



**U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION**

Aircraft Certification Service Policy

**ORDER  
8100.11C**

Date:  
8/24/2012

**SUBJ:** Decision Paper Requirements for Undue Burden and No Undue Burden  
Determinations Under 14 CFR Part 21 for Production and Export Airworthiness  
Approvals

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This order establishes requirements for determining the burden associated with certain Federal Aviation Administration (FAA) certification activity outside the United States. This order applies to all Aircraft Certification Service (AIR) personnel who work with production approvals.

*for Terry C. All*

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**1. Purpose of this Order.** This order contains policy and instructions for aviation safety inspectors (ASI) writing and maintaining undue burden decision papers (UBDP). The expected outcome of this guidance is that the FAA makes fair and uniform decisions for those situations where Title 14, Code of Federal Regulations (14 CFR) part 21 identifies an undue burden determination.

**Note:** Use of the word “should” throughout this order refers to a recommended practice. The associated activity is not a requirement; therefore, a record of completion is not required.

**2. Audience.** This order applies to all AIR Directorate managers, Manufacturing Inspection Office (MIO) personnel, Manufacturing Inspection District Office (MIDO), and the Certificate Management Office (CMO) personnel.

**3. Where to Find this Order.** You can find this order on the Directives Management System (DMS) website [https://employees.faa.gov/tools\\_resources/orders\\_notices/](https://employees.faa.gov/tools_resources/orders_notices/). This order is available to the public at [http://www.faa.gov/regulations\\_policies/orders\\_notices/](http://www.faa.gov/regulations_policies/orders_notices/).

**4. Cancellation.** This order cancels FAA Order 8100.11B, Decision Paper Criteria for Undue Burden and No Undue Burden Determinations Under 14 CFR Part 21, dated October 26, 2009. If you have already started working on an UBDP before the effective date of this order using the guidance in FAA Order 8100.11B, you can finish it using that revision or you may start over and use the policy in FAA Order 8100.11C. All UBDPs completed after September 1, 2012, must be compliant with the current revision of this order.

**5. Explanation of Policy Changes.** This revision –

**a.** Improves the clarity of the guidance and eliminates redundancies. The revision includes changes designed to meet the FAA’s plain language requirements. We are also altering the title of the order to describe the order’s contents as “requirements” rather than “criteria,” and narrowing the scope to production and export airworthiness approvals.

**b.** Adds clarifications from feedback received from current users of this order, including suggestions that were outside the scope when we revised the order in 2007 and 2009. This includes reformatting the decision paper templates in Appendices A and B.

**c.** Removes all references to undue burden determinations for type certificate (TC) and supplemental type certificate (STC) issuance. This was requested by AIR-100 since these determinations will be addressed under policy that will be created and administered by AIR-100.

**d.** Revises coordination requirements. This revision removes the requirement to send decision papers involving projects in non-bilateral countries to AIR-200 for review and coordination. UBDPs involving projects in non-bilateral countries, as well as projects in bilateral countries where the civil aviation authority (CAA) has limited resources or technical knowledge, will now be sent to AIR-40 for review and concurrence.

**e.** Provides new step-by-step instructions for developing and maintaining UBDPs. The intent is that all UBDPs are easier to develop, more uniform, and kept current. We have added clearer requirements to determine when UBDPs are required.

f. Adds a “Frequently Asked Questions” section to address specific issues about AIR’s policy regarding undue burden determinations.

**6. Definition of an Undue Burden.** An undue burden is a determination by the FAA that a proposed production approval holder (PAH) activity outside the United States, requiring FAA support, exceeds available FAA resources. Resources may include personnel or time commitments. Also, the manufacturer being in a foreign country with which we do not have a bilateral agreement may limit the FAA’s legal ability to conduct surveillance, investigations, and administer compliance and enforcement.

**7. Definition of an Undue Burden Decision Paper.** An UBDP is a worksheet the ASI uses to estimate and document the costs to the FAA and the FAA’s ability to provide oversight for certain proposed manufacturing activity outside the United States. If, after following the guidance in this order, the FAA determines that the burden does not exceed available resources and oversight is possible, then a determination of “no undue burden” is made. Conversely, if the FAA determines that the burden exceeds available resources or that the FAA cannot provide adequate oversight, a determination of an “undue burden” is made. If the FAA determines that a proposal will cause an undue burden, the proposal is rejected.

## **8. Why Undue Burden Determinations Are Required.**

- a. There are six regulations within part 21 that identify a required undue burden determination. All six regulations refer to certification activity outside the United States (see Table 1).

**Table 1. Regulations Requiring Undue Burden Determinations**

<b>Regulation</b>	<b>Activity Requiring an Undue Burden Determination (For Activity Outside the United States)</b>
§ 21.43	Issuing a TC or STC (for TC manufacturing facilities outside the United States)
§ 21.122(a)	Issuing a Production Certificate for Manufacturing Facilities Outside the United States (production under TC)
§ 21.139(a)	Issuing a PC (for facilities outside the United States)
§ 21.309(a)	Issuing a PMA (for facilities outside the United States)
§ 21.325(c)	Issuing Export Airworthiness Approvals outside the United States
§ 21.609(a)	Issuing a TSO Authorization (for facilities outside the United States)

- b. Users of this order should note that all undue burden determinations for § 21.43 are addressed using separate guidance issued by AIR-100. That guidance was included in this order in past revisions, but will be relocated in a separate AIR-100-controlled document. The instructions in this order relate only to §§ 21.122(a), 21.139(a), 21.309(a), 21.325(c), and 21.609(a).

**9. Responsibility for Developing UBDPs.** It is always the responsibility of the managing office assigned to a PAH to ensure that the required UBDP is complete and current. UBDPs are internal resource documents and must only be completed by the managing office, never by the PAH.

**10. When UBDPs Are Required.** An UBDP is not always required, but an undue burden determination must be made. In some cases, by issuing a certificate or allowing the activity, the FAA has made a determination of no undue burden. In other cases, an UBDP must be drafted and maintained. Where an UBDP isn't required, the MIDO may require one at the discretion of the MIDO manager. Use the following chart to determine if an UBDP is required:

**Table 2. Determining if an UBDP is Required**

Situations Requiring an UBDP <sup>1</sup>
Activity involves manufacturing articles listed in the category parts list (CPL) in any non-bilateral country/jurisdiction.
The CAA is unable to support project due to inadequate resources or technical knowledge.
The project involves an applicant for a production certificate (PC) that does not already hold an FAA design approval.
The project involves an applicant that does not already hold an FAA production approval.
The project involves any new associate facility outside the U.S.
The managing office has determined that the activity is unique, complex, or precedent-setting.
The managing office has made a determination of "undue burden."

**11. Factors That Affect the FAA's Burden.** Because of our constantly changing resources, it is difficult to categorize those burdens on the FAA that are undue and those that are not. Further, all overseas certification activity varies because of differences in the type of activity, bilateral agreements, scope of the project, and the conditions in the country/jurisdiction where the facility is located, among other variables. It is up to the ASI, in coordination with their MIDO, MIO, directorate manager, and AIR-40, when applicable, to make the undue burden determination. Using this approach, each directorate can make a balanced determination depending on resources available.

**a.** Any of the following conditions may create an undue burden:

(1) Shortages of FAA funds. Sometimes, the FAA needs to transfer resources from international to domestic projects due to an increase in domestic program levels, which then can create an undue burden to oversee new or existing international programs.

(2) Low ASI staffing levels or other human resource restrictions.

(3) Civil unrest in the applicable country, or other activity that can compromise safety to FAA personnel or hinder their access to PAH facilities.

<sup>1</sup> If, when using this table, you find an undue burden decision paper is required, one must be completed in accordance with this order no matter what other circumstances exist.

(4) The applicable country/jurisdiction's CAA is overburdened or otherwise unable to undertake PAH certification activity on behalf of the FAA.

(5) Significant safety concerns develop, such as failed quality processes or failed parts, which can force the FAA to expand its oversight.

(6) The PAH proposes manufacturing a complex article, or to use a critical process or material. The severity and likelihood of a failure of the article drives the FAA's determination about the extent of our oversight. Some manufacturing processes could be critical depending on the application (e.g., criticality of the part or assembly subject to the process). Some examples of critical processes include:

- (a) Heat treating of critical parts; or
- (b) Machining or welding of alloys or exotic materials; or
- (c) Processes supporting new technology, such as composites.

(7) The applicant's proposed activity is located in a country/jurisdiction that does not hold a bilateral agreement with the United States.

(8) The applicant requests that the FAA appoint permanent designees at a manufacturing facility outside the United States, which can require the ASI to travel to provide oversight of those designees.

**b.** The following factors, either singularly or in combination, might mitigate the FAA's finding of an undue burden, even in situations where the FAA would normally find an undue burden:

(1) Performance of the PAH. If the PAH has a record of minimal noncompliance findings during past FAA audits, that record may be considered. The PAH's length of time as an approval holder and relationship with the FAA can also be considered when estimating the FAA's projected level of oversight at the facility outside the United States.

(2) Availability of company source inspectors. Some PAHs may use employees such as source inspectors to determine process compliance. Any "third party" audit activity should be documented in the PAH's approved quality system.

(3) MIO experience with a CAA. The MIO may request technical assistance from the CAA for oversight tasks if the MIO has positive experience working with that CAA.

(4) Perform oversight at multiple facilities during one trip. If the MIO and/or MIDO plans to travel to any given country for oversight of another PAH's extension or supplier, it may increase efficiency to perform oversight for several PAH facilities located in that country during the same trip.

(5) Low unit criticality of the products/articles produced. The FAA's burden is tied to the oversight required, and one of the contributing factors that dictate oversight is the unit criticality of the article being manufactured.

(6) Minimal complexity of the manufacturing process. Some facilities use a static and uniform process for manufacturing a certain product/article. Infrequent or nonexistent change to the supplier process (or the lack of any special manufacturing processes) may reduce FAA oversight responsibilities. By contrast, however, use of subtier suppliers may add to process complexity.

(7) Use of unscheduled audits. The MIO may choose to indicate on the UBDP its decision to perform unscheduled audits of the facility, rather than to rely solely on random sampling or risk based resource targeting (RBRT) for auditing of the facility. An audit planned shortly after approval of the PAH's proposal, along with follow-up audits, may help to mitigate some concerns the MIO may have about the facility or the CAA.

(8) Oversight required for supplier facilities. The MIDO may wish to emphasize in its UBDP that FAA oversight of a supplier facility is minimal (especially one manufacturing articles that are inspectable upon receipt at the PAH facility), compared to the more extensive FAA oversight required at a PAH extension.

## **12. Relevance of a Bilateral Agreement with the United States.**

**a.** Under the provisions found in the Bilateral Aviation Safety Agreements (BASA) Implementation Procedures for Airworthiness (IPA) the FAA can request the CAA to provide oversight and surveillance functions. The extent of this support is outlined in the bilateral agreement. In many cases, applicants for activity outside the United States have anticipated that the counterpart CAA holding a bilateral agreement will, through technical assistance, mitigate the FAA's burden. However, this support may not be available or advantageous under certain circumstances. It is critical to consider each case and country/jurisdiction individually when you're doing your analysis of the burden on the FAA. Preliminary discussions between the CAA and the FAA may be necessary to ensure if, and to what extent, the CAA will support the project. The ASI, in consultation with AIR-40, and the applicant should consider the following factors when assessing potential support from another CAA:

(1) Not all CAAs have enough resources to support new or expanded ventures by U.S. companies;

(2) Not all CAAs have the same level of understanding of FAA requirements or the capabilities for production/airworthiness requirements;

(3) Not all authorities have a bilateral agreement in effect (the FAA website [[www.faa.gov/aircraft/air\\_cert/international](http://www.faa.gov/aircraft/air_cert/international)] contains a listing of the bilateral agreements);

(4) Some bilateral agreements are limited to certain activity, such as production under a technical standard order (TSO) authorization. The ASI must take those limitations into account when

evaluating the FAA's burden. The FAA website shows the status of each bilateral agreement and the implementation procedures for airworthiness;

(5) Not all bilateral partners have a conformity provision in their agreements with the United States or are active in the same companies that U.S. PAHs use; and

(6) To request assistance from a CAA, some bilateral agreements require that the supplier hold a production approval issued by that country/jurisdiction's CAA.

**b.** For each bilateral country/jurisdiction involved, the UBDP must identify the nature of the certification support that the FAA would request from the CAA. Unless a country/jurisdiction has a current bilateral agreement with the United States, the FAA cannot rely on the work of the CAA and the full burden for support remains with the FAA. The UBDP must address how the cognizant AIR office will conduct certification activity when a bilateral agreement is not in place. Unless significant mitigation of FAA burden is in place, PAH activity in any non-bilateral country/jurisdiction will constitute an undue burden on the FAA.

**13. General Instructions that Apply to All UBDPs.** The following subparagraphs contain guidance that applies to every UBDP. Paragraphs 14, 15, 16, and 17 contain special instructions for individual types of UBDPs.

**a. What to Consider Prior to Drafting the UBDP.** In the past, some applicants have tried to get the FAA to enter into agreements allowing certification projects to proceed while awaiting UBDP approval. All AIR employees are prohibited from entering into these agreements. For the FAA to ensure resources will be available to perform regulatory oversight of associate facilities and suppliers outside the United States, a determination of no undue burden must be made as early in the certification process as possible. Therefore, the certification project plan must include a list of proposed associate facilities and suppliers, including any known subtier suppliers of critical parts, processes, or materials, located outside the United States.

**b. Draft Your UBDP Using Appendix A or B from this Order.** The easiest method is to download the appendix that applies to your project and use it as a template in Microsoft Word to write your UBDP. For the "estimated travel cost" chart, delete the sample text first and then enter the costs applicable to your project. The frequency of FAA visits to the facility depends on FAA policy, so fill out the table using estimated data for three trips for two persons, regardless of the interval of time between the trips, and without adjusting for inflation.

(1) The supplemental information section of the UBDP must indicate the number of FAA visits to the facility planned for the first three years of the proposed activity outside the United States.

(2) Sometimes, a determination of an undue burden is reached primarily because there is a lack of available directorate resources. The directorate must consider any mitigating circumstances (for instance, the ability to oversee designees from the United States). The UBDP must document the ways in which a possible undue burden has been mitigated to the point where a determination of "no undue burden" has been made.



**c. Coordinate Your UBDP.** It is the ASI's responsibility to work with their office manager and directorate manager to obtain their concurrence with the UBDP.

(1) UBDPs involving manufacturing in any non-bilateral country, or for a project in a bilateral country in which the CAA is unable to support the project, will require AIR-40 coordination.

(2) For AIR-40 coordination, the ASI or the directorate office transmits the UBDP electronically to AIR-40 using the AIR-40 email address (9-AWA-AVS-AIR040-Coord/AWA/FAA). In the subject line, clearly note the country name and that it's an undue burden decision paper. Once AIR-40 receives the UBDP, the originator should receive a decision within 30 calendar days. Any changes requested by AIR-40 will be coordinated back through the originator, whether it is an ASI, or a project manager if identified by the directorate. When AIR-40 coordination is finished, an email message will be sent to the originator, noting the review and concurrence or non-concurrence with explanation.

(3) Some projects require a briefing for AIR-1. The cognizant directorate manager or their delegate must develop and deliver the briefing as early in the process as possible. After the ASI receives concurrence from their MIDO and MIO manager, it is the ASI's responsibility to notify the directorate manager of any project that might require an AIR-1 briefing. Projects requiring a briefing for AIR-1 may include, but are not limited to:

(a) Fabrication and manufacturing projects for major assemblies outside the United States;

(b) New applicants for production outside the United States that have never been issued any FAA production approvals (regardless of whether a bilateral agreement exists in the applicable country/jurisdiction); or

(c) Any other projects outside the United States judged by the ASI to be sufficiently unique, complex, or precedent-setting as to require an AIR-1 briefing.

(4) An UBDP is not complete until it is signed by the ASI, the MIDO manager, the MIO manager, as well as the directorate manager, or their delegate. The ASI must provide a copy of all completed UBDPs to AIR-40 by uploading the document onto the Undue Burden Decision Paper SharePoint site. The web address for the UBDP SharePoint site is as follows: <https://avssharepoint.faa.gov/air/air40/undueburden/default.aspx>. To gain access, follow the procedure stated on the website. For additional questions or comments on the website, contact the AIR-40 email inbox at 7-AWA-AVS-AIR-040/AWA/FAA, with the subject line stating Undue Burden Decision Paper SharePoint.

**d. Notify the Applicant of the FAA's Determination.** Once an UBDP is signed and coordination (as applicable) is finished, the undue burden determination is complete. At this point, the ASI must notify the applicant or approval holder and all other applicable parties of the FAA's determination using templates provided in Appendices C and D. All UBDPs should be developed and coordinated through the directorate level (or MIDO office manager, when directorate coordination is

not required) within 60 calendar days of submittal of the proposal for activity outside the United States by the applicant.

**e. Store Your UBDP Properly.** Each directorate is responsible for showing, at any time, that a properly coordinated, approved, and up-to-date UBDP exists for all projects that require one. Store your UBDP so that it is easily retrievable (either electronically or on paper, according to your office's procedures). Store your UBDP when it is completed and after an update has occurred.

**f. Update Your UBDP.**

(1) An undue burden determination is made based on our estimate of certification responsibilities at that time. Changes in conditions within the country/jurisdiction or the PAH's activity may occur. If the change is significant enough to affect the FAA's burden, an update to the UBDP is required. It is the ASI's responsibility to review the UBDP for all assigned PAHs, as necessary, to ensure that the UBDPs for their projects still reflect the actual burden.

(2) If you have to amend your UBDP (for instance, to include new or different suppliers outside the United States), apply the most current version of this order. When you amend your UBDP, remember that your change to the UBDP might now require coordination or briefing with AIR-1, as appropriate.

**14. Additional Instructions for PC Extensions Outside the United States.** Use Appendix A, Decision Paper for PC, PMA, and TSO Authorization Projects Outside the United States (PAH Associate Facilities and Suppliers), for the following situations:

**a. All FAA production approvals involving manufacturing facilities located outside the United States.** The PAH/applicant's principal inspector (PI), coordinating with the applicable Aircraft Certification Office, prepares the UBDP for PC activity outside the United States. Instances where there is more than one PAH associate facility or supplier outside the United States may be combined onto one UBDP using the template in Appendix A.

**b. Suppliers located outside the United States.** FAA Order 8120.2, Production Approval and Certificate Management Procedures, identifies minimum requirements for supplier control audits and product audits. Those audits are based on PAH RBRT risk levels. Suppliers are selected for audits based on a random sampling method and criteria which considers whether a quality escape or noncompliance from a supplier may have a significant impact on safety, if not properly controlled by the PAH or associate facility. Since any overseas facility can be selected for audit outside the random sampling criteria, all undue burden determinations must consider the costs of at least one FAA audit of each facility outside the United States.

**c. PAH Associate Facility.** Coordinate all UBDPs for PAH associate facilities outside the United States using the guidance in paragraph 13.

**15. Additional Instructions for TSO Authorization.** Use Appendix A for TSO authorization projects. Applicants for a letter of TSO design approval do not require an UBDP. If an ASI develops

an UBDP for a TSO authorization project, the UBDP need only be coordinated to the MIDO office manager, unless otherwise indicated in paragraph 13.

**16. Additional Instructions for Issuing Export Airworthiness Approvals for Products and Articles Located Outside the United States.** Use Appendix B for issuance of Export Airworthiness Approvals for products or articles located outside the United States. This paragraph applies to any issuance of FAA Form 8130-3, Authorized Release Certificate, by an ASI or FAA designee for products or articles located outside the United States at PAH associate facilities or suppliers. The PI at the PAH's or applicant's MIDO prepares the UBDP for issuance of export airworthiness approvals.

