

Area offices, Regional offices and Field offices so that FNS compliance investigators, other appropriate FNS personnel and investigators from the Department's Office of Inspector General have access to the system in order to conduct investigations of program abuse and alleged violations;

(viii) Ensure that FNS compliance investigators and investigators from the Department's Office of Inspector General have access to EBT cards and accounts that are updated as necessary to conduct food stamp investigations.

(g) \* \* \*

(3) \* \* \*

(iii) Identify the food stamp household member's account number (the PAN) using a truncated number or a coded transaction number. \* \* \*

\* \* \* \* \*

(5) \* \* \*

(i) The State agency shall permit food stamp households to select their Personal Identification Number (PIN). PIN assignment procedures shall be permitted in accordance with industry standards as long as PIN selection is available to clients if they so desire and clients are informed of this option.

(ii) In general, the State agency shall replace EBT cards within two business days following notice by the household to the State agency that the card has been lost or stolen. In cases where the State agency is using centralized card issuance, replacement can be extended to take place within up to five calendar days. In all instances, the State agency must ensure that clients have in hand an active card and PIN with benefits available on the card, within the time frame the State agency has identified for card replacement.

\* \* \* \* \*

(10) \* \* \*

(ii) Hands-on experience in the use of the EBT equipment must be available for households that request it or demonstrate a need for that kind of training;

\* \* \* \* \*

(h) \* \* \*

(2) Authorized retailers shall not be required to pay costs essential to and directly attributable to EBT system operations as long as the equipment or services are provided by the State agency or its contractor and are utilized solely for the Food Stamp Program. In addition, if Food Stamp Program equipment is deployed under contract to the State agency, the State agency may, with USDA approval, share appropriate costs with retailers if the equipment is also utilized for commercial purposes. The State agency may choose to charge retailers

reasonable fees in the following circumstances:

(i) Cost for the replacement of lost, stolen or damaged equipment;

(ii) The cost of materials and supplies for POS terminals not provided by the State agency;

(iii) Telecommunication costs for all non-EBT use by retailers when lines are provided by the State agency. In addition, State agencies may remove phone lines from retailers in instances where there is significant misuse of the lines.

\* \* \* \* \*

(4) \* \* \*

(ii) \* \* \*

(D) \* \* \* State agencies may provide retailers with additional terminals above the minimum number required by this paragraph at customer service booths or other locations if appropriate.

\* \* \* \* \*

(i) \* \* \*

(6) \* \* \*

(i) \* \* \*

(B) The abbreviated statement of nondiscrimination, which reads as follows: "The USDA is an equal opportunity provider and employer." In lieu of printing the required information on the EBT card, the State agency shall provide each household a card jacket or sleeve containing the nondiscrimination statement.

\* \* \* \* \*

(j) \* \* \*

(1) \* \* \*

(iii) Initiating and accepting reimbursement from the appropriate U.S. Treasury account through the Automated Standard Application for Payment (ASAP) system or other payment process approved by FNS. At the option of FNS, the State agency may designate another entity as the initiator of reimbursement for food stamp redemptions provided the entity is acceptable to FNS and U.S. Treasury.

\* \* \* \* \*

(k) \* \* \*

(2) \* \* \*

(ii) Retailer transaction data submitted to FNS on a monthly basis. This data must be submitted in the specified format in accordance with the required schedule.

(iii) Data detailing by specified category the amount of food stamp benefits issued or returned through the EBT system. Data shall be provided in a format and mechanism specified by FNS to the FNS Account Management Agent as the benefits become available to recipients. This data will be used to increase or decrease the food stamp EBT benefit funding authorization for the State's ASAP account.

\* \* \* \* \*

(n) *Store-and-Forward*. As an alternative to manual transactions:

(1) State agencies may opt to allow retailers, at the retailer's own choice and liability, to perform store-and-forward transactions when the EBT system cannot be accessed for any reason. The retailer would be able to forward the transaction to the host one time within 24 hours of when the system again becomes available. Should the 24-hour window cross into the beginning of a new benefit issuance period, retailers may draw against all available benefits in the account.

(2) State agencies may also opt, in instances where there are insufficient funds to authorize an otherwise approvable store-and-forward transaction, to allow the retailer to collect the balance remaining in the client's account, in accordance with the requirements detailed in this section. In States that elect not to give retailers this option, all store-and-forward transactions with insufficient funds will be denied in full.

