

SUPPLEMENTAL INSPECTION DOCUMENTS (SID'S)

Supplemental Inspection Documents play an important role in aviation safety when utilized in the proper manner. A successful SID program assures continued airworthiness in the most economical manner and comes about as the result of a free flow of information between the operators, the FAA and the original equipment manufacturer.

Supplemental Inspection Documents (SID's) are issued by Original Equipment Manufacturers (OEM's) for the *designed* purpose of notifying owners and operators of modifications and inspections believed necessary to maintain structural integrity of their aircraft; to address corrosion; to develop maintenance program guidelines; to detect fatigue cracking and to assess damage-tolerance of structural repairs.

Unfortunately, the SID issued on the Cessna 441 and Conquest turboprops did not include input from all operators and has never received final FAA approval. Further, no Airworthiness Directive (AD) has ever been issued covering the items listed in the SID for either aircraft.

On December 5, 2008 the FAA issued a legal Memorandum addressing the question "whether, if a manufacturer amends its maintenance/inspection instructions, an affected aircraft operator is obliged to comply with the new instructions in order to be in compliance with subsection 91.409(f)(3)". The FAA responded, "It is our opinion that the operator is not so obliged".

Then, applying their legal conclusions to both *current maintenance instructions or current inspection program* the FAA went on to say:

If "current" in subsection 91.409(f)(3) and similarly worded regulations could be read to mean an ongoing obligation, manufacturers unilaterally could impose regulatory burdens on individuals through changes to their inspection programs or maintenance manuals"

"If such compliance were required, this would be tantamount to private entities issuing "rules" of general applicability without meeting the notice and comment requirements of the APA, and the public would not have had an opportunity to comment on these future limitations changes."

This is exactly the conduct that Cessna has taken in attempting to mandate the applicability of the SID on Conquest aircraft. They are imposing financial burdens on owners and operators of older aircraft that they did not bargain for, imposing arbitrary deadlines on owners to complete the SID and if they fail to complete the SID, they are threatening to "ground" aircraft.

Mandates that only the FAA can apply.

Cessna has no authority to impose the SID on existing owners and they cannot "ground" a fleet of aircraft for failing to comply.

On July 30, 2009 the author herein made personal contact with the Regulations Division of the Office of the Chief Counsel of the FAA and confirmed the applicability of the December 2008 Memorandum and was advised it is still in effect. That no AD had been issued mandating Conquest owners to comply with the SID published by Cessna, and that Cessna could not take any enforcement action or ground aircraft that did not comply. That such actions are the sole responsibility and authority of the FAA.

In summary, an owner's election to comply with the SID is just that, an election. It can be ignored, or it can be completed if the operator is concerned that his aircraft might have any of the listed deficiencies. Should the FAA adopt the SID, or even parts of it, the complying owner might be one-step ahead of the field, but should the FAA require some different standard, they might have to be re-inspected just the same.

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