

18. Subsection 970.3001-1 is revised to read as follows:

970.3001-1 Applicability.

The provisions of (FAR) 48 CFR part 30 and (FAR Appendix B) 48 CFR 9904.414 shall be followed for management and operating contracts.

19. Subsection 970.3001-2 is revised to read as follows:

970.3001-2 Limitations.

Cost of money as an element of the cost of facilities capital (CAS 414) and as an element of the cost of capital assets under construction (CAS 417) is not recognized as an allowable cost under contracts subject to 48 CFR part 970 (See 970.3102-3).

20. Subsection 970.3102-17 is amended by revising paragraph (c)(2)(i) and by adding paragraph (c)(6) to read as follows:

970.3102-17 Travel costs.

* * * * *

(c) * * *

(2) * * *

(i) Federal Travel Regulation prescribed by the General Services Administration, for travel in the conterminous 48 United States.

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(6)(i) The maximum per diem rates referenced in paragraph (c)(2) of this section generally would not constitute a reasonable daily charge:

(A) When no lodging costs are incurred; and/or

(B) On partial travel days (e.g., same day of departure and return).

(ii) Appropriate downward adjustments from the maximum per diem rates would normally be required under these circumstances. While these adjustments need not be calculated pursuant to the Federal Travel Regulation, Joint Travel Regulations, or Standardized Regulations, they must result in a reasonable charge.

21. Subsection 970.7104-33 is revised to read as follows:

970.7104-33 Cost Accounting Standards.

The provisions of (FAR) 48 CFR 30 and (FAR Appendix B) 48 CFR 9904.414 shall apply to purchases by management and operating contractors.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 1-21, Notice 13]

RIN 2127-AE99

Federal Motor Vehicle Safety Standards Theft Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule makes a temporary change in the requirement of Standard No. 114, *Theft Prevention*, that vehicles with automatic transmissions be equipped with a transmission lock that prevents key removal unless the transmission is locked in park or becomes locked in park as a direct result of removing the key. The purpose of this requirement is to prevent rollaway crashes caused by unattended children pulling the transmission lever out of park. Due to apparent confusion concerning the scope of the requirement and the effect of that confusion on transmission designs, the requirement will be changed until September 1, 1996. Until that time, the transmission lock will only be required to prevent key removal when the transmission is fully engaged in a detent position other than park (e.g., reverse, neutral, drive). After that date, the requirements will revert to their previous form, prohibiting key removal in all positions other than park.

This rule also corrects, by technical amendment, an error in the language of the provision that permits transmission lock override devices to facilitate towing disabled vehicles. The existing language inadvertently requires steering lock-up even for vehicles whose override devices are operated by the vehicle key. Requiring steering column lock-up on automatic transmission locks with a key operated override device would not provide added protection against theft since the key that would operate the device would also unlock the steering. The technical amendment excludes these vehicles from the steering lock-up requirement.

DATES: This rule is effective July 7, 1995. Petitions for reconsideration of this rule must be received no later than July 7, 1995.

ADDRESSES: Petitions for reconsideration should refer to the docket number and notice number and be submitted in writing to: Administrator, National

Highway Traffic Safety Administration, Room 5220, 400 Seventh Street, SW., Washington DC, 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Jere Medlin, Office of Vehicle Safety Standards, NRM-15, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC, 20590. Telephone: (202) 366-5276.

SUPPLEMENTARY INFORMATION:

The Mazda Petition

Background

On May 30, 1990, NHTSA amended Federal Motor Vehicle Safety Standard No. 114, *Theft Protection*, to protect against injuries to children caused by the rollaway of unattended automatic transmission vehicles in which children were able to shift the transmission. 55 FR 21868. The amendment required automatic transmission vehicles with a "park" position to have a key-locking system that prevents removal of the key unless the transmission is locked in "park" or becomes locked in "park" as the direct result of removing the key. The amendment was intended to ensure that the automatic transmissions of unattended parked vehicles cannot be shifted by a child. The amendment became effective on September 1, 1992.

On June 21, 1990, NHTSA denied a petition for rulemaking from Mr. W. A. Barr. Mr. Barr had requested that the agency amend the standard to require manufacturers to design transmissions that assure that the parking pawl (a "tooth" that fits into a transmission gear to prevent it from turning) engages when the driver puts the shift lever in park. He believed that transmission designs of Ford and other manufacturers generate a "back pressure" on the shift lever that pushes the lever out of park and toward reverse. To counter that force, the driver has to pull the shift lever "sideways" into a slot to assure that the lever does not spontaneously move out of park and into reverse. Mr. Barr considered these designs defective because they place the responsibility for assuring that the shift lever is "locked" in park on the driver. He referred to the situation in which the driver does not properly place the shift lever in park as "mispositioning."

In its denial of Mr. Barr's petition, NHTSA stated "[w]ithout data suggesting current Federal motor vehicle safety standards are allowing or not addressing an unreasonable safety risk, the agency will not commence [rulemaking]." The agency also stated "the agency's review of available data on incidents of inadvertent vehicle movement indicated that the potential for this problem is relatively small." In