(i) State Agencies may elect to allow store and forward to provide remaining balances to retailers as follows:

(A) The EBT processor may provide partial approval of the store-and-forward transaction, crediting the retailer with the balance remaining in the account through a one-step process;

(B) The transaction should be in accordance with the standard message format requirements for store and forward; and

(C) Re-presentation, as described in paragraph (m) of this section, to obtain the uncollected balance from current or future months' benefits shall not be allowed for store-and-forward transactions.

\* \* \* \* \*

Dated: February 5, 2005.

**Eric M. Bost,**

*Under Secretary for Food, Nutrition and Consumer Services.*

[FR Doc. 05-7252 Filed 4-8-05; 8:45 am]

BILLING CODE 3410-30-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM266; Special Conditions No. 25-255A-SC]

#### Special Conditions: Airbus Model A320 Airplanes; Child Restraint System

AGENCY: Federal Aviation Administration (FAA), DOT.

**ACTION:** Amended final special conditions; request for comments.

**SUMMARY:** These amended special conditions are for Airbus Model A320 airplanes. These airplanes, as modified by AMSAFE Inc., will have the novel and unusual design feature of a child restraint system that attaches to the existing passenger lap belt. Special Conditions No. 25-255-SC were issued for this novel and unusual design feature on December 8, 2003. These special conditions contained dynamic test requirements. AMSAFE subsequently applied to amend those special conditions so that the requirements would be applicable to and appropriate for the certification basis of the Airbus A320 airplane. The A320 type certification basis requires only static testing for seats. The applicable airworthiness regulations, including those contained in Special Conditions No. 25-255-SC, do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the appropriate (*i.e.*, static testing) safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards for the A320 airplanes.

**DATES:** The effective date of these special conditions is March 31, 2005.

Comments must be received on or before May 26, 2005.

**FOR FURTHER INFORMATION CONTACT:** Alan Sinclair, FAA, Airframe and Cabin Safety Branch, ANM-115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055-4056; telephone (425) 227-2195; facsimile (425) 227-1149, e-mail [alan.sinclair@faa.gov](mailto:alan.sinclair@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

The FAA has determined that notice and opportunity for prior public comment is impracticable because these special conditions have been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance; however, we invite interested persons to participate in this rulemaking by submitting written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. We ask that

you send us two copies of written comments.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning these special conditions. The docket is available for public inspection before and after the comment closing date. If you wish to review the docket in person, go to the address in the **ADDRESSES** section of this preamble between 7:30 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions in light of the comments received.

If you want the FAA to acknowledge receipt of your comments on these special conditions, include with your comments a pre-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it back to you.

##### **Background**

On February 12, 2003, AMSAFE Inc., P.O. Box 1570, Higley, Arizona 85236, applied for a supplemental type certificate for the modification of Airbus Model A320 airplanes. The modification includes a child restraint system (identified by AMSAFE as a child safety system (CSS)) that wraps horizontally around the seat back and attaches to the existing passenger lap belt. It can be installed on certain seats of Airbus Model A320 airplanes in order to reduce potential for injury in the event of an accident. The Model A320 is a swept-wing, conventional tail, twin-engine, turbofan-powered transport airplane.

Because the existing airworthiness standards of 14 CFR part 25 do not address CSS, the FAA developed special conditions to address this design feature. Special Conditions No. 25-255-SC were issued to AMSAFE Inc. on December 8, 2003, and published in the **Federal Register** on December 17, 2003 (66 FR 70133).

##### **Type Certification Basis**

Under the provisions of § 21.101, AMSAFE Inc. must show that the Airbus Model A320 airplanes, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. A28NM, or the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type

certification basis." The regulations incorporated by reference in Type Certificate No. A28NM are as follows: 14 CFR part 25, effective February 1, 1965, including Amendments 25-1 through 25-56; SFAR 27, effective February 1, 1974, including Amendments 27-1 through 27-5; and 14 CFR part 36 effective December 1, 1969, including Amendments 36-1 through 36-12. In addition, the certification basis includes other regulations and special conditions that are not pertinent to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, 14 CFR part 25) do not contain adequate or appropriate safety standards for the Airbus Model A320 airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Airbus Model A320 airplanes must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

Special conditions, as defined in § 11.19, are issued in accordance with § 11.38 and become part of the type certification basis in accordance with § 21.101.

Special conditions are initially applicable to the model for which they are issued. Should AMSAFE Inc. apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same or similar novel or unusual design feature, the special conditions would also apply to the other model under the provisions of § 21.101.

