

(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.

[Doc. No. 5085, 29 FR 14567, Oct. 24, 1964, as amended by Amdt. 21-3, 30 FR 8826, July 24, 1965]

§21.101 Designation of applicable regulations.

(a) An applicant for a change to a type certificate must show that the change and areas affected by the change comply 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 change and areas affected by the change comply 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 amended regulation may not precede either the corresponding regulation included by reference in the type certificate, or any regulation in §§25.2, 27.2, or 29.2 of this chapter that is related to the change. The applicant may show compliance with an earlier amendment of a regulation for any of the following:

(1) A change that the FAA finds not to be significant. In determining whether a specific change is signifi-

cant, the FAA considers the change in context with all previous relevant design changes and all related revisions to the applicable regulations incorporated in the type certificate for the product. Changes that meet one of the following criteria are automatically considered significant:

(i) The general configuration or the principles of construction are not retained.

(ii) The assumptions used for certification of the product to be changed do not remain valid.

(2) Each area, system, component, equipment, or appliance that the FAA finds is not affected by the change.

(3) Each area, system, component, equipment, or appliance that is affected by the change, for which the FAA finds that compliance with a regulation described in paragraph (a) of this section would not contribute materially to the level of safety of the product or would be impractical.

(c) An applicant for a change to an aircraft (other than a rotorcraft) of 6,000 pounds or less maximum weight, to a non-turbine rotorcraft of 3,000 pounds or less maximum weight, to a level 1 low-speed airplane, or to a level 2 low-speed airplane may show that the change and areas affected by the change comply with the regulations included in the type certificate. However, if the FAA finds that the change is significant in an area, the FAA may designate compliance with an amendment to the regulation incorporated by reference in the type certificate that applies to the change and any regulation that the FAA finds is directly related, unless the FAA also finds that compliance with that amendment or regulation would not contribute materially to the level of safety of the product or would be impractical.

(d) If the FAA finds that the regulations in effect on the date of the application for the change do not provide adequate standards with respect to the proposed change because of a novel or unusual design feature, the applicant must also comply with special conditions, and amendments to those special conditions, prescribed under the provisions of §21.16, to provide a level of safety equal to that established by the

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regulations in effect on the date of the application for the change.

(e) An application for a change to a type certificate for a transport category aircraft is effective for 5 years, and an application for a change to any other type certificate is effective for 3 years. If the change has not been approved, or if it is clear that it will not be approved under the time limit established under this paragraph, the applicant may do either of the following:

(1) File a new application for a change to the type certificate and comply with all the provisions of paragraph (a) of this section applicable to an original application for a change.

(2) File for an extension of the original application and comply with the provisions of paragraph (a) of this section. The applicant must then select a new application date. The new application date may not precede the date the change is approved by more than the time period established under this paragraph (e).

(f) For aircraft certificated under §§21.17(b), 21.24, 21.25, and 21.27 the airworthiness requirements applicable to the category of the product in effect on the date of the application for the change include each airworthiness requirement that the FAA finds to be appropriate for the type certification of the aircraft in accordance with those sections.

(g) Notwithstanding paragraph (b) of this section, for transport category airplanes, the applicant must show compliance with each applicable provision of part 26 of this chapter, unless the applicant has elected or was required to comply with a corresponding amendment to part 25 of this chapter that was issued on or after the date of the applicable part 26 provision.

[Doc. No. 28903, 65 FR 36266, June 7, 2000, as amended by Amdt. 21–90, 72 FR 63404, Nov. 8, 2007; Amdt. 21–96, 77 FR 71695, Dec. 4, 2012; Doc. No. FAA–2015–1621, Amdt. 21–100, 81 FR 96689, Dec. 30, 2016]

Subpart E—Supplemental Type Certificates

SOURCE: Docket No. 5085, 29 FR 14568, Oct. 24, 1964, unless otherwise noted.

§21.111 Applicability.

This subpart prescribes procedural requirements for the issue of supplemental type certificates.

§21.113 Requirement for supplemental type certificate.

(a) If a person holds the TC for a product and alters that product by introducing a major change in type design that does not require an application for a new TC under §21.19, that person must apply to the FAA either for an STC, or to amend the original type certificate under subpart D of this part.

(b) If a person does not hold the TC for a product and alters that product by introducing a major change in type design that does not require an application for a new TC under §21.19, that person must apply to the FAA for an STC.

(c) The application for an STC must be made in the form and manner prescribed by the FAA.

[Doc. No. FAA–2006–25877, Amdt. 21–92, 74 FR 53387, Oct. 16, 2009; Doc. No. FAA–2018–0119, Amdt. 21–101, 83 FR 9169, Mar. 5, 2018]

§21.115 Applicable requirements.

(a) Each applicant for a supplemental type certificate must show that the altered product meets applicable requirements specified in §21.101 and, in the case of an acoustical change described in §21.93(b), show compliance with the applicable noise requirements of part 36 of this chapter and, in the case of an emissions change described in §21.93(c), show compliance with the applicable fuel venting and exhaust emissions requirements of part 34 of this chapter.

(b) Each applicant for a supplemental type certificate must meet §§21.33 and 21.53 with respect to each change in the type design.

[Amdt. 21–17, 32 FR 14927, Oct. 28, 1967, as amended by Amdt. 21–42, 40 FR 1033, Jan. 6, 1975; Amdt. 21–52A, 45 FR 79009, Nov. 28, 1980; Amdt. 21–61, 53 FR 3540, Feb. 5, 1988; Amdt. 21–68, 55 FR 32860, Aug. 10, 1990; Amdt. 21–71, 57 FR 42854, Sept. 16, 1992; Amdt. 21–77, 65 FR 36266, June 7, 2000]

§21.117 Issue of supplemental type certificates.

(a) An applicant is entitled to a supplemental type certificate if the FAA