable to establish connections, etc.).

5.4 Request for Waiver Process. If you have a proviso that requires DTSA review of technical data, chances are you also have specific proviso language that authorizes you to pursue DTSA approval for waiver of similar data. If you intend to take advantage of this option, you must explain, in detail, the process and procedure to that end. If, on the other hand, you do not intend to use it, then you should state as much. Naturally, if this does not apply at all, then state "Not Applicable". Something you should be aware of, the proviso that explains and conditions the waiver process usually states you must attach the previous such approval. Since you will be using Spacelink, you should state herein that you will only be *referencing* the previous DTSA approval instead of actually *attaching* it (as stated in the proviso). Spacelink, in fact, requires you to select the previous DTSA approval by Reference No. when using the *Request for Waiver* option for technical data submission.

5.5 Definition of Terms. Define your terms; e.g., system, subsystem, part, component, assembly, test results, etc., especially as it relates to your provisos. For instance, if you have a proviso that exempts "test results", it is in your best interest to establish a definition for this up front, so when it comes time for you take advantage of the exemption, there is no second-guessing your interpretation or implementation. By not defining terms, it then boils down to our interpretation; that leaves little to no negotiating room when questions arise concerning these terms and their use in the technical data to be released. If you do not intend on using this subsection, then you may delete it or state "Not Applicable".

6.0 TECHNICAL INTERCHANGE [page]

6.1 General Requirements. Synopsis, a technical interchange is any activity in which technical data is exported and/or defense services are provided: technical interchange meetings; any type of joint operation; teleconferences; etc. The following, at a minimum, demonstrate technology transfer controls during these technical interchanges and must therefore be addressed according to the guidelines and directions given.

6.1.1 Attendance Roster. This is required for ALL activities. An attendance roster must be attained at the beginning of every interchange and must be provided to the DTSA Monitor (if present) prior to the interchange. The attendance roster must include, at a minimum: full name, nationality, signatory affiliation (if an agreement), and company/employer. For "signatory affiliation", those signing in must identify the signatory (by company name) with which they are associated. Also, explain how you will ensure the foreign persons in attendance will be limited to those who are authorized to be there.

6.1.2 Non-Signatory Attendees. The Activity Chair (whoever is chairing the meeting) must identify all "Non-Signatory Attendees" (also sometimes referred to as "passive attendees" or "non-participants") to the attending DTSA Monitor (again, assuming one is present) prior to the meeting start. Non-Signatory Attendees are U.S. persons who are not signatories to the agreement and are there, ultimately, at your invitation. These U.S. persons have no export authority, and therefore, may not participate in any of the technical interchange. For that very reason, it is important to know who these individuals are. Therefore, it is "ultimately" up to you on whether they can attend, even if it is your customer who invites them.

6.1.3 Walk-Ins. You will need to identify, and discuss herein, a procedure or come up with a process to ensure any person who shows up at a technical interchange, whether they are there all day or only step in for a minute, is documented on the attendance roster. This, again, points back to the Attendance Roster, which must be wholly complete. Not only do you need to know who they are, meaning knowing whether they are authorized to even be there, you need to ensure you capture their "attendance." Your procedure needs to take this validation-of-the-individual process into account, because you want to ensure you are not in the midst of exporting technical data or providing defense services when a foreign person who is not authorized to receive such data or services happens to just step in for a moment to see what is going on. Be particularly mindful of this when you are having your meetings or interchanges at your foreign signatories' facilities where it is more difficult to keep track of who is whom, especially if there are large numbers of participants.

6.1.4 Responsibilities of the Activity Chair.

- 1) Copies of the Export Authorization.** Whoever is chairing the technical interchange must have in his/her possession copies of the complete export authorization. This may be in hard copy or soft copy; however, whichever the medium, it should be in the same format. This includes the TTCP; copy of the current license or executed agreement, to include any amendments thereto; attachments; corresponding DTC Approval(s).
- 2) Who is Who.** The Chair must also readily be able to identify and verify all participants and attendees and whether those who are U.S. persons have had their export compliance training or awareness briefing (as the case may be).
- 3) Technical Data.** The Chair must have, at the minimum, a list of the technical data approved for release in support of the technical interchange.
- 4) Change-Pages to Approved Technical Data.** It is the Chair's responsibility to notify the attending DTSA Monitor, if present, of any change-pages made to approved technical data prior to its discussion or presentation. Naturally, the presumption is these changes are strictly

editorial, as any other change involving the addition of technical content or technologies would require subsequent DTSA approval.

6.2 Specific Controls. The major categories of technical interchanges are meetings, telecons, and operations. For each category that applies to you, you must discuss your technology control procedures. For instance, how you control your export will be different if it is held in your own facility versus one held in a customer's or a subcontractor's. You fully control the one, yours, but not the other, which means you have different considerations. Take that one step further. What procedures will be in place for meetings abroad, in a foreign person's facility? There, you have to maintain positive control of technical data at all times; you cannot leave it in a room or office and just lock the door. You get the idea. Here are some specific topics (via subsections) you must address.

