U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

800 Independence Ave., S.W.
Washington, D.C. 20591

APR 2 2 2009

Mr. William P. Rourke
[redacted]

Dear Mr. Rourke:

This letter responds to your follow-up question to the interpretation issued to you on February 2, 2009 concerning Title 14 of the Code of Federal Regulations § 91.205(d) (14 CFR § 91.205(d)). That interpretation addressed the applicability of § 91.205(d) to experimental and amateur-built aircraft.

You now question "whether a non-TSO electronic flight display, which is approved for IFR flight in other Special Airworthiness Category aircraft (experimental, light sport) can be installed for the same purpose in a Special Airworthiness-Primary Category aircraft?"

Since the electronic flight display you wish to install in a primary category aircraft introduces a major change in that aircraft's type design, you must apply for and receive a supplemental type certificate (STC) for that installation.[1] Section 21.115 specifies that the altered product must meet the requirements of § 21.101. Under § 21.101, applicants for an STC must demonstrate that the changed product complies with the airworthiness requirements applicable to the category of the product in effect on the date of the application for this change and with parts 34 and 36 of this chapter.[2] An electronic flight display is not approved for installation in a primary category aircraft simply because it was permitted to be installed in an experimental category aircraft. You will have to receive FAA approval for the installation of the flight display regardless of whether the equipment conforms to a technical standard order.

This letter responds to your question in a general nature. In reviewing this matter, we see that you have already filed with the Atlanta Aircraft Certification Office (ACO) and FAA Small Airplane Directorate for an STC to allow the installation of an EFD in a primary category aircraft. (The Atlanta ACO requested additional information and to date, has not received any response from you.) In addition, you have a pending petition for rulemaking to

[1] 14 CFR § 21.113 provides, in part, that any person who alters a product by introducing a major change in type design, not great enough to require a new application for a type certificate under § 21.19, shall apply to the Administrator for a supplemental type certificate.

[2] 14 CFR § 21.101 does provide exceptions to the requirements of paragraph (a). However, this interpretation responds to the general applicability of § 21.101, as your letter did not specify the specific aircraft.

permit such installation. The FAA's Certification Procedures Branch has advised us that they will be responding shortly to your petition for rulemaking on this issue.

This response has been coordinated with the General Aviation Airworthiness Division, AFS-300, and the Certification Procedures Branch, AIR-110. If you have any questions, please contact Ms. Lorelei Peter at 202-267-3134.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for Regulations, AGC-200