##### **Novel or Unusual Design Features**

The AMSAFE Inc., Child Safety System (CSS) is an improved harness type child restraint system (CRS) that utilizes the seat back and the lap belt on passenger seats to provide upper torso restraint and to improve the restraint of small children. The physical characteristics of small children will govern the use of the CSS and must be defined according to accepted classification standards. The device is intended for children in the 1- to 4-year age group who are prohibited from being held in their parents' arms during taxi, take-off, and landing and must occupy their own passenger seat, typically with no supplemental restraint. The CSS is made with webbing and fastening hardware and consists of an adjustable strap that

wraps horizontally around the seat back to secure the device to the passenger seat, and a double shoulder harness that is fastened around the child's upper torso. The ends of the device's shoulder harness are held in place using the existing passenger lap belt that is passed through two open loops on the lower ends of the device's shoulder straps. The current part 25 airworthiness regulations are not adequate to define the necessary certification criteria.

### Discussion

The CSS is a non-conforming GRS that is not approved for use on aircraft per Federal Motor Vehicle Safety Standard (FMVSS) 213 and as such the design requirements are established in these special conditions. It is a safety restraint device specifically designed for use by small children on aircraft.

The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this particular design feature. Additional safety standards are therefore necessary to establish a level of safety equivalent to that established in the regulations.

As discussed earlier, the applicable airworthiness standards for the Airbus Model A-320 are part 25, Amendments 25-1 through 25-56. The requirement for dynamic seat testing (§ 25.562) was adopted in Amendment 25-64 and is not included in the certification basis for this airplane. Nevertheless, at the applicant's request, dynamic testing requirements were included in the original special conditions. However, the seats on which the CSS are to be installed are not currently required to be dynamically tested and in most cases would not pass this test. Since the CSS would not improve the performance of the seats themselves, requiring this test for the CSS would serve no useful purpose. Therefore, we are revising Special Condition No. 1 to remove the requirement for dynamic testing.

Original Special Condition No. 9 contained a related requirement to show that the CSS would not cause the occupant's passenger seat back to fold over during a crash situation. But the seat itself is not required to meet this condition, even without the CSS installed. Therefore, this requirement is also inappropriate, and we are rescinding original Special Condition No. 9.

Additionally, the operating regulations, 14 CFR 91.107 and 121.311, prohibit the use of any "vest-type child restraints, and harness-type child restraints" for commercial and private use operations. In order for the CSS, which is a harness-type child restraint, to be useable in the U.S., AMSAFE Inc.,

or their agent, must petition the FAA for an exemption from the operating regulations. The petition must be granted in order to allow use of the CSS.

The following special conditions can be characterized as addressing the safety performance of the system and the capability of the system to be installed and utilized without creating additional safety concerns. Because of the nature of the system and the direct interface with the crew and passengers, as well as the intended occupants, these special conditions are more rigorous from a design standpoint than the standard lapbelt installation.

### Applicability

As discussed above, these special conditions are applicable to the Airbus Model A320 airplanes modified by AMSAFE Inc. Should AMSAFE Inc. apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A28NM to incorporate the same or similar novel or unusual design feature, these special conditions would apply to that model as well under the provisions of § 21.101.

### Comments Invited

The substance of these special conditions, in similar form, has been previously subjected to public comment and all of the four comments from the single commenter have been fully considered and addressed. It is unlikely that prior public comment would result in a significant change from the substance contained herein. For this reason, the FAA finds that good cause exists for making these special conditions effective upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

### Conclusion

This action affects only certain novel or unusual design features on Airbus Model A320 airplanes. It is not a rule of general applicability, and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

### List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

### Authority Citation

■ The authority citation for these special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

### The Amended Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Airbus Model A320 airplanes modified by AMSAFE Inc.

1. The child safety system (CSS), when used in conjunction with a standard two-point lap belt system, must provide upper and lower torso restraint for the range of occupant sizes for which the system is designed in accordance with sections 2.3 and 2.4 of the Society of Automotive Engineers Aerospace Standard 5276/1.

2. Means must be provided to prevent the use of the CSS with children who are outside the range of statures that the system was designed and tested for. The range of statures for which the CSS is approved must be clearly labeled on the device (*i.e.*, weight and height).

3. There must be obvious, clear, and concise instructions readily available to the flight and cabin crew as to the proper installation and use of the CSS system.