6.2.1 Meetings. Defined, a meeting is a face-to-face technical interchange that does not involve hardware. Defense services are provided and technical data exported. So you need to discuss both your control of the environment and your controls during the interchange. You do not need to repeat that discussed above, under the general requirements for technical interchanges; rather, focus on peculiarities or nuances. That aside, we expect most of your discussion would revolve around physical controls you have or will have in place, or any limitations thereof. Also, you must identify potential meeting locations in the U.S. and abroad. It is sufficient to identify which company's facilities, including any that might be a subcontractor's.

6.2.2 Telecons. Defined, a telecon is just that, a teleconference. Each participating party, individually or as a whole, either calls a bridge line or a "personal" line (e.g., office, conference room, etc.), the latter of which normally has some kind of teleconferencing capability. Be wary, as a telecon quickly becomes a meeting once you have U.S. and foreign persons in the same room, regardless of whether anyone else is being teleconferenced in. Therefore, you must clearly define the telecon to be in accord to that stated herein. Also, discuss any nuances or differences in the way you handle telecons from meetings. Much of the controls will be the same, but there certainly are differences. For instance, as telecons are not face-to-face, you need to ensure all participants, including DTSA if we are monitoring, have the same technical data. Will you be faxing or emailing those? How soon will you do this prior to the start of the telecon? You will define and discuss these procedures. You should also mention the norm for your telecons, whether you have a bridge set up for participants to call or you call each, yourselves, etc. As with face-to-face technical interchanges, you must provide an Attendance Roster to the DTSA Monitor (if "present").

6.2.3 Operations. Defined, an operation is a technical interchange in which defense services are provided, technical data exported, and associated hardware (*i.e.*, defense articles) involved. Major operations, such as launch integration and launch, would have already been clearly defined in your scope of activities. The DTC Approval, in those instances, would normally have provisos requiring you to submit specific appendixes to the TTCP that govern

your activities and controls thereon. That being the case, the purpose of this subsection is for you to define those operations and your controls during those operations, which will or may be required and are not specifically called out elsewhere. For instance, your efforts may require you to integrate your payload with your foreign partner's spacecraft. Something to consider and address is how you will control technical data (e.g., drawings, procedures, schematics, etc.) that your technicians or engineers who are integrating the hardware need to have but do not intend to export to (i.e., share with) the foreign spacecraft manufacturer.

If you do have the requirement to submit specific annexes, particularly for launch operations, then either state you have included those in Appendices so-and-so or you will include those prior to commencement of the start of launch operations. Naturally, you would have to then clearly define what constitutes the start of launch operations and when you plan to submit such appendices (e.g., 60 days prior to the start of the launch campaign, etc.) If this subsection does not apply to you, then simply state "Not Applicable".

6.2.4 Other. This subsection is reserved for anything not captured above. Same instructions apply, and if this does not apply, then you may omit this subsection.

6.3 DTSA Monitors. The following text must be included in this subsection, verbatim (as denoted by the bold text), unless it does not apply--i.e., monitoring is not required--and you would state "Not Applicable". **Attending DTSA Monitors will not, unless previously coordinated, review data on-site. They may, however, review change-pages to technical data previously approved for export.** If you require or expect the Monitor(s) to review data real-time and on-site, such as during major operations or launch, then tell us of your plans or intent to do so, herein, and that you will also be sure to clearly state that when submitting your Monitor Request for such activities.

6.4 Notification Requirements. Requests for monitoring support must be in accordance with the conditions of your export authorization. Address the subsections below. If this subsection, as a whole, does not apply, state "Not Applicable".

6.4.1 Timelines. Notification timelines for monitoring support are as follows: 40 calendar days for overseas activities; 15 calendar days for activities which are stateside; 5 calendar days for telecons. For overseas travel, we need this time to coordinate and obtain the requisite approvals (e.g., country clearances, visas) to travel abroad. We, too, are subject to firm timelines within which we must work.

6.4.2 The Request. All requests for, and any changes to, DTSA monitoring support MUST BE submitted via Spacelink as a Monitor Request. Follow-up questions may be addressed by calling 703-325-3174. DTSA's Space Directorate's objective is to provide a response (i.e., disposition within Spacelink) within one business day. Realize, a positive

disposition to a Request only means DTSA/SD has approved the Request itself. Actual support by Monitors are subject to SD personnel availability. Requests for DTSA monitoring support is official ONLY when it is submitted via Spacelink. DTSA/SD accepts no exceptions to this policy.

7.0 PHYSICAL AND COMMUNICATIONS SECURITY [page]

Without physical security considerations, there is no way to adequately protect controlled technologies. At a minimum, you must address each of the following subsections (unless otherwise noted) and where appropriate, cite (*e.g.*, specific company procedure and/or document number, etc.) and paraphrase or take excerpts from your existing and/or standard security procedures that directly relate to this TTCP and the controls therein. If a particular subsection below does not apply, then simply state that.

