

§21.75

for the aircraft, and for amendments to Class I provisional type certificates held by him, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, commuter, or transport category.

[Doc. No. 5085, 29 FR 14566, Oct. 24, 1964, as amended by Amdt. 21-12, 31 FR 13380, Oct. 15, 1966; Amdt. 21-59, 52 FR 1836, Jan. 15, 1987]

§21.75 Application.

Applications for provisional type certificates, for amendments thereto, and for provisional amendments to type certificates must be submitted to the Manager of the Aircraft Certification Office for the geographic area in which the applicant is located (or in the case of European, African, Middle East Region, the Manager, Aircraft Engineering Division), and must be accompanied by the pertinent information specified in this subpart.

[Amdt. 21-67, 54 FR 39291, Sept. 25, 1989]

§21.77 Duration.

(a) Unless sooner surrendered, superseded, revoked, or otherwise terminated, provisional type certificates and amendments thereto are effective for the periods specified in this section.

(b) A Class I provisional type certificate is effective for 24 months after the date of issue.

(c) A Class II provisional type certificate is effective for twelve months after the date of issue.

(d) An amendment to a Class I or Class II provisional type certificate is effective for the duration of the amended certificate.

(e) A provisional amendment to a type certificate is effective for six months after its approval or until the amendment of the type certificate is approved, whichever is first.

[Doc. No. 5085, 29 FR 14566, Oct. 24, 1964 as amended by Amdt. 21-7, 30 FR 14311, Nov. 16, 1965]

§21.79 Transferability.

Provisional type certificates are not transferable.

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§21.81 Requirements for issue and amendment of Class I provisional type certificates.

(a) An applicant is entitled to the issue or amendment of a Class I provisional type certificate if he shows compliance with this section and the Administrator finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated in accordance with the limitations established in paragraph (e) of this section and in §91.317 of this chapter.

(b) The applicant must apply for the issue of a type or supplemental type certificate for the aircraft.

(c) The applicant must certify that—

(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type or supplemental type certificate applied for;

(2) The aircraft substantially meets the applicable flight characteristic requirements for the type or supplemental type certificate applied for; and

(3) The aircraft can be operated safely under the appropriate operating limitations specified in paragraph (a) of this section.

(d) The applicant must submit a report showing that the aircraft had been flown in all maneuvers necessary to show compliance with the flight requirements for the issue of the type or supplemental type certificate applied for, and to establish that the aircraft can be operated safely in accordance with the limitations contained in this subchapter.

(e) The applicant must establish all limitations required for the issue of the type or supplemental type certificate applied for, including limitations on weights, speeds, flight maneuvers, loading, and operation of controls and equipment unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.

(f) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(g) The applicant must show that a prototype aircraft has been flown for at

least 50 hours under an experimental certificate issued under §§21.191 through 21.195, or under the auspices of an Armed Force of the United States. However, in the case of an amendment to a provisional type certificate, the Administrator may reduce the number of required flight hours.

[Doc. No. 5085, 29 FR 14566, Oct. 24, 1964, as amended by Amdt. 21-66, 54 FR 34329, Aug. 18, 1989]

§ 21.83 Requirements for issue and amendment of Class II provisional type certificates.

(a) An applicant who manufactures aircraft within the United States is entitled to the issue or amendment of a Class II provisional type certificate if he shows compliance with this section and the Administrator finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated in accordance with the limitations in paragraph (h) of this section, and §§91.317 and 121.207 of this chapter.

(b) An applicant who manufactures aircraft in a country with which the United States has an agreement for the acceptance of those aircraft for export and import is entitled to the issue or amendment of a Class II provisional type certificate if the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this section, that the aircraft meets the requirements of paragraph (f) of this section and that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated in accordance with the limitations in paragraph (h) of this section and §§91.317 and 121.207 of this chapter.

(c) The applicant must apply for a type certificate, in the transport category, for the aircraft.

(d) The applicant must hold a U.S. type certificate for at least one other aircraft in the same transport category as the subject aircraft.

(e) The FAA's official flight test program or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the issue of a type certificate for that aircraft, must be in progress.

(f) The applicant or, in the case of a foreign manufactured aircraft, the country in which the aircraft was manufactured, must certify that—

(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate applied for;

(2) The aircraft substantially complies with the applicable flight characteristic requirements for the type certificate applied for; and

(3) The aircraft can be operated safely under the appropriate operating limitations in this subchapter.

(g) The applicant must submit a report showing that the aircraft has been flown in all maneuvers necessary to show compliance with the flight requirements for the issue of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations in this subchapter.

(h) The applicant must prepare a provisional aircraft flight manual containing all limitations required for the issue of the type certificate applied for, including limitations on weights, speeds, flight maneuvers, loading, and operation of controls and equipment unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.

(i) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(j) The applicant must show that a prototype aircraft has been flown for at least 100 hours. In the case of an amendment to a provisional type certificate, the Administrator may reduce the number of required flight hours.

[Amdt. 21-12, 31 FR 13386, Oct. 15, 1966, as amended by Amdt. 21-66, 54 FR 34329, Aug. 18, 1989]

§ 21.85 Provisional amendments to type certificates.

(a) An applicant who manufactures aircraft within the United States is entitled to a provisional amendment to a type certificate if he shows compliance with this section and the Administrator finds that there is no feature, characteristic, or condition that would