4. The design of the CSS must prevent it from being incorrectly buckled and/or incorrectly installed such that the CSS would not properly perform its intended function.

5. The strength of the CSS assembly shall be demonstrated by static test. The assembly shall not fail when a 1500 lbs. load is applied to the device in accordance with the static test requirements of SAE AS 8043, "Torso Restraint Systems," March 1986, Section 6, Requirements for Assembly Performance.

6. The CSS must not impede rapid egress of the occupant using the CSS and must not impede the rapid egress of the occupants seated in the same row.

7. Means must be provided to prohibit the installation and use of the CSS in the following seats and seat locations:

- Emergency exit rows
- Behind any wall or seat back that has an inflatable airbag
- Any passenger seat that has an inflatable restraint system
- Side-facing seats
- It must be shown that the performance of the CSS will not be degraded by tray tables, phones, or other devices installed in the seat back.

9. Passenger seats approved for installation of the CSS must be clearly identified to the installer by aircraft and seat model number.

10. Since 14 CFR 91.107 and 14 CFR 121.311 currently prohibit the use of any "vest-type child restraints, and harness-type child restraints" in commercial and private use operations,

it is incumbent upon an operator who wishes to use the CSS to petition FAA Flight Standards for exemption from these two regulations. The exemption must be granted in order for the system to be used by a U.S. operator.

Issued in Renton, Washington, on March 31, 2005.

**Kalene C. Yanamura,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 05-7195 Filed 4-8-05; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-NE-09-AD; Amendment 39-14052; AD 2005-07-27]

RIN 2120-AA64

#### Airworthiness Directives; Aviointeriors S.p.A. Series 312 Seats

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is superseding an existing airworthiness directive (AD), that is applicable to Aviointeriors S.p.A. (formerly ALVEN), series 312 seats. That AD requires initial and repetitive inspections of the seat central crossmember for cracks, and if necessary, replacing the crossmember with a new crossmember. This ad requires the same actions and adds other crossmember part numbers for inspection. In addition, this AD replaces the original design crossmembers with reinforced design crossmembers as optional terminating actions to the repetitive inspections. This AD results from reports of 88 cracked seat central crossmembers and 60 aisle side crossmembers, to date; and, from the introduction of reinforced optional seat crossmembers by the manufacturer. We are issuing this AD to prevent the loss of the structural integrity of the seat due to cracks in seat crossmembers, which could lead to passenger injury.

**DATES:** This AD becomes effective May 16, 2005. The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of May 16, 2005.

**ADDRESSES:** Contact Aviointeriors S.p.A., Via Appia Km. 66.4-04013 Latina, Italy; telephone: 39-0773-6891; fax: 39-0773-631546, for the service information identified in this AD.

You may examine the AD docket at the FAA, New England Region, Office of

the Regional Counsel, 12 New England Executive Park, Burlington, MA. You may examine the service information, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey Lee, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone: 781-238-7161; fax: 781-238-7170.

**SUPPLEMENTARY INFORMATION:** The FAA proposed to amend 14 CFR Part 39 with a proposed AD. The proposed AD applies to Aviointeriors S.p.A. (formerly ALVEN), series 312 seats. We published the proposed AD in the **Federal Register** on May 20, 2004 (69 FR 29109). That action proposed to require initial and repetitive inspections of seat central and aisle side crossmembers for cracks, and if necessary, replacing the crossmember with a new crossmember. That action also proposed to introduce replacing the original design crossmember with a reinforced crossmember as an optional terminating action to the repetitive inspections.

#### Examining the AD Docket

You may examine the AD Docket (including any comments and service information), by appointment, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. See **ADDRESSES** for the location.

#### Comments

We provided the public the opportunity to participate in the development of this AD. We received no comments on the proposal or on the determination of the cost to the public.

#### Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

#### Costs of Compliance

There are about 1,020 Aviointeriors S.p.A. (formerly ALVEN) series 312 seats installed on airplanes of U.S. registry that would be affected by this AD. We estimate that it would take about 0.5 work hours per seat to perform the inspections, and about one work hour per seat to perform the replacement of a crossmember. The average labor rate is \$65 per work hour. Required parts will cost about \$650.50 per seat. Based on these figures, we estimate the total cost of one inspection and total parts replacement to U.S. operators to be \$729,810.

#### 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 have 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 DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
- (3) 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 summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES**. Include "AD Docket No. 2000-NE-09-AD" in your request.

#### 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 Federal Aviation Administration amends 14 CFR part 39 as follows: