



U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave. SW
Washington, DC 20591

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Mr. Craig L. Fabian
Vice President Regulatory Affairs and Assistant General Counsel
Aeronautical Repair Station Association (ARSA)
121 North Henry Street
Alexandria, VA 22314-2903

Dear Mr. Fabian:

This letter is in response to your letter dated March 8, 2011, on maintenance fabrication. Your understanding on the act of fabrication is correct. It is not considered maintenance. Title 14 of the Code of Federal Regulations (CFR) Section 1.1 defines maintenance as "inspection, overhaul, repair, preservation, and replacement of parts, but excludes preventive maintenance".

For the purpose of Title 14 CFR section 145.217(a) or (b), a certificated repair station may contract a *maintenance* function pertaining to an article. Persons who are fabricating a part for the purpose of consuming the part into the next higher assembly are not performing a maintenance function. They are producing a part, and therefore would not be required to be listed as a contract maintenance provider. The Federal Aviation Administration has determined that there is no substantive difference in the fabrication of a part by a subcontractor under the quality controls specified in Advisory Circular 43-18 or by a part produced by an Original Equipment Manufacturer under the requirements specified in Title 14 CFR Part 21.

Therefore, the fabrication of the part is not considered maintenance; rather it is the repair performed by a certificate holder that consumes the fabricated part that falls under the definition of maintenance. Additionally, it is the certificate holder who is ultimately responsible for the airworthiness of the part.

On April 16, 2011, the second compliance date for the revised Title 14 CFR Part 21 rule will become effective. Section 21.9(a) (6) has been added to address part fabrication by an appropriately rated certificate holder with a quality system, and then consumed in the repair or alteration of a product or article in accordance with Part 43.

I hope that this regulatory response addresses your concerns and provides a basis for understanding the performance requirements of Title 14 CFR part 43 and the manufacturing requirements of part 21. If you have any other questions, please contact Tony Janco, Technical Advisor, AFS-304 at (781) 238-7229.

Sincerely,

Carol E. Giles
Manager, Aircraft Maintenance Division