Directorate, Aircraft Certification Service.

Acting Manager, Transport Airplane Directorate, Jeffrey E. Duven, has determined that the unsafe condition described in this (FAA) AD apply to all Model 170 airplanes that have exceeded 12,000 total flight cycles, but the requirements of this (FAA) AD apply to all Model 170 airplanes.

We have coordinated with the government of Brazil through the Bilateral Agreement for International Aeronautical Safety (BAIAS) to issue this (FAA) AD as a MCAI. If you need further information, contact Cindy Ashforth, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2768; fax 425–227–1149.

The Director of the Federal Register approved the incorporation by reference (IBR) of the following service information under 5 U.S.C. 552(a) and 1 CFR part 51:


You may obtain further information by examining the MCAI in the AD docket.

Required Service Information

EMBRAER has issued Alert Service Bulletin 170–57–A053, dated February 13, 2012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA’s Determination and Requirements of This AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Interim Action

This AD is considered interim action to address the unsafe condition. If final action is later identified, we might consider further rulemaking then.

Differences Between the AD and the MCAI or Service Information

The MCAI requires actions only for airplanes that have exceeded 12,000 total flight cycles, but the requirements of this (FAA) AD apply to all Model 170 airplanes.
For airplanes with fuel leakage but no crack, this AD, in paragraph (j)(2), requires repeating the general visual and detailed inspections. The MCAR does not require that this inspection be repeated under those conditions.

We have coordinated these differences with ANAC.

**FAA’s Determination of the Effective Date**

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because of fuel leaks caused by spar cracks, which could result in reduced structural integrity of the wing, and possible fire. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

**Comments Invited**

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA–2012–0191; Directorate Identifier 2012–NM–035–AD” at the beginning of your comments.

We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

We will post all comments we receive, without change, to http://www.regulations.gov, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. “Subtitle VII: Aviation Programs,” describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in “Subtitle VII, Part A, Subpart III, Section 44701: General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:
1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

**Adoption of the Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

| (c) Applicability |
| This AD applies to all Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170–100 LR, –100 STD, –100 SE, and –100 SU airplanes; and Model ERJ 170–200 LR, –200 SU, and –200 STD airplanes; certificated in any category.
| (d) Subject |
| Air Transport Association (ATA) of America Code 57: Wings. |
| (e) Reason |
| This AD was prompted by reports of fuel seepage at the left-hand wing, close to the rib 10 area in two airplanes. We are issuing this AD to detect and correct cracking on the wing spar II, which could result in a fuel leak, consequent reduced structural integrity of the airplane, and possible fire. |
| (f) Compliance |
| You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done. |
| (g) General Visual Inspection for Fuel Leakage |
| At the applicable time specified in paragraph (g)(1), (g)(2), or (g)(3) of this AD: Do a general visual inspection for fuel leakage on the wings, close to the rib 10 area, while both tanks are fully fueled, in accordance with Part I of the Accomplishment Instructions of EMBRAER Alert Service Bulletin 170–57–A053, dated February 13, 2012. |

Note 1 to paragraph (g) of this AD: Guidance on performing the inspection for fuel leakage can be found in Task 28–11–00–790–801–A, Wing Tank—Fueled Tank Leakage Check, of the EMBRAER 170/175 Aircraft Maintenance Manual.

1. For airplanes that have accumulated 11,999 or fewer total flight cycles as of the effective date of this AD: Inspect before the accumulation of 12,000 total flight cycles, or within 150 flight cycles after the effective date of this AD, whichever occurs later.
2. For airplanes that have accumulated more than 11,999 total flight cycles but fewer than 13,926 total flight cycles as of the effective date of this AD: Inspect within 150 flight cycles after the effective date of this AD.
3. For airplanes that have accumulated more than 13,925 total flight cycles as of the effective date of this AD: Inspect before the accumulation of 14,075 total flight cycles, or within 75 flight cycles after the effective date of this AD, whichever occurs later.

**Part 39—Airworthiness Directives**

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

§39.13 [Amended]

2. The FAA amends §39.13 by adding the following new AD:

**2012–05–08 Empresa Brasileira de Aeronautica S.A. (EMBRAER):**


(a) Effective Date

This airworthiness directive (AD) becomes effective April 4, 2012.

(b) Affected ADs

None.
[Text content]