



U.S. Department  
of Transportation

Small Airplane Directorate  
901 Locust Street  
Kansas City, Missouri 64106

**Federal Aviation  
Administration**

July 22, 2010

Mr. Kim Hackett  
ODA Administrator, ODA-100129-CE  
Cessna Aircraft Company  
One Cessna Boulevard, P.O. Box 7704  
Wichita, Kansas 67277-7704

Dear Mr. Hackett:

This is in response to your April 7, 2010, letter (Ref.: L390-10-1190) petitioning the Federal Aviation Administration (FAA) on behalf of Cessna Aircraft Company for an extension of Exemption No. 9906. That exemption from § 23.979(b)(2) of Title 14, Code of Federal Regulations (14 CFR) permits Cessna to receive type certification approval of the Model 525C series airplanes with a non-compliant type design for the pressure refueling panel for a limited time.

In your petition, you explain the development work and subsequent production introduction cannot be feasibly accomplished within the timeframe specified in the exemption. Therefore, Cessna requests a time limit extension to February 1, 2011, for incorporation into production line requirements of a pressure refueling panel fully compliant with the requirements of § 23.979(b)(2), and until February 1, 2012, for retrofit of all fielded Model 525C series airplanes. You also state that the Model 525C operators have the option of overwing refueling and that you desire to allow operation of airplanes that are not modified in accordance with Exemption No. 9906 beyond the date for retrofit via adding the following statement to the Airplane Flight Manual (AFM):

“No person may operate the pressure refueling system of this airplane after February 1, 2012, unless the pressure refueling panel has been modified in accordance with the terms of Exemption No. 9906.”

Furthermore, you also request on Cessna’s behalf, an opportunity to discuss procedural options for pursuing a permanent grant of exemption to § 23.979(b)(2).

In your letter, you request upon Cessna’s behalf that the FAA waive the public comment period for this exemption extension request for the following reasons:

- “a) This extension does not set any regulatory precedent based on the previous grant of exemption.
- b) The FAA’s previous determination of public interest and effect on safety are no different for this extension request than for the original request. Cessna will continue to abide by the other limitations of the original exemption.
- c) Any delay in aircraft delivery to meet the terms of the original exemption will impose an adverse effect on Cessna customers and Cessna’s ability to conduct business operations. Cessna believes that this is contrary to the public interest.
- d) This petition for extension was submitted in as timely a manner as possible. As stated above, Cessna has been evaluating design options for this new system as rapidly as possible and has only recently determined that it is not feasible to accomplish all of the tasks required for this effort within the allotted timeframe.”

**The FAA's analysis is as follows:**

The FAA partially agrees with the petitioner's argument.

- Cessna requests a time limit extension to February 1, 2011, for incorporation into production line requirements of a pressure refueling panel fully compliant with the requirements of § 23.979(b)(2), and until February 1, 2012, for retrofit of all fielded model 525C series airplanes. The FAA agrees with Cessna’s exemption extension request for incorporation of a fully § 23.979(b)(2) compliant pressure refueling panel into the production line no later than February 1, 2011. The FAA also agrees with Cessna’s request to retrofit all fielded model 525C airplanes no later than February 1, 2012.
- Cessna states that the FAA’s previous determination of public interest and effect on safety is no different for this extension request than for the original exemption request. The FAA agrees with Cessna and determines the justification for the issuance of Exemption No. 9906 remains valid with respect to this exemption.
- Cessna believes that any delay in aircraft delivery to meet the original exemption terms will impose an adverse effect on its customers and business operations are contrary to the public interest. The FAA disagrees and determines it is not in the public interest to allow aircraft to operate beyond the limits of the exemption with operative pressure refueling systems with noncompliant pressure refueling panels. The FAA also disagrees with Cessna’s proposal to add a statement to the AFM prohibiting the use of the pressure refueling system until the pressure refueling panel is modified. In order to allow operation of aircraft with noncompliant pressure refueling panels beyond the limits of the exemption, the pressure refueling system would have to be configured in a manner in which it was physically impossible to use the pressure refueling system until such time as the aircraft are modified in accordance with Exemption No. 9906. In addition, the AFM would have to include the appropriate statements and commensurate placards at the refueling station, describing the inoperative pressure refueling system.
- Cessna states this extension request does not set any regulatory precedent based on the previous grant of exemption. The FAA agrees and determines good cause exists for not publishing a summary of the petition in the Federal Register. The requested exemption extension will not set a precedent, and any delay in acting on this petition would be detrimental to Cessna.

Additionally, the FAA is willing to listen to any proposals Cessna Aircraft Company has regarding procedural options for pursuing a permanent grant of exemption to § 23.979(b)(2).

**The FAA's Decision:**

In consideration of the foregoing, I find a partial grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator, Exemption No. 9906 is hereby amended by extending its August 1, 2010, termination date to February 1, 2011, unless sooner superseded or rescinded. This letter shall be attached to, and is a part of, Exemption No. 9906. For the model 525C airplanes, the exemption as extended is subject to the following conditions and limitations:

1. Cessna Aircraft Company must certify and incorporate into the production line requirements a pressure refueling panel, fully compliant with the requirements of § 23.979(b)(2), into the Model 525C airplanes no later than February 1, 2011.
2. Cessna Aircraft Company must retrofit the Model 525C airplanes delivered under the terms of the exemption with the new pressure refueling panel described in Condition 1 above no later than February 1, 2012.
3. Until the incorporation of the above Conditions 1 and 2 of this exemption are completed, Cessna Aircraft Company must display a placard at each refueling station and add to the airplane flight manual (AFM) "Limitations" section for the Model 525C airplanes the limitation prohibiting any kind of vehicle or equipment inside defined areas of fuel vent discharge during airplane refueling operations.
4. For airplanes subject to Condition 2 of this exemption, the operating limitations section of the airplane flight manual (AFM) must include the following statement:

"No person may operate this airplane after February 1, 2012, unless the pressure refueling panel has been modified in accordance with the requirements of 14 CFR § 23.979(b)(2)."

This statement may be removed from the AFM after the required modification has been made.

This exemption terminates on February 1, 2011, unless sooner superseded or rescinded.

Sincerely,

s/

Kimberly K. Smith  
Manager, Small Airplane Directorate  
Aircraft Certification Service