



FAA Public Meeting

Proposed Cessna 400 Series Wing Spar AD

Ron Wojnar

Deputy Director

Aircraft Certification Service

Washington, D.C.

Hilton Dulles Airport

March 3-4, 2004



Issue Overview

Marv Nuss

Small Airplane Directorate

Continued Operational Safety

Program Manager

**FAA Public Meeting
Proposed Cessna 400 Series Wing Spar AD
Hilton Dulles Airport
March 3-4, 2004**

Agenda



- Introductions
- Issue overview
- FAA and proprietary information
- FAA summary of proposed action
- Operator perspective (Cape Air)
- Manufacturer perspective (Cessna)
- FAA Data Evaluation
- Related Issues
- Public Comments

Wednesday Morning



- 9:00** Meeting opening, introduction – Ron Wojnar
- 9:15** Issue Overview – Marv Nuss
- 9:30** FAA's Obligations regarding Proprietary Information – John Curry
- 9:45** Summary of the Proposed AD – Paul (Vu) Nguyen
- 10:15 Break**
- 10:45** Operator perspective – Dan Wolf
- 11:15** Manufacturer perspective – Beth Gamble
- 12:00 Lunch**

Wednesday Afternoon



1:30 Manufacturer Perspective, continued – Beth Gamble

2:30 Break

2:45 FAA Data Evaluation – Bob Eastin, Al Broz

4:15 Break

4:30 What the Owner Community Can Do – Marv Nuss

4:45 Wrap up, Explain day two agenda – Ron Wojnar

Thursday Morning



9:00 Meeting reopening – Ron Wojnar

9:15 Related Topics

Aging Airplane Program – Marv Nuss

Aging Airplane Program Research – Michael Shiao

Part 135 Maintenance Requirements for SIDs – Wayne Fry

10:15 Break

Prepared Comments from the Public

10:30 Larry Ball, Cessna Twin Cessna Flyer

10:40 Dr. Gary Silver, MD, owner

10:55 Bryant Hawkes, Hawkes and Associates

11:15 Bill Schultz, General Aviation Manufacturers Association

11:45 Lunch

Thursday Afternoon



1:15 Open Discussion with FAA Panel

2:30 Break

2:45 Resume Open Discussion with FAA Panel

4:30 Summarize the Meeting, Explain FAA next steps
– Ron Wojnar

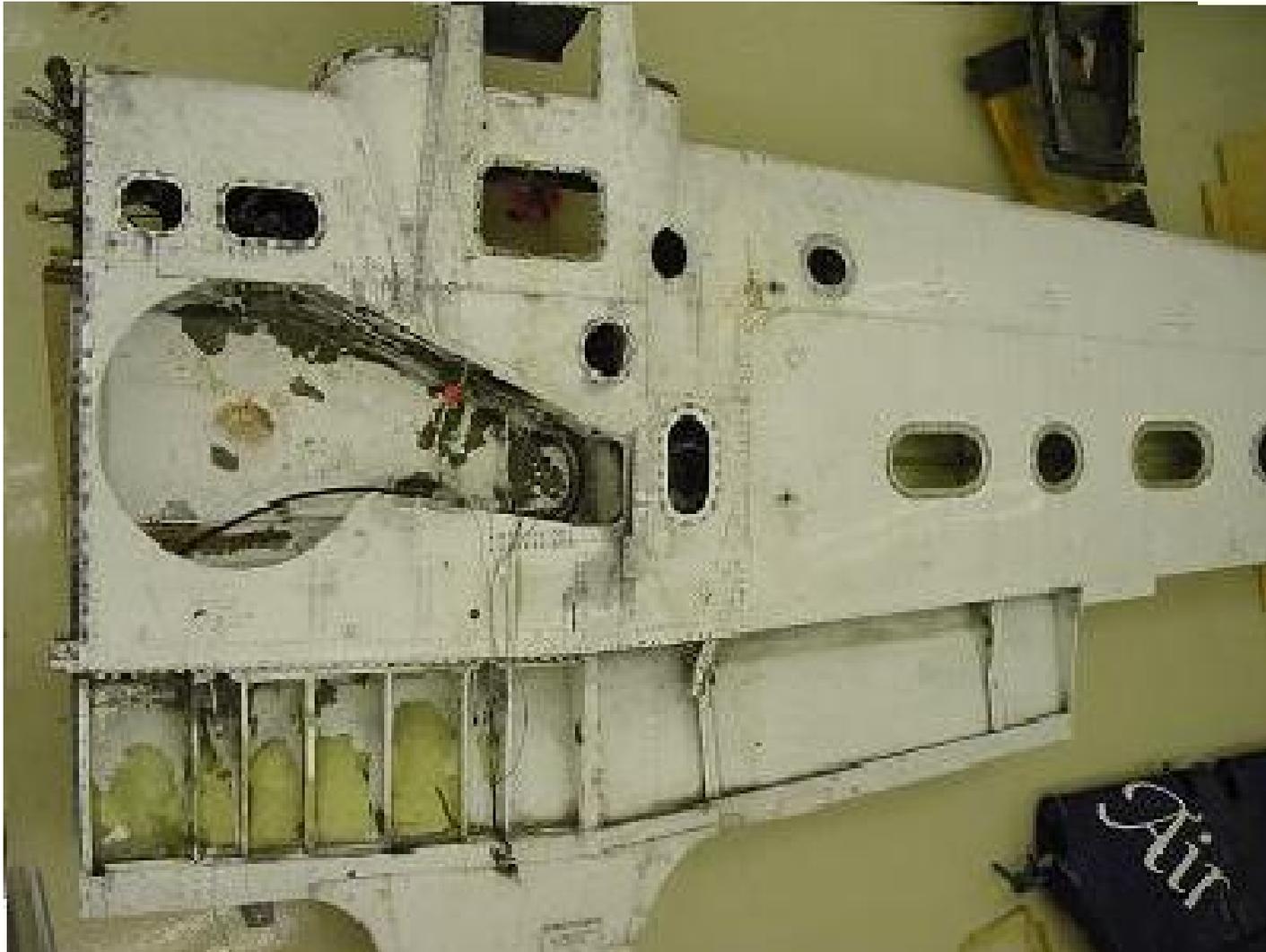
4:45 Adjourn



Issue Overview

- ▶ Model and fleet information
- ▶ Chronology of events
- ▶ FAA's current position

Cessna 402 Wing





Model and Fleet Information

	401	401A	401B	411	411A	402	402A	402B	402C	414A
Fleet Size (1384)	85	73	50	132	27	50	49	267	209	442
P135/121 (295)	31 (17 operators)			1		263 (92 operators)				0
MTOGW	6300 lbs			6500 lbs		6300 lbs			6850	6750
Est. Ave Hours	7000+					9000+			12,000+	5000
TC Date	1966	1968	1969	1964	1967	1966	1969	1969	1978	1977

Certification Basis for all models is CAR3, May 15, 1956

Chronology of Events



- **1973, 78:** Service Incidents of cracked spars
- **1979:** AD 79-10-15 issued to correct unsafe condition for 401/-A/-B, 402/-A/-B, 411/-A
- **1989:** FAA Starts Aging Airplane Program
- **1990-92:** Service Incidents of cracked spars
- **1995:** FAA R&D Contract for SIDs
- **1999:** 402C fatal accident due to spar failure
- **2000:** AD 2000-23-01 issued to correct unsafe condition for 402C
- **2003:** Proposed ADs issued to correct unsafe condition for all models



FAA's Current Position

- FAA has determined that an unsafe condition exists
- Cessna modification addresses the condition
- No other means to address the condition presented to FAA
 - ▶ Different modification/Inspections
 - ▶ Different compliance times

Questions the Public has Asked



1. Are the existing ADs doing the job?
2. Should this action apply only to severely used or poorly maintained airplanes?
3. Is there enough service history to justify this action?
