

§21.27 Issue of type certificate: surplus aircraft of the Armed Forces.

(a) Except as provided in paragraph (b) of this section an applicant is entitled to a type certificate for an aircraft in the normal, utility, acrobatic, commuter, or transport category that was designed and constructed in the United States, accepted for operational use, and declared surplus by, an Armed Force of the United States, and that is shown to comply with the applicable certification requirements in paragraph (f) of this section.

(b) An applicant is entitled to a type certificate for a surplus aircraft of the Armed Forces of the United States that is a counterpart of a previously type certificated civil aircraft, if he shows compliance with the regulations governing the original civil aircraft type certificate.

(c) Aircraft engines, propellers, and their related accessories installed in surplus Armed Forces aircraft, for which a type certificate is sought under this section, will be approved for use on those aircraft if the applicant shows that on the basis of the previous military qualifications, acceptance, and service record, the product provides substantially the same level of airworthiness as would be provided if the engines or propellers were type certificated under Part 33 or 35 of this subchapter.

(d) The FAA may relieve an applicant from strict compliance with a specific provision of the applicable requirements in paragraph (f) of this section, if the FAA finds that the method of compliance proposed by the applicant provides substantially the same level of airworthiness and that strict compliance with those regulations would impose a severe burden on the applicant. The FAA may use experience that was satisfactory to an Armed Force of the United States in making such a determination.

(e) The FAA may require an applicant to comply with special conditions and later requirements than those in paragraphs (c) and (f) of this section, if the FAA finds that compliance with the listed regulations would not ensure an adequate level of airworthiness for the aircraft.

(f) Except as provided in paragraphs (b) through (e) of this section, an applicant for a type certificate under this section must comply with the appropriate regulations listed in the following table:

Type of aircraft	Date accepted for operational use by the Armed Forces of the United States	Regulations that apply¹
Small reciprocating-engine powered airplanes	Before May 16, 1956 After May 15, 1956	CAR Part 3, as effective May 15, 1956. CAR Part 3, or 14 CFR Part 23.
Small turbine engine-powered airplanes	Before Oct. 2, 1959 After Oct. 1, 1959	CAR Part 3, as effective Oct. 1, 1959. CAR Part 3 or 14 CFR Part 23.
Commuter category airplanes	After (Feb. 17, 1987) FAR Part 23 as of (Feb. 17, 1987).	

Large reciprocating-engine powered airplanes	Before Aug. 26, 1955 After Aug. 25, 1955	CAR Part 4b, as effective Aug. 25, 1955. CAR Part 4b or 14 CFR Part 25.
Large turbine engine-powered airplanes	Before Oct. 2, 1959 After Oct. 1, 1959	CAR Part 4b, as effective Oct. 1, 1959. CAR Part 4b or 14 CFR Part 25.
Rotorcraft with maximum certificated takeoff weight of:		
6,000 pounds or less	Before Oct. 2, 1959 After Oct. 1, 1959	CAR Part 6, as effective Oct. 1, 1959. CAR Part 6, or 14 CFR Part 27.
Over 6,000 pounds	Before Oct. 2, 1959 After Oct. 1, 1959	CAR Part 7, as effective Oct. 1, 1959. CAR Part 7, or 14 CFR Part 29.

¹Where no specific date is listed, the applicable regulations are those in effect on the date that the first aircraft of the particular model was accepted for operational use by the Armed Forces.

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