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| 1. Document No.: AC 21-55, Process to Support FAA Findings of Undue Burden for PAHs Requesting to Use Manufacturing Facilities Located Outside of the United States | 2. Project Lead: Dave Magruder, AIR-143, 202-267-1627 | 3. Reviewing Office (name and phone number): | 4. Date of AIR-100 Disposition: June 17, 2016 |
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Comments Not Adopted or Accommodated

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| TOTAL COUNT Total count of comments received: 63 Total count of comments Adopted: 46 Total count of comments Partially Adopted: 4 Total count of comments Non-Concur: 7 Total count of comments Concur but Outside the Scope: 0 Total count of Questions or Statements Answered: 6 | ANE-100 Total count of comments received: 4 Total count of comments Adopted: 3 Total count of comments Partially Adopted: 0 Total count of comments Non-Concur: 1 Total count of comments Concur but Outside the Scope: 0 Total count of Questions or Statements Answered: 0 | ACE-100 Total count of comments received: 6 Total count of comments Adopted: 5 Total count of comments Partially Adopted: 0 Total count of comments Non-Concur: 1 Total count of comments Concur but Outside the Scope: 0 Total count of Questions or Statements Answered: 0 | ANM-100 Total count of comments received: 3 Total count of comments Adopted: 2 Total count of comments Partially Adopted: 0 Total count of comments Non-Concur: 1 Total count of comments Concur but Outside the Scope: 0 Total count of Questions or Statements Answered: 0 | ASW-100 Total count of comments received: 9 Total count of comments Adopted: 8 Total count of comments Partially Adopted: 0 Total count of comments Non-Concur: 1 Total count of comments Concur but Outside the Scope: 0 Total count of Questions or Statements Answered: 0 |
| | AMA-220 Total count of comments received: 3 Total count of comments Adopted: 3 Total count of comments Partially Adopted: 0 Total count of comments Non-Concur: 0 Total count of comments Concur but Outside the Scope: 0 Total count of Questions or Statements Answered: 0 | AIR-400 Total count of comments received: 17 Total count of comments Adopted: 10 Total count of comments Partially Adopted: 1 Total count of comments Non-Concur: 1 Total count of comments Concur but Outside the Scope: 0 Total count of Questions or Statements Answered: 5 | AFS-1/600/640 Total count of comments received: 4 Total count of comments Adopted: 2 Total count of comments Partially Adopted: 1 Total count of comments Non-Concur: 0 Total count of comments Concur but Outside the Scope: 0 Total count of Questions or Statements Answered: 1 | AIR-500 Total count of comments received: 17 Total count of comments Adopted: 13 Total count of comments Partially Adopted: 2 Total count of comments Non-Concur: 2 Total count of comments Concur but Outside the Scope: 0 Total count of Questions or Statements Answered: 0 |

Instructions for Completing the Document Review Log

Blocks 1 & 2: To be completed by AIR-100 Project Manager (PM), prior to sending out to field offices.

Blocks 3 & 4: To be completed by Field Offices. Enter Office Symbol, name of reviewer, and reviewer phone number.

Block 5: To be completed by AIR-100 PM, after receiving comments from field offices. Enter date of disposition.

The below columns to be completed by the Field Offices, except for "AIR-100 Disposition" column.

AIR-100 PMs disposition comments in the last column below. Enter the reasons for non-incorporated comments. Identify each disposition as one of the following:

• Adopted • Partially Adopted • Non-Concur • Concur but Outside of Scope (Will be considered in next change/revision) • Answer to Question or Statement.

| Item No: | Page and Paragraph No: | Comment: | Reason: | Recommendation: | AIR-100 Disposition: |
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| 1. | Page 6, Paragraph 7.4 | This AC nor the draft Order 8100.11D order does not provide any guidance on how the UBD is made for designees. ANE-100 | Order 8100.11C had a separate attachment for designee decisions. | Need additional information added. | Not adopted. There is no regulatory requirement to make a no undue burden determination associated with designees. Therefore, paragraph 7-4 will be revised to reflect that a no undue burden determination is not required. |
| 2. | Pg. 2 para. 2 | Expand on the audience ACE-100 | This paragraph does not include the use of designees outside the U.S. | Change to " This AC is intended for use by a holder of an FAA production approval who proposes to use a manufacturing facility or designees located outside of the United States." | Not adopted There is no regulatory requirement to make an undue burden finding for the use of designees. |
| 3. | Page 3 , para 6.2 | Reference is made to the Aircraft Certification Service (AIR) Category Parts List (CPL) link for other examples of special processes. I do not see any special processes identified on the CPL. AMN-108 | CPL does not identify special processes. | Identify where examples of special processes are located. | Not Adopted. The revised CPL will be available when this AC is published. |
| 4. | Page 2, Para. 6 | Paragraph states: The PAH should notify its FAA managing office ASW-180 | The managing office could be construed as the ACO or the MIDO. | Identify the managing office: MIDO, MISO, CMO, ect. | Not Adopted. We purposely did not identify a specific office since the managing office could be ACO, MIO, MIDO, or CMO. |
| 5. | Page 2, | The phrase "no undue | Ease of reading | Instead of ending this | Not Adopted. |