**a.** In determining the FAA's burden, you must consider the FAA oversight of all airworthiness designees, including any independent designees and designees associated with the PAH (such as Designated Airworthiness Representatives [DAR], Designated Manufacturing Inspection Representatives [DMIR], or Organization Designation Authorization [ODA] unit members).

**b.** The UBDP for issuance of export airworthiness approvals cannot be combined with other UBDPs, such as a UBDP for PAH associate facilities or suppliers outside the United States. However, if you have a PAH issuing export airworthiness approvals at more than one PAH associate facility or supplier outside the United States, you may combine those suppliers and associate facilities onto one Appendix B UBDP.

### Appendix A. Decision Paper for PC, PMA, and TSO Authorization Projects Outside the United States (PAH Associate Facilities and Suppliers)

<b>PAH/Applicant Name</b>		<b>Project Type</b>	PC <input type="checkbox"/> Associate Facility <input type="checkbox"/> PMA <input type="checkbox"/> Supplier <input type="checkbox"/> TSOA <input type="checkbox"/>
<b>PAH/Applicant U.S. Address</b>			
<b>FAA Project Manager Name</b>		<b>FAA Project Number</b>	
<b>PAH/Applicant Contact Person</b>		<b>PAH/Applicant Phone Number</b>	
<b>Approvals Held</b>			
<b>Product and Model No.</b>		<b>CPL Category</b>	Cat 1 <input type="checkbox"/> Cat 2 <input type="checkbox"/> Cat 3 <input type="checkbox"/>
<b>Assoc. Facility or Supplier Location<sup>2</sup></b>			
<b>Brief Description of Project</b>			

<b>FAA Determination</b>	Undue Burden <input type="checkbox"/>		No Undue Burden <input type="checkbox"/>	
<b>(1) ASI Signature</b>		<b>Date</b>	<b>(3) MIO Manager Signature</b>	<b>Date</b>
<b>(2) MIDO/CMO Manager Signature</b>		<b>Date</b>	<b>(4) Directorate Manager Signature</b>	<b>Date</b>
<b>Conclusion &amp; Recommendations</b>				

<sup>2</sup> List the name of the city and country. The International Policy Office (AIR-40) can address questions about bilateral agreements and their applicability.

	Yes	No	N/A
1. Are all products/articles/assemblies fully inspectable upon receipt? (If answer is no, briefly explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Are any non-bilateral countries proposed as supplier locations? (If yes, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. For non-bilateral countries, has the CAA(s) confirmed to the MIDO that access will be permitted in their countries? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Does the applicant hold or has the applicant applied for any production approvals? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Has the applicant provided in writing how evaluation and surveillance of the PAH associate facility or supplier outside the United States will be conducted, and who will perform the evaluation and surveillance? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Has the applicant identified the location at which products/articles/assemblies will be inspected and conformity or airworthiness determinations will be made? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the applicant use onsite source inspectors? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Will all necessary documentation be available in English? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the project require any special considerations based on the scope and provisions of the bilateral agreement? For example, will the project require technical assistance beyond what is allowed in the BASA. (If yes, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Has the applicant been informed that the CAA(s) may assess fees for oversight and surveillance? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No	N/A
11. Will there be two production lines for this product? (If yes, explain below which part markings will be used at the facility outside the United States to identify the manufacturing origin of all products and articles.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Has the PAH associate facility or supplier outside the United States been fully integrated into the PAH's quality system to ensure regulatory responsibility and compliance? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Has the applicant identified a single point of contact for the PAH associate facility or supplier facility? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. In the event of suspected noncompliance with regulations, has the applicant identified an accountable person? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Does the CAA require any assistance from the FAA to perform CAA surveillance? (If yes, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Will the PAH participate in training/supporting resource needs of our counterpart CAA(s)? (If yes, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Must other technical cooperation with the CAA(s) be arranged? (If yes, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. If proposed, have FAA designees been briefed on their potential roles? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Does the directorate have the adequate funds necessary to support this activity? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Are there any U.S. Department of State prohibitions on official business travel to the facility outside the United States? <sup>3</sup> (If yes, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>3</sup> Current prohibitions can be obtained by contacting the International Policy Office (AIR-40), the FAA Office of International Aviation (AIA) in Washington, D.C., or U.S. Department of State at [www.state.gov](http://www.state.gov).

