Federal Aviation Administration, DOT

the type certificate for the number of
hours found necessary by the FAA.

[Amdt. 21–12, 31 FR 13388, Oct. 15, 1966, as
amended by Amdt. 21–66, 54 FR 34329, Aug. 18, 1989]

Subpart D—Changes to Type
Certificates

24, 1964, unless otherwise noted.

§ 21.91 Applicability.

This subpart prescribes procedural
requirements for the approval of
changes to type certificates.

§ 21.93 Classification of changes in
type design.

(a) In addition to changes in type
design specified in paragraph (b) of this
section, changes in type design are
classified as minor and major. A
“minor change” is one that has no ap-
preciable effect on the weight, balance,
structural strength, reliability, oper-
alional characteristics, or other char-
acteristics affecting the airworthiness
of the product. All other changes are
“major changes” (except as provided in
paragraph (b) of this section).

(b) For the purpose of complying
with Part 36 of this chapter, and except
as provided in paragraphs (b)(2), (b)(3),
and (b)(4) of this section, any voluntary
change in the type design of an aircraft
that may increase the noise levels of
that aircraft is an “acoustical change”
in addition to being a minor or major
change as classified in paragraph (a) of
this section for the following aircraft:

(1) Transport category large air-
planes.

(2) Jet (Turbojet powered) airplanes
(regardless of category). For airplanes
to which this paragraph applies,
“acoustical changes” do not include
changes in type design that are limited
to one of the following—

(i) Gear down flight with one or more
retractable landing gear down during
the entire flight, or

(ii) Spare engine and nacelle carriage
external to the skin of the airplane
(and return of the pylon or other exter-
nal mount), or

(iii) Time-limited engine and/or na-
celle changes, where the change in type
design specifies that the airplane may
not be operated for a period of more
than 90 days unless compliance with
the applicable acoustical change provi-
sions of Part 36 of this chapter is shown
for that change in type design.

(3) Propeller driven commuter cate-
gory and small airplanes in the pri-
mary, normal, utility, acrobatic, trans-
port, and restricted categories, except
for airplanes that are:

(i) Designated for “agricultural air-
craft operations” (as defined in §137.3
of this chapter, effective January 1,
1966) to which §36.1583 of this chapter
does not apply, or

(ii) Designated for dispensing fire
fighting materials to which §36.1583 of
this chapter does not apply, or

(iii) U.S. registered, and that had
flight time prior to January 1, 1955 or

(iv) Land configured aircraft recon-
figured with floats or skis. This recon-
figuration does not permit further ex-
ception from the requirements of this
section upon any acoustical change not
enumerated in §21.93(b).

(4) Helicopters except:

(i) Those helicopters that are des-
ignated exclusively:

(A) For “agricultural aircraft opera-
tions”, as defined in §137.3 of this
chapter, as effective on January 1, 1966;

(B) For dispensing fire fighting ma-
terials; or

(C) For carrying external loads, as
defined in §133.1(b) of this chapter, as
effective on December 20, 1976.

(ii) Those helicopters modified by in-
stallation or removal of external equip-
ment. For purposes of this paragraph,
“external equipment” means any in-
strument, mechanism, part, apparatus,
appurtenance, or accessory that is at-
tached to, or extends from, the heli-
copter exterior but is not used nor is
intended to be used in operating or
controlling a helicopter in flight and is
not part of an airframe or engine. An
“acoustical change” does not include:

(A) Addition or removal of external
equipment;

(B) Changes in the airframe made to
accommodate the addition or removal
of external equipment, to provide for
an external load attaching means, to
facilitate the use of external equip-
ment or external loads, or to facilitate
the safe operation of the helicopter

§ 21.93
§ 21.95 Approval of minor changes in type design.

Minor changes in a type design may be approved under a method acceptable to the FAA before submitting to the FAA any substantiating or descriptive data.

§ 21.97 Approval of major changes in type design.

(a) An applicant for approval of a major change in type design must—

(1) Provide substantiating data and necessary descriptive data for inclusion in the type design;

(2) Show that the changed product complies with the applicable requirements of this subchapter, and provide the FAA the means by which such compliance has been shown; and

(3) Provide a statement certifying that the applicant has complied with the applicable requirements.

(b) Approval of a major change in the type design of an aircraft engine is limited to the specific engine configuration upon which the change is made unless the applicant identifies in the necessary descriptive data for inclusion in the type design the other configurations of the same engine type for which approval is requested and shows that the change is compatible with the other configurations.

§ 21.99 Required design changes.

(a) When an Airworthiness Directive is issued under Part 39 the holder of the type certificate for the product concerned must—

(1) If the FAA finds that design changes are necessary to correct the unsafe condition of the product, and upon his request, submit appropriate design changes for approval; and

(2) Upon approval of the design changes, make available the descriptive data covering the changes to all operators of products previously certificated under the type certificate.

(b) In a case where there are no current unsafe conditions, but the FAA or the holder of the type certificate finds through service experience that changes in type design will contribute to the safety of the product, the holder of the type certificate may submit appropriate design changes for approval. Upon approval of the changes, the manufacturer must make information on the design changes available to all operators of the same type of product.

§ 21.101 Designation of applicable regulations.

(a) An applicant for a change to a type certificate must show that the changed product complies with the airworthiness requirements applicable to the category of the product in effect on the date of the application for the change and with parts 34 and 36 of this chapter. Exceptions are detailed in paragraphs (b) and (c) of this section.

(b) Except as provided in paragraph (g) of this section, if paragraphs (b)(1), (2), or (3) of this section apply, an applicant may show that the changed product complies with an earlier amendment of a regulation required by paragraph (a) of this section, and of any other regulation the FAA finds is directly related. However, the earlier