

(3) A standard part (such as a nut or bolt) manufactured in compliance with a government or established industry specification;

(4) A commercial part as defined in § 21.1 of this part;

(5) Produced by an owner or operator for maintaining or altering that owner or operator's product; or

(6) Fabricated by an appropriately rated certificate holder with a quality system, and consumed in the repair or alteration of a product or article in accordance with part 43 of this chapter.

(b) Except as provided in paragraphs (a)(1) through (a)(4) of this section, a person who produces a replacement or modification article for sale may not represent that part as suitable for installation on a type-certificated product.

(c) Except as provided in paragraphs (a)(1) through (a)(4) of this section, a person may not sell or represent an article as suitable for installation on an aircraft type-certificated under §§ 21.25(a)(2) or 21.27 unless that article—

(1) Was declared surplus by the U.S. Armed Forces, and

(2) Was intended for use on that aircraft model by the U.S. Armed Forces.

[Doc. No. FAA-2006-25877, 74 FR 53385, Oct. 16, 2009]

EFFECTIVE DATE NOTE: By Doc. No. FAA-2006-25877 74 FR 53385, Oct. 16, 2009, § 21.9 was added, effective Apr. 14, 2010.

Subpart B—Type Certificates

SOURCE: Docket No. 5085, 29 FR 14564, Oct. 24, 1964, unless otherwise noted.

§ 21.11 Applicability.

This subpart prescribes—

(a) Procedural requirements for the issue of type certificates for aircraft, aircraft engines, and propellers; and

(b) Rules governing the holders of those certificates.

§ 21.13 Eligibility.

Any interested person may apply for a type certificate.

[Amdt. 21-25, 34 FR 14068, Sept. 5, 1969]

§ 21.15 Application for type certificate.

(a) An application for a type certificate is made on a form and in a manner prescribed by the Administrator and is submitted to the appropriate Aircraft Certification Office.

(b) An application for an aircraft type certificate must be accompanied by a three-view drawing of that aircraft and available preliminary basic data.

(c) An application for an aircraft engine type certificate must be accompanied by a description of the engine design features, the engine operating characteristics, and the proposed engine operating limitations.

[Doc. No. 5085, 29 FR 14564, Oct. 24, 1964, as amended by Amdt. 21-40, 39 FR 35459, Oct. 1, 1974; Amdt. 21-67, 54 FR 39291, Sept. 25, 1989]

EFFECTIVE DATE NOTE: By Amdt. 21-92, 74 FR 53385, Oct. 16, 2009, § 21.15 was amended by removing the words "Aircraft Certification Office" in paragraph (a) and adding, in their place, the words "aircraft certification office", effective Apr. 14, 2010.

§ 21.16 Special conditions.

If the Administrator finds that the airworthiness regulations of this subchapter do not contain adequate or appropriate safety standards for an aircraft, aircraft engine, or propeller because of a novel or unusual design feature of the aircraft, aircraft engine or propeller, he prescribes special conditions and amendments thereto for the product. The special conditions are issued in accordance with part 11 of this chapter and contain such safety standards for the aircraft, aircraft engine or propeller as the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations.

[Amdt. 21-19, 32 FR 17851, Dec. 13, 1967; as amended by Amdt. 21-51, 45 FR 60170, Sept. 11, 1980]

§ 21.17 Designation of applicable regulations.

(a) Except as provided in §§ 23.2, 25.2, 27.2, 29.2, and in parts 26, 34 and 36 of this subchapter, an applicant for a type certificate must show that the aircraft, aircraft engine, or propeller concerned meets—

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(1) The applicable requirements of this subchapter that are effective on the date of application for that certificate unless—

(i) Otherwise specified by the Administrator; or

(ii) Compliance with later effective amendments is elected or required under this section; and

(2) Any special conditions prescribed by the Administrator.

(b) For special classes of aircraft, including the engines and propellers installed thereon (e.g., gliders, airships, and other nonconventional aircraft), for which airworthiness standards have not been issued under this subchapter, the applicable requirements will be the portions of those other airworthiness requirements contained in Parts 23, 25, 27, 29, 31, 33, and 35 found by the Administrator to be appropriate for the aircraft and applicable to a specific type design, or such airworthiness criteria as the Administrator may find provide an equivalent level of safety to those parts.

(c) An application for type certification of a transport category aircraft is effective for 5 years and an application for any other type certificate is effective for 3 years, unless an applicant shows at the time of application that his product requires a longer period of time for design, development, and testing, and the Administrator approves a longer period.

(d) In a case where a type certificate has not been issued, or it is clear that a type certificate will not be issued, within the time limit established under paragraph (c) of this section, the applicant may—

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

(2) File for an extension of the original application and comply with the applicable airworthiness requirements of this subchapter that were effective on a date, to be selected by the applicant, not earlier than the date which precedes the date of issue of the type certificate by the time limit established under paragraph (c) of this section for the original application.

(e) If an applicant elects to comply with an amendment to this subchapter that is effective after the filing of the application for a type certificate, he must also comply with any other amendment that the Administrator finds is directly related.

(f) For primary category aircraft, the requirements are:

(1) The applicable airworthiness requirements contained in parts 23, 27, 31, 33, and 35 of this subchapter, or such other airworthiness criteria as the Administrator may find appropriate and applicable to the specific design and intended use and provide a level of safety acceptable to the Administrator.

(2) The noise standards of part 36 applicable to primary category aircraft.

[Doc. No. 5085, 29 FR 14564, Oct. 24, 1964, as amended by Amdt. 21–19, 32 FR 17851, Dec. 13, 1967; Amdt. 21–24, 34 FR 364, Jan. 10, 1969; Amdt. 21–42, 40 FR 1033, Jan. 6, 1975; Amdt. 21–58, 50 FR 46877, Nov. 13, 1985; Amdt. 21–60, 52 FR 8042, Mar. 13, 1987; Amdt. 21–68, 55 FR 32860, Aug. 10, 1990; Amdt. 21–69, 56 FR 41051, Aug. 16, 1991; Amdt. 21–70, 57 FR 41367, Sept. 9, 1992; Amdt. No. 21–90, 72 FR 63404, Nov. 8, 2007]

§21.19 Changes requiring a new type certificate.

Each person who proposes to change a product must apply for a new type certificate if the Administrator finds that the proposed change in design, power, thrust, or weight is so extensive that a substantially complete investigation of compliance with the applicable regulations is required.

[Doc. No. 28903, 65 FR 36265, June 7, 2000]

§21.20 Compliance with applicable requirements.

The applicant for a type certificate, including an amended or supplemental type certificate, must—

(a) Show compliance with all applicable requirements and must provide the FAA the means by which such compliance has been shown; and

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

[Doc. No. FAA–2006–25877, 74 FR 53385, Oct. 16, 2009]

EFFECTIVE DATE NOTE: By FAA–2006–25877, 74 FR 53385, Oct. 16, 2009, §21.20 was added, effective Apr. 14, 2010.