	Yes	No	N/A
21. Will this program provide opportunities for continuing dialogue with bilateral partners, or create a new dialogue with CAA(s) that do not have a bilateral agreement with the FAA? (If yes, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Does this project present complex issues that should be emphasized? (If yes, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. If project involves a bilateral country/jurisdiction, have any functions been delegated to the CAA(s)? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. Has the PAH been advised that a finding of no undue burden in this decision paper does not include a tacit finding of no undue burden for issuing of export airworthiness approvals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25. Does the CAA(s) require any training to ensure appropriate conduct of FAA oversight? (If answer is yes, briefly explain in conclusion section.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26. Do the proposed supplier facilities have a domestic production approval through the local CAA that has CAA oversight?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Travel Costs for Three Trips for Two Persons (Two ASIs)					
Location	Airfare Cost	Lodging Cost	M&IE Cost	Local Travel Cost	Total Cost Estimate for Both
123 Bury St. Edmunds, U.K.	(\$1,000	\$1,400	\$840	\$320) x 2=	\$7,120
123 Bury St. Edmunds, U.K.	(\$1,000	\$1,400	\$840	\$320) x 2=	\$7,120
123 Bury St. Edmunds, U.K.	(\$1,000	\$1,400	\$840	\$320) x 2=	\$7,120
				Total:	\$21,360

Supplemental Information (if needed)

### Appendix B. Decision Paper for Issuance of Export Airworthiness Approvals Outside the United States

<b>PAH/Applicant Name</b>		<b>Project Type</b>	PAH Associate Facility <input type="checkbox"/> Supplier <input type="checkbox"/> Other <input type="checkbox"/>
<b>PAH/Applicant U.S. Address</b>			
<b>FAA Project Manager Name</b>		<b>FAA Project Number</b>	
<b>PAH/Applicant Contact Person</b>		<b>PAH/ Applicant Phone Number</b>	
<b>Approvals Held</b>			
<b>Product and Model No.</b>		<b>CPL Category</b>	Cat 1 <input type="checkbox"/> Cat 2 <input type="checkbox"/> Cat 3 <input type="checkbox"/>
<b>Assoc. Facility or Supplier Location<sup>4</sup></b>			
<b>Brief Description of Project</b>			

<b>FAA Determination</b>	Undue Burden <input type="checkbox"/>	No Undue Burden <input type="checkbox"/>
<b>(1) ASI Signature</b>		<b>Date</b>
<b>(2) MIDO/CMO Manager Signature</b>		<b>Date</b>
<b>(3) MIO Manager Signature</b>		<b>Date</b>
<b>(4) Directorate Manager Signature</b>		<b>Date</b>
<b>Conclusion &amp; Recommendations</b>		

- |   |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|
|   | <b>Yes</b>               | <b>No</b>                | <b>N/A</b>               |
| 1. Has the PAH identified all supplier locations outside the United States where Forms 8130-3 will be issued? (If answer is no, briefly explain below.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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<sup>4</sup> List the name of the city and country. The International Policy Office (AIR-40) can address questions about bilateral agreements and their applicability. All signed UBDPs must be transmitted to AIR-40.



	Yes	No	N/A
2. Has the PAH requested appointment of a representative of the Administrator identified under 14 CFR part 183 for issuing export airworthiness approvals? Identify which type below (Designated Manufacturing Inspection Representative (DMIR), or Organizational Designation Authorization (ODA) unit member and give the status of that request.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Can the MIDO/CMO provide oversight of the FAA designees if the PAH does not have an ODA? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Has the PAH agreed to provide resources to transport FAA designees to the United States for supervision, monitoring, and training? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Has the PAH been made aware that FAA designees may issue Forms 8130-3 only after the PAH has determined that the part conforms to the approved type design and is in a condition for safe operation? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Are the PAH's supplier control and oversight systems acceptable to the MIDO or CMO? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Has the PAH's supplier control and oversight system been appropriately modified to accommodate the activity of issuing export airworthiness approvals at the overseas location? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Have FAA designees been briefed on their roles and responsibilities? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the directorate have the adequate funds necessary to support this activity? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Does the PAH currently have FAA-approved procedures for the direct shipment of articles located outside the United States? (If no, explain below.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Travel Costs for Three Trips for Two Persons (Two ASIs)					
Location	Airfare Cost	Lodging Cost	M&IE Cost	Local Travel Cost	Total Cost Estimate for Both
123 Bury St. Edmunds, U.K.	(\$1,000	\$1,400	\$840	\$320) x 2=	\$7,120
123 Bury St. Edmunds, U.K.	(\$1,000	\$1,400	\$840	\$320) x 2=	\$7,120
123 Bury St. Edmunds, U.K.	(\$1,000	\$1,400	\$840	\$320) x 2=	\$7,120
				Total:	\$21,360

Supplemental Information (if needed)

**Appendix C. Sample Letter Advising a PAH of a Finding of No Undue Burden**



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

July 13, 2011

Molly Brown  
c/o Tight Weave Manufacturing  
1600 Lind Ave., SW  
Fort Worth, TX 76137

Dear Ms. Brown:

The Federal Aviation Administration (FAA) has completed its undue burden evaluation of your proposal to (extend your production approval to xx country)(use a supplier in xx country)(issue FAA Form 8130-3 at your xx facility in xx country). This evaluation was required under Title 14, Code of Federal Regulations part 21.

We have found that your proposal does not constitute an undue burden on the FAA, and work on your proposal can continue without further consideration of the FAA's burden. However, please be advised that subsequent amendments to your activity outside the United States (or any changes in FAA resources) will prompt us to reconsider our finding of no undue burden at that time.

If you have any questions, you may call me at (xxx) xxx-xxxx.