- 7.1 Security Management.** In this subsection, briefly introduce the “who” (*e.g.*, your security management team/lead and key personnel, security-related qualifications) and the “what” (*i.e.*, your basic approach to security; for instance, whether you use standard and recognized industrial security practices or other published guidelines, and what they are, etc.) Also explain your procedures for handling any security-related problems or shortfalls that may arise (*e.g.*, reporting of incidents, process change due to recently exposed vulnerabilities, etc.).

- 7.2 Facility Layout.** Provide a basic graphical overview of the facility. Identify or describe where the "common" areas are, if you have them, or areas in which even escort-required personnel do not need an escort (restrooms, cafeteria, etc.). Provide a layout (charts/diagrams) of the facility, highlighting program areas, entrance, "common" areas, location of card readers, cipher locks, emergency exits, etc.

- 7.3 Physical Barriers/Separators.** You will need to address the use of physical barriers/separators, or the like, if your plans include taking foreign persons into areas that afford visual access to defense articles not authorized for export under the current export authorization. For example, a large high bay with multiple cells may contain more than a foreign customer's satellite; there may be other commercial or USG satellites in work adjacent to that authorized for export. In this case, you would discuss your plans and procedures for ensuring foreign persons only have access to that which is authorized. If this subsection does not apply, state "Not Applicable".

- 7.4 Badges and Badging.** Discuss the different types (*e.g.*, visitor, U.S. versus foreign, escort-required, non-escort required, contractor, government reps, etc.) and privileges that go along with each (access here, access there, no access wherever, etc.); distinguishing characteristics that sets one type of access from another (*e.g.*, colors, borders, stripes); anti-tamper assurances in badge production and utilization; wear badges between waist and shoulders; what happens if a person wearing an escort-required badge is found without an escort; etc. If you are not able to provide a chart with examples of all the types of badges, you must describe them. If you do

not use badges, explain your controls, with discussions centering around the topics identified above (e.g., how you are able to tell a visitor from an employee, etc.).

7.5 Foreign Person Residence. If you intend to have foreign persons as residents in your facility(ies), describe these procedures and processes: location of their office space(s) indicated on a floor plan; how they check in/out; when they are authorized to be in your facility (regular business hours versus off-duty hours); badging, if different or unique; escort requirements (work areas, cafeteria, etc.); etc. If this subsection does not apply, state "Not Applicable".

7.6 Computer/Networked Systems. Describe your procedures to maintain communications security (COMSEC) related to systems that will store or transmit technical data. Clearly state whether you intend to allow foreign persons computer system access. If foreign persons are to have access to your computer systems, address the issue of their access and your COMSEC assurances. Discussions of encryption, password protections, networking, etc. are appropriate in this subsection.

7.7 Access for DTSA Monitors. If monitoring is required, you will see a proviso like this: "Monitors MUST be granted full access to applicant facilities, equipment, and documents." This is pretty clear. You will describe the process that complies with this proviso: who, what, where, how from the time the Monitor shows up at your facility to the time the Monitor leaves. Describe the badge: if it is going to be escort-required, explain in detail why an escort is required and how you intend to satisfy the DTC proviso (this explanation should include a detailed procedure for both normal working and after hours); picture or no picture; etc. Describe the badging process itself and what you need from us and how you will follow-up to ensure there will be no issue with badging BEFORE the Monitor shows up at your facility: proof of citizenship; social security number; photo ID; etc. If this subsection does not apply, state "Not Applicable".

8.0 THIRD PARTY FOREIGN NATIONALS & DUAL CITIZEN EMPLOYEES [page]

8.1 Non-Disclosure Agreements. If sublicensing is authorized, there is usually a requirement, via proviso, for each sublicensee to "execute an NDA incorporating all the provisions of the basic agreement that refer to the U.S. Government (USG) and the Department of State (i.e., 22 CFR 124.8 and/or 124.9)." If sublicensing is authorized, describe your process for satisfying this requirement.

8.2 Authorized Countries of Citizenship for Dual/Third Country Foreign Nationals. Self-explanatory, list them.

APPENDICES

The information required in Appendix A are mandatory, regardless of where it resides (e.g., in soft copy format, such as in Spacelink). The requirement for appendices B and beyond depends on the limitations and conditions of your export authorization. You also are free to add your own appendices, as you deem appropriate.

A. Copies of License Files

1. If you are providing this TTCP wholly in its complete form and in hard copy, just compile and attach all your License Files--just print them out--starting with the initial approval through the current amendment (as applicable). If a license, it is even easier, since you will not have anything (*i.e.*, amendments) but the license itself.
2. For purposes of uploading the TTCP into Spacelink, however, just have a placeholder for this Appendix A, stating "License Files available in Spacelink" or some such.

B. Security Plan (if required)

C. Joint Operations Plan (if required)

D. Training Plan (if required)

E. Transportation Plan (if required)

F. Debris Recovery Plan (if required)