

Attachment 12
FAA Response Letter



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

Office of Accident Investigation

800 Independence Ave., SW
Washington, DC 20591

JUN 18 2009

Mr. Pocholo Cruz
Aviation Engineering Division, AS-40
National Transportation Safety Board
490 L'Enfant Plaza East, SW
Washington, DC 20594

Dear Mr. Cruz:

In response to your request regarding the accident involving N612AZ on August 5, 2008, in Weaverville, California, we are able to provide the following information from the Federal Aviation Administration (FAA) Office of the Chief Counsel and the Flight Standards Service.

The helicopter was owned by Carson Helicopter Services, Inc., and was under contract to the United States Forest Service at the time of the accident. Under the information available to us regarding the status of the aircraft and the persons on board, we consider the flight of N61AZ to have been a public aircraft operation at the time of the accident. While in public aircraft operation status, neither the aircraft nor the operation is generally subject to the civil aviation requirements under Title 14 Code of Federal Regulations (14 CFR) (such as part 135).

The following responses were provided by the Flight Standards Service and are based on a situation in which parts 135 and 43 apply:

NTSB Question: Is this alteration minor? Please elaborate as necessary.

FAA Response: No, FAA Form 8110-3 dated July 12, 2006 states in the Purpose of Data: "In support of a major alteration to install shoulder harnesses. The approval is design data approval only and is not installation approval." The data may then be used for submission on a FAA Form 337.

Note: for the record Advisory Circular (AC) 43.13-2B, Acceptable Methods, Techniques, and Practices – Aircraft Alterations, applies to 12,500-pound aircraft and below, and normal category Helicopters only.

NTSB Question: Is a logbook entry required for the installation and removal of seats in the helicopter?

FAA Response: Yes, installation and removal of seats is considered preventive maintenance if the aircraft has multiple approved configurations.

Title 14 CFR section 43.5, Approval for return to service after maintenance, preventive maintenance, rebuilding or alteration states:

“No person may approve for return to service any aircraft, airframe, aircraft engine, propeller, or appliance, that has undergone maintenance, preventive maintenance, rebuilding, or alteration unless – (a) The maintenance record entry required by 14 CFR section 43.9 or 43.11, as appropriate has been made.”

NTSB Question: Is a logbook entry required for the installation of the 4-point harness?

FAA Response: Yes, a supplemental type certificate (STC) or FAA Form 337 field approval is required. A maintenance record is documented in the aircraft records for the STC or FAA approved 337 forms. The seat belts must meet technical standard order (TSO) to be installed.

“Title 14 CFR section 43.9 (d) in addition to the entry required by paragraph (a) of this section, major repairs, and major alterations shall be entered on a form, and the form disposed of, in the manner prescribed in appendix B to part 43, by the person performing the work.”

NTSB Question: Carson helicopter contends that the shoulder harness installation on the seats was a minor alteration based on AC 43.13-3B, chapter 9 (Shoulder Harness Install), paragraph 903, figure 9-1. Does the FAA agree that this is a minor alteration?

FAA Response: No, AC 43.13-2B is for normal category helicopters only.

AC 43.13-2B contains methods, techniques, and practices acceptable to the Administrator for the inspection and alteration on non-pressurized areas on aircraft of 12,500 pounds gross weight or less. This data generally pertains to minor alterations; however the alteration data herein may be used as approved data for major alterations when the AC chapter, page, and paragraph are listed in block 8 of FAA Form 337 when the user has determined that it is: (1) appropriate to the product being altered, (2) directly applicable to the alteration being made, (3) and not contrary to manufactures' data.

Note: The Carson helicopter in question is a transport category helicopter with a 19,000-pound gross weight.

NTSB Question: Is there an issue with record no. SR2006-1, NC dated July 12, 2006? It does not list the accident aircraft serial number. Can the document still be used if the aircraft S/N is not listed?

FAA Response: No, This is a major alteration; the FAA Form 8110-3 data is valid for Sikorsky S-61 model N and L serial numbers as listed.


Note: the FAA Form 8110-3 approval is for Sikorsky PN S-1650-61188 seat belts that conform to FAA TSO-C221, not the installed BAE four-point harness assemblies (P/N S/1-10-Y30 401).

NTSB Question: AC 43.13-2B is used for un-pressurized aircraft of 12,500 pounds or less. The accident aircraft weighed more than 12,500 pounds. Can the DER still use the Reference?

FAA Response: Yes, the designated engineering representative's list of references appears to have used several sources of information to cover the installation of seat belts and shoulder harness. AC 43.13.2B is only used as a source of information. The applicable requirements used on Form 8110.3 cited only Civil Air Regulations Part 7 (CAR 7) including the listed amendments.

If you require additional information, please contact Ms. Kimberly Burch, Safety Analysis Branch, 202-493-4812.

Sincerely,



B. Hooper Harris
Acting Director, Office of Accident Investigation