Sincerely,

*Julia Gotta*

Julia Gotta  
Seattle Manufacturing Inspection  
District Office

cc: Fort Worth MIDO

**Appendix D. Sample Letter Advising a PAH of a Finding of an Undue Burden**



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

July 13, 2011

Molly Brown  
c/o Tight Weave Manufacturing  
1600 Lind Ave., SW  
Fort Worth, TX 76137

Dear Ms. Brown:

The Federal Aviation Administration (FAA) has completed its undue burden evaluation of your proposal to (extend your production approval to xx country)(use a supplier in xx country)(issue FAA Form 8130-3 at your xx facility in xx country). This evaluation is required under Title 14, Code of Federal Regulations part 21.

We have found that we do not have the resources to properly support your proposal; therefore, we find it constitutes an undue burden on the FAA. On that basis, we will not be able to approve the activity outside the United States as described in your proposal.

If you have any questions, you may call me at (xxx) xxx-xxxx.

Sincerely,

*Julia Gotta*

Julia Gotta  
Seattle Manufacturing Inspection  
District Office

cc: Fort Worth MIDO

## **Appendix E. Frequently Asked Questions**

### **1. Is an undue burden determination always required?**

Yes. Although an undue burden decision paper isn't always required, the FAA must always make an undue burden determination for production activity outside the United States. This order provides a process for making a fair and uniform determination for each PAH that proposes activity outside the United States.

### **2. Is an UBDP always required?**

No. An UBDP is not always required, but an undue burden determination must be made. In situations when an UBDP is not required, the ASI's issuance of the relevant certificate or approval of the activity is acknowledgement that a determination of "no undue burden" was made. These determinations may only be made for determinations of "no undue burden." Every determination of an "undue burden" must be documented on an UBDP. For situations where an UBDP is not specifically prescribed by this order, the ASI may assume that an UBDP is not required. Table 2 contains information about when an UBDP is required.

### **3. If an UBDP is required for my PAH, can I use a format for my decision paper other than the templates found in this order?**

Yes. You can develop and use another method for making and documenting the undue burden determination if you've received approval in the form of a deviation from this order from AIR-200.

### **4. Can a PAH appeal an undue burden determination made using this order?**

No. There is no appeal process in this order or in the CFR. Applicants may review the undue burden determination with their assigned ASI and discuss changes to the applicant's proposal that may mitigate the FAA's burden.

### **5. Is an UBDP ever required for ODA activity?**

No. Subpart D of 14 CFR part 183, Representatives of the Administrator, contains the regulations for ODA activity, and there is no requirement for any undue burden determination in part 183. However, export airworthiness approvals issued outside the United States by an ODA (or any other designee) will require an UBDP under § 21.325(c).

### **6. Can I release an UBDP to my applicant or the public?**

The UBDP is an internal resource allocation determination that is not intended to be released to the applicant or the general public. The ASI must communicate with the PAH to complete the UBDP, and the ASI is required to inform the applicant of the FAA's burden determination after the decision has been made. However, the completed and signed UBDP document may not be released to anyone outside the FAA.

### **7. Can this order be used for determinations other than those required by the CFR?**

Yes. You can use the UBDP templates in this order to help you to evaluate the FAA burden for other international situations requiring FAA oversight in which an undue burden determination is not required by the CFR. However, in these situations, there will be no regulatory basis for denying an application because of undue burden. For those situations, AIR-40, AIR-100, and/or AIR-200 can help you be sure that current policy is considered or if an UBDP is required.

**8. Do I have to rewrite old UBDPs to comply with the new guidance in this revision?**

No. You don't have to rewrite any UBDP that is completed, signed, and current just to adopt the guidance in a new revision of this order. However, if you amend your UBDP for any reason (including any change in FAA burden), then rewrite the UBDP using the newest guidance available.

**9. Can I combine different activities on one UBDP?**

No. You can use one UBDP for all of a certain activity for a PAH (such as using one Appendix A decision paper for all of a PAH's suppliers outside the United States), but you cannot use one UBDP to combine different types of activity. For instance, the undue burden determination for PAH associate facilities outside the United States (Appendix A) cannot be combined on the same UBDP for issuing export airworthiness approvals outside the United States (Appendix B).

**10. I've completed an UBDP for a supplier in Brazil for my PAH. Another PAH proposes to use the same supplier. Do I need to complete a separate UBDP for that supplier?**

Yes. UBDPs are tied to the PAH, not the supplier or the country. You can combine all the suppliers for one PAH on one UBDP, but you may not combine several PAHs on one UBDP.

**11. What does "inspectable upon receipt" mean?**

The UBDP templates require users to identify if the article manufactured at the non-U.S. facility is inspectable upon receipt in the United States. This factor tells about the complexity of the article and also affects how we decide about compliance determinations for the article and for its subcomponents. An article is inspectable upon receipt if the article is simple enough for a determination to be made that it is compliant to its type design without any disassembly. This question doesn't depend on whether the PAH plans to inspect the article, only if an inspection is possible without disassembly. Any completed assembly is generally not considered inspectable upon receipt.