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| | Paragraph 5 | burden” is properly used throughout this AC, but the sentence ending with the phrase in the final line here is a bit awkward. AIR-500 | | paragraph with: “...the PAH will review and validate the information...to determine whether the proposed activity will cause no undue burden.” Consider: “...the PAH will review and validate the information...to determine whether the proposed activity will cause an undue burden or not.” | The phrase “no undue burden” corresponds to verbiage used in FAA Order 8100.11. |
| 6. | Page 3, Paragraph 6 | The language (warning?) here is pretty “soft” regarding the punishment for any violation of these rules. “Using manufacturing facilities located outside of the United States before FAA approval could result in compliance and enforcement action.” AIR-500 | Accuracy of text | Is this “soft” language used intentionally? If not, consider bolstering it by inserting something like “...is a serious infraction / violation and may result in...” for: “Using manufacturing facilities located outside of the United States before FAA approval is a serious matter and could result in compliance and enforcement action.” | Not adopted We feel that the language used is sufficient. |
| 7. | Page 5, Paragraph 7.2.2 | This sentence should begin with a double possessive (“facility’s” and “personnel’s), which would be awkward. “A detailed description of the manufacturing facility personnel’s competence, qualifications, education, training, skills, and experience...” | Grammar / Ease of reading | To avoid the double, back-to-back possessive, consider the following: “A detailed description of the competence of the manufacturing facility’s personnel, along with their qualifications, education, training, skills, and experience...” | Partially adopted. Revised to paragraph and removed reference to the manufacturing facility. |

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| | | AIR-500 | | | |
| 8. | Page 6, Paragraph 8 | In the second line, "will" is used when "would" is more appropriate. Also, the third sentence of paragraph 8 tells the PAH what to do if the condition described in the second sentence (i.e., the plan is incomplete) develops. It seems that the third sentence should therefore include a transitional phrase to capture this. AIR-500 | Proper tense / Ease of reading | Replace "will" with "would" Consider starting the third sentence with something like "In such instances,..." for: "In such instances, the PAH should revise the project plan to address the deficiencies described in the notification and resubmit the plan..." | Partially adopted. Incorporated the second suggestion. |
| 9. | 1, Subject: | Subject should match the order AIR-500 | AC should be guidance for the public to apply that relates to how we accept the application and conduct our business per policy. The subject should interrelate. | Process to support FAA findings of Undue Burden and No Undue Burden Under 14 CFR Part 21 | Partially adopted |
| 10. | 1, para. 1 Purpose | If this AC is strictly about AIR concerns producing aircraft engines, propellers and articles outside the United States. Then we need an AC to provide the applicant guidance specifically speaking to aircraft meeting the requirements of 14 CFR Part 21.325© , which would be an AFS-054 and AFS-300 concern. AFS-640 | AFS-054, AFS-300 and AFS-600 are working together to develop a process to accept application to export aircraft in a foreign country defining under burden. | Contact AFS-054 and see if there will be a separate AC written or will they requirements for aircraft in this document to interrelate with the Order | Comment. Will contact AFS-054 to suggest they develop an AC for AFS requirements for undue burden decisions. |
| 11. | General | The subheadings for the | The subheading for the | Updated the document to | Not adopted. |

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| | | document are incorrectly aligned.. AIR-400 | document should not be aligned with the heading. | reflect the appropriate alignment of the subheadings. | The format for this AC is correct per AIR-500. |
| 12. | Page 4 section 7 | Comment: If we tell them what they deem high risk or that CPL listed articles will require full project plan will they be inclined to down grade risk determinations or is there something in the process of approval issuances that safeguards against this. AIR-400 | | | Comment |
| 13. | Section 4 section 7 | Sentence "IF the PAH's FAA managing office determines that a full project plan is required" AIR-400 | Reading the Undue Burden Order it is unclear how this "decision is made" there seems to be sufficient explanation of what to expect PAHs to submit and instruction on reviewing and process PAH submitted plans but a lack of guidance on how to discern and decide the sufficiency of the content submitted and how it equates to a decision outcome. | Consider if the AC and Order can better separate information and instruction for the different intended audiences. | Comment This issue will be addressed as part of the comments received concerning 8100.11D. |
| 14. | Pg 5, para 7.2.6.2 and throughout | ...records not in English must be translated and then validated to ensure accuracy. AIR-400 | It may be helpful to explain to the PAH's what "validated" means to the FAA. | Clarify this expectation further. | Partially Adopted. The paragraph was changed to read: Design, quality assurance, and production documents/records not in English must be validated to ensure that the product or article to be manufactured will conform to type design and are in a condition for safe operation.. |
| 15. | Page 6, para 8 | Question: Once these project plans are established and the PAH is instructed to keep them up to date or revised, what triggers the sustainment of | | It may be helpful to draw the connection to sustainment to demonstrate incentive to encourage they fulfill this expectation. | Suggestion. Part 21 specifically states that the PAH is required to notify the FAA of any change to the manufacturing facilities that may affect the |

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| | | these plans and confirms the continued compliance? AIR-400 | | | inspection, conformity, or airworthiness of its product or article. |
| 16. | Page 7 para 10 | The 60 days may be optimistic also, perhaps after the final sentence "The response time may increase for complex or precedent-setting projects." We should insert the expectation that they will be notified if this is the case... otherwise what differentiates the FAA being slow and missing the 60 days and a legitimate extension of time due to complexity. AIR-400 | | Reconsider if 60 days is an achievable window. Insert a customer service measure to inform when complex or precedent-setting will require more than the assigned number of expected days for response. | Comment. The 60 day review time frame was discussed and agreed upon by management to ensure that the undue burden determination is made in a timely manner. Language was added stating that the FAA will notify the PAH if additional time is needed. |
| 17. | Page 7 Para 11 | Question what sustainment system is in place that would alert the FAA of a changes in status that would identify and trigger the reassessment of Undue Burden decision and the connected actions. AIR-400 | | | Suggestion. Part 21 specifically states that the PAH is required to notify the FAA of any change to the manufacturing facilities that may affect the inspection, conformity, or airworthiness of its product or article. |