

# Rules and Regulations

Federal Register

Vol. 88, No. 51

Thursday, March 16, 2023

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Parts 1, 2, and 3

[Docket No. APHIS–2020–0068]

RIN 0579–AE61

#### Standards for Birds Not Bred for Use in Research Under the Animal Welfare Act; Correction

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule; correction.

**SUMMARY:** The Animal and Plant Health Inspection Service is correcting a final rule that was published in the **Federal Register** on February 21, 2023. The rule established standards governing the humane handling, care, treatment, and transportation of birds, excluding birds bred for use in research, covered under the Animal Welfare Act. The final rule erroneously omitted a word from one paragraph in the amendatory text and included an inaccurate phrase in another paragraph of the amendatory text. This document corrects these errors and amends the regulations to add the appropriate wording.

**DATES:** This correction is effective March 23, 2023.

**FOR FURTHER INFORMATION CONTACT:** Dr. Cody M. Yager, DVM, MPH, Avian Specialist, Animal Care, APHIS, 4700 River Road, Unit 84, Riverdale, MD 20737; [cody.m.yager@usda.gov](mailto:cody.m.yager@usda.gov); (970) 494–7478.

**SUPPLEMENTARY INFORMATION:** On February 21, 2023, we published a final rule (88 FR 10654–10721)<sup>1</sup> that will be effective on March 23, 2023, and that established standards in 9 CFR part 3 to govern the humane handling, care, treatment, and transportation of birds,

excluding birds bred for use in research, covered under the Animal Welfare Act (AWA). We also revised the already existing AWA regulations in parts 1 and 2 as appropriate to include birds.

The amendatory instruction to the Office of the Federal Register for the revision to § 2.1 included an instruction to add two sentences to the end of paragraph (a)(3)(iii). These sentences constitute a new licensing exemption, specific to birds, with exemption thresholds based on the number and size of birds sold annually.

For reasons we explain on page 10672 in the preamble to the final rule, our intention is that the regulatory exemption threshold is to be based on the number of birds sold annually (*i.e.*, per calendar year). However, we inadvertently omitted the word “annually” in paragraph (a)(3)(iii) of the regulatory text in the four instances where we intended it to occur.

We therefore consider it necessary to add the word “annually” to § 2.1(a)(3)(iii) in four locations to indicate our intention in the regulatory text.

In addition, the amendatory instruction we provided to the Office of the Federal Register for revising § 3.161(g) included language stating that carriers and intermediate handlers must not accept unweaned birds for transport unless an attending veterinarian finds that such transportation is necessary for veterinary care. However, on page 10703 in the preamble to the final rule, we stated that we are amending proposed § 3.161(g) to indicate that carriers and intermediate handlers must not accept unweaned birds for transport unless instructions for conditions of transport to ensure the health and well-being of the birds are specified and written by the attending veterinarian, and signed within 10 days of shipment. We also stated that these instructions are intended to ensure that temperature, handling, and other conditions of transport are not detrimental to the health and well-being of the birds in accordance with the Act. Our intention is to allow unweaned birds to be accepted for transport as long as the instructions for conditions of transport ensure the health and well-being of the birds. We did not intend that veterinary care be the sole authorized reason for transporting unweaned birds.

To correct the amendatory text with the intended meaning explained in the preamble, we therefore consider it necessary to remove the words “an attending veterinarian finds that such transportation is necessary for veterinary care, and transport instructions” in § 3.161(g) and replace them with the words “transport instructions to ensure the health and well-being of the birds”.

Accordingly, this rule corrects the inadvertent omission and inaccurate phrase.

#### Corrections

In FR Doc. 2023–03357 appearing on page 10713 in the **Federal Register** of Wednesday, February 22, 2023, the following corrections are made:

##### § 2.1 [Corrected]

■ 1. On page 10713, in the first column in § 2.1, in paragraph (a)(3)(iii), “\* \* \* Also exempt from licensing is any person who sells 200 or fewer pet birds 250 grams or less, and/or sells 8 or fewer pet birds more than 250 grams, determined by average adult weight of the species, which were born and raised on his or her premises, for pets or exhibition, and is not otherwise required to obtain a license. This exemption does not extend to any person residing in a household that collectively sells more than 200 pet birds 250 grams or less, and/or sells more than 8 pet birds more than 250 grams, regardless of ownership;” is corrected to read “\* \* \* Also exempt from licensing is any person who sells 200 or fewer pet birds 250 grams or less annually, and/or sells 8 or fewer pet birds more than 250 grams annually, determined by average adult weight of the species, which were born and raised on his or her premises, for pets or exhibition, and is not otherwise required to obtain a license. This exemption does not extend to any person residing in a household that collectively sells more than 200 pet birds 250 grams or less annually, and/or sells more than 8 pet birds more than 250 grams annually, regardless of ownership;”

##### § 3.161 [Corrected]

■ 2. On page 10719, in the second column, in § 3.161, in paragraph (g), “Carriers and intermediate handlers must not accept unweaned birds for transport unless an attending

<sup>1</sup> To view the final rule, go to <http://www.regulations.gov> and enter APHIS–2020–0068 in the Search field.

veterinarian finds that such transportation is necessary for veterinary care, and transport instructions are specified and written by the attending veterinarian, and signed within 10 days of shipment.” is corrected to read “Carriers and intermediate handlers must not accept unweaned birds for transport unless transport instructions to ensure the health and well-being of the birds are specified and written by the attending veterinarian, and signed within 10 days of shipment.”

