
Exemption for Export Licensing of Maintenance Services & Training

Q. What part of the ITAR will the new exemption come under?

A. Sub-section 124.2(c)

Q. How is this exemption different than the exemptions for maintenance training that already exist under 124.2 and the maintenance information releasable under 125.4(B)(5)?

A. The new exemption language authorizes U.S. exporters for the first time to perform maintenance services under an exemption. The new language also does not limit the services and data to the "basic" level. [Note "basic maintenance" has been interpreted to be equivalent to the "organizational level" of a three-tiered maintenance system, the other two levels being intermediate and depot.]

Q. Does this exemption include intermediate and depot-level maintenance?

A. Yes, with a few minor exceptions. The exemption includes activities normally performed at intermediate and depot level maintenance facilities, with the caveat that the maintenance performed cannot provide an upgrade to the equipment's original capability and the technical data released cannot include design methodology, engineering analysis and manufacturing know-how.

Q. Can you give us a definition of design methodology, engineering analysis and manufacturing know-how or explain what that means?

A. The regulation will provide detailed guidance.

Q. What if the maintenance performed would result in an upgrade to an article's capability only in terms of being more reliable?

A. The exemption allows maintenance upgrades that would improve reliability or maintainability of the defense article, such as an increased "mean time between failure" (MTBF).