

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C. 20591

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In the matter of the petition of *
*
GULFSTREAM AMERICAN CORPORATION * Regulatory Docket
* No. 18933
for an exemption from Section *
23.621(c)(1)(ii) of the Federal *
Aviation Regulations *
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* * * * *

DENIAL OF EXEMPTION

By letter dated March 19, 1979, Mr. Dennis W. Coulter, Technical Liaison Engineer, Gulfstream American Corporation (formerly Grumman American Aviation Corporation), P.O. Box 2206, Savannah, Georgia 31402, petitioned for an exemption from Section 23.621(c)(1)(ii) of the Federal Aviation Regulations (FAR) to allow an alternate sampling inspection procedure for airplane control wheel and rudder pedal castings which provides for a 3 percent radiographic and magnetic particle or penetrant sampling inspection and 100 percent visual inspection after establishing a confidence level for the castings.

Section 23.621(c)(1) states:

- (1) Each critical casting must -
 - (i) Have a casting factor of not less than 1.25; and
 - (ii) Receive 100 percent inspection by visual, radiographic, and magnetic particle or penetrant inspection methods or approved equivalent nondestructive inspection methods.

The petitioner asserts that the design of these parts, with a casting factor of 2.0, and the inspection procedure it proposes to use would provide a level of safety equivalent to that which would be attained if the procedures currently required by Section 23.621(c)(1) were complied with. Granting an exemption does not require a finding of an "equivalent level of safety." If such a finding were to be made by the FAA, certification is permitted

under Section 21.21(b)(1), and an exemption is unnecessary. In this petitioner's case, the agency has concluded that an equivalent level of safety has not been shown and that it cannot permit certification involving the provisions of Section 21.21(b)(1).

The petitioner further contends that the requested exemption would be in the public interest for the following reasons:

1. A level of safety comparable to that of 100 percent radiographic inspection at a lower cost to the general public would be provided.
2. It would enable Gulfstream American to continue to be price competitive in its chosen product line, thereby improving the national economy and international balance of trade.

Neither of these contentions is supported by data submitted by the petitioner. In addition, no data is presented which would permit concluding that any segment of the public would benefit economically, nor is any data presented which would permit concluding that granting the exemption would result in improving the national economy and international balance of trade.

The petitioner states that casting technology has advanced considerably since Section 23.621 became effective and that no consideration has been given in the FAR for these advances. This unsupported allegation does not justify a grant of exemption. In this connection, however, the FAA is conducting a review of Section 23.621(c)(1)(ii) to determine whether a revision of the requirement may be justified.

In consideration of the foregoing, I do not find that granting the exemption requested by the petitioner would be in the public interest. Therefore, pursuant to the authority contained in Sections 313(a) and 601(c) of the Federal Aviation Act of 1958, delegated to me by the Administrator (14 CFR 11.53), the petition of Gulfstream American Corporation for an exemption from Section 23.621(c)(1)(ii) of the Federal Aviation Regulations to allow an alternate inspection procedure for airplane control wheel and rudder pedal castings is hereby denied.

/s/ Jerold M. Chavkin
Acting Director of
Airworthiness

Issued in Washington, D.C., on
October 6, 1981.