Done in Washington, DC, this 10th day of March 2023.

**Michael Watson,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2023-05372 Filed 3-15-23; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2023-0430; Project Identifier MCAI-2022-01092-R; Amendment 39-22378; AD 2023-05-09]

RIN 2120-AA64

#### **Airworthiness Directives; Airbus Helicopters Deutschland GmbH (AHD) Helicopters**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for all Airbus Helicopters Deutschland GmbH (AHD) Model EC135P3 and EC135T3 helicopters with Helionix installed, and Model MBB-BK 117 D-2 and MBB-BK 117 D-3 helicopters. This AD was prompted by multiple reports of multi-function display (MFD) failures. This AD requires revising the existing Rotorcraft Flight Manual (RFM) for your helicopter. This AD also requires repetitively inspecting the MFD, and depending on the results, installing placards and limiting the operation of the helicopter, and taking other corrective action, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD becomes effective March 31, 2023.

The Director of the Federal Register approved the incorporation by reference

of a certain publication listed in this AD as of March 31, 2023.

The FAA must receive comments on this AD by May 1, 2023.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* (202) 493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*AD Docket:* You may examine the AD docket at *regulations.gov* under Docket No. FAA-2023-0430; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is listed above.

*Material Incorporated by Reference:*

- For EASA material that is incorporated by reference in this final rule, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu*; internet *easa.europa.eu*. You may find the EASA material on the EASA website at *ad.easa.europa.eu*.

- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110. It is also available at *regulations.gov* under Docket No. FAA-2023-0430.

*Other Related Service Information:*

For Airbus Helicopters service information identified in this final rule, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or at *airbus.com/helicopters/services/technical-support.html*. You may also view this service information at the FAA contact information under *Material Incorporated by Reference* above.

**FOR FURTHER INFORMATION CONTACT:**

Kristi Bradley, Program Manager, COS Program Management Section, Operational Safety Branch, Compliance & Airworthiness Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177;

telephone (817) 222-5110; email *kristin.bradley@faa.gov*.

**SUPPLEMENTARY INFORMATION:**

#### **Background**

EASA, which is the Technical Agent for the Member States of the European Union, has issued two EASA ADs with the most recent being EASA AD 2022-0168, dated August 12, 2022 (EASA AD 2022-0168), to correct an unsafe condition for Airbus Helicopters Deutschland GmbH Model EC135 P3H, EC135 T3H, EC635 P3H, EC635 T3H, MBB-BK117 D-2, MBB-BK117 D-3, and MBB-BK117 D-3m helicopters; and Airbus Helicopters Model EC 175 B and H160-B helicopters.

EASA AD 2022-0168 superseded EASA AD 2022-0143, dated July 8, 2022 (EASA AD 2022-0143). EASA AD 2022-0143 was prompted by reports where all MFDs failed on an MBB-BK117 D-3 helicopter. An investigation determined that a deficiency in the Ethernet network management of the Integrated Modular Avionics (IMA) suite led to the failures of the MFDs. To address this unsafe condition, EASA issued EASA AD 2022-0143, which required repetitive checks (inspections) of the functional status of the IMA Ethernet network and, depending on the results, certain corrective action(s), which may include an operational limitation. This operational limitation, if required, prohibited the operation of a helicopter in Instrument Meteorological Conditions (IMC) and Night Visual Meteorological Conditions (VMC); and required installation of a placard on the instrument panel.

After EASA issued EASA AD 2022-0143, Airbus Helicopters developed an RFM emergency procedure to provide instruction, which is to be applied in case of loss of all MFD function; therefore, EASA issued superseding EASA AD 2022-0168 to retain the requirements of EASA AD 2022-0143 and also require incorporating the RFM emergency procedure. EASA AD 2022-0168 is considered to be an interim action and states that further AD action may follow.

The FAA is issuing this AD to address possible loss of MFD function which results in the unexpected loss of display of important flight parameters to the pilots, which could lead to loss of control of the helicopter. See EASA AD 2022-0168 for additional background information.

#### **Related Service Information Under 14 CFR Part 51**

EASA AD 2022-0168 requires repetitively testing several components of the IMA suite and depending on the