4. Is the action based mostly on analysis and not service data?
5. Are there inspection methods that will find these cracks?
6. Is the wing fail-safe?

Questions the Public has Asked



7. Is the mod difficult, and is there a risk of causing damage?
8. Are the compliance times reasonable?
9. Are there enough facilities to do these mods?
10. Did the FAA consider a less costly solution?

Questions the Public has Asked



11. Does this AD retroactively impose new certification requirements?
12. Is the FAA intending to AD similar mods for other Cessna twins?
13. How can the FAA impose an AD justified with proprietary information?
14. Why does the public not have access to Cessna's proprietary information used for FAA funded research?

10. Did the FAA consider a less costly solution?



- FAA determines adequacy of solutions
 - ▶ Applicants develop solutions
 - ▶ FAA approves applicant's solution

11. Does this AD retroactively impose new certification requirements?



- FAA's obligation regarding unsafe conditions
 - ▶ Mandate actions to address condition
 - ▶ Use available technology, methods
 - ▶ Monitor the action

12. Is the FAA intending to AD similar mods for other Cessna twins?



- At this time FAA has no information that indicates an unsafe condition exists in other models
- FAA is aware that Cessna is analyzing the adequacy of other models' spars
- The FAA will evaluate Cessna's data when it is submitted



Proprietary Data: FAA's Obligations

John Curry
Regional Counsel Central
Region



Proprietary Data

- Several comments suggested that:
 - ▶ The FAA improperly withheld Cessna proprietary data, which adversely impacted their ability to comment on the proposed AD
 - ▶ The FAA should release data Cessna developed and utilized under contract for Supplemental Inspection Document
 - ▶ It is improper for the FAA to consider proprietary data in issuing an AD

Proprietary Data



FAA R&D Contract with Cessna

- FAA did not obtain unlimited rights in data developed under the contract other than the final report
- Final report available at FAA Technical Center website:

<http://aar400.tc.faa.gov/programs/agingaircraft/commuter/sid.htm>



Proprietary Data

The contract provides:

“Airplane specific spectrum and stress data and other analysis input data developed at Cessna expense will be treated as proprietary data. Proprietary data will include actual stress data, even though developed as part of this program, and material not currently available in the public domain which has been developed at Cessna expense. Cessna proprietary data used will be furnished to the FAA for purposes of reviewing the analyses and resulting SID but will not be available for public dissemination.”



Proprietary Data

- Government employees are prohibited by 18 U. S. C. § 1905 (Trade Secrets Act) from disclosing confidential or proprietary data
- Confidential data is exempt from disclosure under FOIA exemption 4

Proprietary Data



- In summary, since data developed by Cessna independently of or under the contract, other than deliverables, remains property of Cessna, the FAA can not lawfully release it.



Proprietary Data

- ▶ FAA Rules (14 CFR§11.35(b)) provide for consideration of proprietary data, including proprietary data submitted with comments
- Proprietary data is kept separate from the public docket
- Requests for proprietary data are handled under FOIA (5 U. S. C. 552)