



Federal Aviation Administration

Memorandum

Date: **MAY 30 2008**

To: SMT, ACOLT, Directorates and ACOs.

From: Chris Carter, Manager, Certification Procedures Branch, AIR-110 

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Subject: 14 CFR 21.101(e) Time Limitations for Applications for Changes to Type Certificates

Reference: Title 14 CFR § 21.101, Advisory Circular (AC) 21.101-1 Change 1, and Order 8110.48.

Paragraph 2.2 of this memorandum has been amended to further clarify policy for all Directorate and Aircraft Certification Office (ACO) staff regarding the application of time limitations associated with changes to type certificates (amended type certificates, supplemental type certificates (STCs), and amended STCs) required by Title 14 CFR § 21.101(e). This memorandum supersedes the previous October 29, 2004 memorandum.

Title 14 CFR § 21.101(e) defines a time limit of 5 years for applications made for design changes to transport category aircraft and 3 years for all other products. If the change has not been approved, or if it is clear that the change will not be approved, within the time limit, the applicant may do either of the following: (1) file for a new application, or (2) file for an extension to the original application.

- (1) If the applicant files for a new application, the changed product rule (CFR) 14 CFR § 21.101 is in effect. The finding of significance for the product change is required. The certification basis for the product change, based upon the level of significance, is determined as follows:
 - a. If the change is significant, use the latest certification standards for the change in effect on the date of application for the change. Exceptions for compliance to the latest regulations are detailed in 14 CFR § 21.101(b)(2) and (3): (b)(2) an applicant may comply with an earlier amendment of a regulation for those areas, systems, and components not affected by the change, or (b)(3) an applicant may comply with an earlier amendment of a regulation if compliance with the latest regulations for the changed product would not contribute materially to the level of safety or would be impractical.
 - b. If the change is not significant, use the existing certification basis for the product to be modified. If the existing certification basis is found to be inadequate, include those later regulations and amendments to those regulations applicable for the change. Additional information on this process can be found in Order 8110.48 and AC 21.101-1 Change 1.

(2) If the applicant files for an extension to the original application, the applicant must select a new application date. The new application date may not precede the approval date by more than the time periods described in 14 CFR § 21.101(e). For example, if the original application date for a significant product change to a transport aircraft STC is August 15, 2003, the applicant has until August 15, 2008 to complete the project. If the applicant requests an 11-month extension to July 15, 2009, a new certification basis is required. The certification basis for the product change now requires the addition of those certification regulations in effect from August 15, 2003 through July 15, 2004.

- (2.1) If the original application date was made on or after June 10, 2003, and the applicant requests an extension to the application date, the applicant is required to comply with the CPR certification requirements:
- a. If the product change is significant, a new certification basis is required. The new certification basis requires the additional latest regulations effective through the new application extension date. However, the applicant may use earlier regulations by documenting justification that the latest regulations for the change would not contribute materially to the level of safety or would be impractical.
 - b. If the product change is not significant, the existing certification basis can continue to be used as the basis for product certification. However, if additional design changes are made to the product, and the existing certification basis for the change is found to be inadequate, the new design certification basis will require later appropriate standards.

(2.2) If the application date for a change to a type certificate was made prior to June 10, 2003, and the applicant requests an extension to the application, the established certification basis for the design change can continue to be used as the basis for product certification. Additional design changes to existing projects require compliance to 14 CFR § 21.101(e) as described in paragraph (2) above.

14 CFR § 21.101(e) is intended to ensure that time limits for design changes to type certificates are certified within the time limits consistent with the requirements of 14 CFR § 21.17 for new type certificates. However, because time limits for amended type certificates, supplemental type certificates (STCs) and amended STCs, were not explicitly stated in either 14 CFR § 21.17 or 21.101 prior to Amendment 21-77, some applicants were not aware of, or advised of the time limit. Nonetheless, we want to ensure effective project management and compliance to regulatory requirements. Therefore, all ACO project managers are asked to identify projects having an application date prior to June 10, 2003 (pre-CPR) that are near or have exceeded the prescribed time limits. For these projects, we are asking applicants to work with the ACO to establish firm completion dates consistent with the time limits specified in 14 CFR § 21.17 and 21.101(e).