**12. Where is the guidance for making a 14 CFR § 21.43 (TC and STC) undue burden determination?**

When this revision was issued, AIR-100 was planning to develop separate guidance for undue burden determinations for TC and STC projects. Interim guidance may be available by contacting AIR-100 directly.

**13. What signatures are required on an UBDP?**

All UBDPs are incomplete until signed. The ASI, MIDO, MIO manager, as well directorate manager, or their delegate, are required to sign the UBDP.

**14. Where can I find the category parts list (CPL)?**

The CPL can be found at  
[http://www.faa.gov/aircraft/air\\_cert/production\\_approvals/mfg\\_best\\_practice/media/Category\\_Parts\\_List.pdf](http://www.faa.gov/aircraft/air_cert/production_approvals/mfg_best_practice/media/Category_Parts_List.pdf).

**15. Does an undue burden determination need be made for off-shore U.S. territories?**

No. Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, American Samoa, and Guam are considered to be within the U.S., as defined in both Title 49, United States Code 40102 (A)(46) and 14 CFR § 1.1.

**Appendix F. Acronyms**

ACO	Aircraft Certification Office
AIR	FAA Aircraft Certification Service
AIR-40	AIR International Policy Office
AIR-100	AIR Aircraft Engineering Division
AIR-200	AIR Production and Airworthiness Division
ASI	Aviation Safety Inspector
CAA	Civil Aviation Authority
CFR	Code of Federal Regulations
CMO	Certificate Management Office
CPL	Category Parts List
DAR	Designated Airworthiness Representative
DMIR	Designated Manufacturing Inspection Representative
FAA	Federal Aviation Administration
MIDO	Manufacturing Inspection District Office
MIO	Manufacturing Inspection Office
ODA	Organization Designation Authorization
PAH	Production Approval Holder
PC	Production Certificate
PI	Principal Inspector
PMA	Part Manufacturer Approval
RBRT	Risk-Based Resource Targeting
STC	Supplemental Type Certificate
TC	Type Certificate
TSO	Technical Standard Order
UBDP	Undue Burden Decision Paper
U.S.	United States



## Appendix G. Administrative Information

**1. Distribution.** This order is distributed to all Aircraft Certification Service headquarters offices and directorates, all Aircraft Certification Offices, all Manufacturing Inspection Offices, all Manufacturing Inspection District Offices, all Manufacturing Inspection Satellite Offices, all Certificate Management Offices, all Certificate Management Units, and the Aircraft Certification Branch at the FAA Academy.

**2. Background.** The guidance in this order originated as AIR-200 policy memoranda issued to standard methodology for determining undue burden. We found those memoranda to be an inadequate medium for properly documenting our guidance, so this order was developed as a better means to develop the guidance on undue burden determinations.

**3. Delegation of Authority.** AIR-200 is responsible for issuing, revising, or cancelling the material in this order.

**4. Deviations.** Adherence to the procedures in this order is necessary for uniform administration of this directive material. Any deviations from this guidance material must be coordinated and approved by AIR-200. If a deviation becomes necessary, the FAA employee involved must ensure that the deviations are substantiated, documented, and concurred with by the appropriate supervisor. The deviation must be submitted to AIR-200 for review and approval. The limits of federal protection for FAA employees are defined by Title 28 of the United States Code § 2679.

**5. Suggestions for Improvement.** Please forward all comments on deficiencies, clarifications, or improvements regarding this order to:

Aircraft Certification Service  
Administrative Services Branch, AIR-510  
ATTN: Directives Management Officer  
800 Independence Avenue, SW.  
Washington, DC 20591

FAA Form 1320-19, Directive Feedback Information, is located as Appendix H to this order for your convenience. If you require an immediate interpretation, please contact AIR-200 at (202) 385-6346; however, you should also complete Form 1320-19 as a follow-up.

**6. Records Management.** Refer to FAA Orders 0000.1, FAA Standard Subject Classification System; 1350.14, Records Management; and 1350.15, Records Organization, Transfer, and Destruction Standards; and AIR FAA IR-04-01, Records Management Requirements Manual, or see your office Records Management Officer/Directives Management Officer for guidance regarding the retention or disposition of records.

**Appendix H. FAA Form 1320-19, Directive Feedback Information**U.S. Department  
of Transportation**Federal Aviation  
Administration**

## Directive Feedback Information

Please submit any written comments or recommendations for improving this directive, or suggest new items or subjects to be added to it. Also, if you find an error, please tell us about it.

Subject: FAA Order 8100.11C

To: Administrative Services Branch, AIR-510

*(Please check all appropriate line items)*

- ☐ An error (procedural or typographical) has been noted in paragraph \_\_\_\_\_ on page \_\_\_\_\_.
- ☐ Recommend paragraph \_\_\_\_\_ on page \_\_\_\_\_ be changed as follows:  
*(attach separate sheet if necessary)*
- ☐ In a future change to this directive, please include coverage on the following subject  
*(briefly describe what you want added):*

☐ Other comments:☐ I would like to discuss the above. Please contact me.

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_

FTS Telephone Number: \_\_\_\_\_ Routing Symbol: \_\_\_\_\_

**FAA Form 1320-19** (10-98)