

X. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), provides that where a “consumer product safety standard under [the Consumer Product Safety Act (CPSA)]” is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a requirement dealing with the same risk of injury, unless the state requirement is identical to the federal standard. Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to the Commission for an exemption from this preemption under certain circumstances.

Section 104(b)(1)(B) of the CPSIA refers to the rules to be issued under that section as “consumer product safety standards,” thus, implying that the preemptive effect of section 26(a) of the CPSA would apply. Therefore, a rule issued under section 104 of the CPSIA will invoke the preemptive effect of section 26(a) of the CPSA when it becomes effective.

XI. Effective Date

Under the procedure set forth in section 104(b)(4)(B) of the CPSIA, when a voluntary standard organization revises a standard upon which a consumer product safety standard issued under section 104(b) of the CPSIA was based, the revision becomes the CPSC standard within 180 days of notification to the Commission, unless the Commission determines that the revision does not improve the safety of the product, or the Commission sets a later date in the **Federal Register**. The Commission has not set a different effective date. Thus, in accordance with this provision, this rule takes effect 180 days after we received notification from ASTM of revisions to these standards. As discussed in the preceding section, this is a direct final rule. Unless we receive a significant adverse comment within 30 days, the rule will become effective on January 15, 2019.

List of Subjects in 16 CFR Part 1234

Consumer protection, Imports, Incorporation by reference, Infants and children, Labeling, Law enforcement, bath tub, and Toys.

For the reasons stated above, the Commission amends Title 16 CFR chapter II as follows:

PART 1234—SAFETY STANDARD FOR INFANT BATH TUBS

■ 1. The authority citation for part 1234 continues to read as follows:

Authority: The Consumer Product Safety Improvement Act of 2008, Pub. L. 110–314, § 104, 122 Stat. 3016 (August 14, 2008); Pub. L. 112–28, 125 Stat. 273 (August 12, 2011).

■ 2. Revise § 1234.2 to read as follows:

§ 1234.2 Requirements for infant bath tubs.

Each infant bath tub must comply with all applicable provisions of ASTM F2670–18, Standard Consumer Safety Specification for Infant Bath Tubs, approved on March 1, 2018. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from ASTM International, 100 Bar Harbor Drive, P.O. Box 0700, West Conshohocken, PA 19428; <http://www.astm.org/>. You may inspect a copy at the Division of the Secretariat, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: http://www.archives.gov/federal_register/cfr/ibr_locations.html.

Alberta E. Mills,
Secretary, Consumer Product Safety Commission.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0940]

Drawbridge Operation Regulation; Steamboat Slough (Snohomish River), Marysville, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Burlington Northern Santa Fe Railway Company (BNSF) Railroad Bridge (BNSF Bridge 37.0) across Steamboat Slough (Snohomish River), mile 1.0 near Marysville, WA. The deviation is necessary to accommodate scheduled replacement of bridge ties across the swing span replacement. The deviation allows the bridge to remain in the closed-to-navigation position during the maintenance to allow safe movement of work crews.

DATES: This deviation is effective from 11 a.m. on November 26, 2018 to 3 p.m. on December 14, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0940 is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Steven M. Fischer, the Bridge Administrator, Coast Guard Thirteenth District; telephone 206–220–7282 email d13-pf-d13bridges@uscg.mil.

SUPPLEMENTARY INFORMATION: BNSF has requested a temporary deviation from the operating schedule for the BNSF Bridge 37.0, mile 1.0, crossing Steamboat Slough (Snohomish River), near Marysville, WA. BNSF requested for BNSF Bridge 37.0 be allowed to remain in the closed-to-navigation position for swing span maintenance. This maintenance will improve the reliability of the bridge for marine openings. The normal operating schedule for the subject bridge is in 33 CFR 117.1059. BNSF Bridge 37.0 is a swing bridge and provides 8 feet of vertical clearance above mean high water elevation while in the closed-to-navigation position.

This deviation allows the BNSF Bridge 37.0 to remain in the closed-to-navigation position, and need not open for maritime traffic from 11 a.m. on November 26, 2018 to 3 p.m. on December 14, 2018 per the table below:

From time/date	To time/date	Span position
11 a.m./Nov 26, 2018	3 p.m./Nov 30, 2018	Closed.
11 a.m./Dec 3, 2018	3 p.m./Dec 7, 2018	Closed.
11 a.m./Dec 10, 2018	3 p.m./Dec 14, 2018	Closed.

The bridge shall operate in accordance to 33 CFR 117.1059 at all other times. Vessels able to pass through the subject bridge in the closed-to-navigation position may do so at any time. The bridge will be required to open, if needed, for vessels engaged in emergency response operations during this closure period.

Waterway usage on this part of the Snohomish River and Steamboat Slough includes tug and barge to small pleasure craft. The BNSF Bridge 37.0 receives an average number of three opening request during this time of year. BNSF has coordinated with Steamboat Slough users that frequently request bridge openings during this time of year. No immediate alternate route for vessels to pass is available on this part of the river. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridges must return to their regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: October 16, 2018.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2018-23028 Filed 10-22-18; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2018-0906]

Drawbridge Operation Regulation; Bonfouca Bayou, Slidell, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the State Route 433 Bridge across Bonfouca Bayou, mile 7.0, at Slidell, St. Tammany Parish, Louisiana. This deviation is necessary to perform maintenance. This deviation allows the bridge to remain in the closed-to-navigation position during nighttime hours for approximately 42 days.

DATES: This deviation is effective from 6 p.m. on October 27, 2018, through 6 a.m. on December 7, 2018.

ADDRESSES: The docket for this deviation, USCG-2018-0906 is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Ms. Giselle T. MacDonald, Bridge Administration Branch, Coast Guard, telephone (504) 671-2128, email Giselle.T.MacDonald@uscg.mil.

SUPPLEMENTARY INFORMATION: The Louisiana Department of Transportation and Development (LADOTD) requested a temporary deviation from the operating schedule of the State Route 433 Bridge across Bonfouca Bayou, mile 7.0, at Slidell, St. Tammany Parish, Louisiana. This deviation is necessary to accommodate the removal and replacement of the open grid steel deck on the movable section of the swing bridge, which will take place seven days a week during nighttime hours. The vertical clearance of the bridge is 8 feet above mean high water (MHW) in the closed-to-navigation position and unlimited in the open-to-navigation position. There is 125 feet of fender to fender horizontal clearance. The bridge currently operates under 33 CFR 117.433.

This deviation is effective from 6 p.m. on Saturday, October 27, 2018, through 6 a.m. on Friday, December 7, 2018. During the deviation period, the bridge will be closed-to-navigation from 6 p.m. to 6 a.m., Monday through Friday, and from 6 p.m. to 9 a.m. on Saturday and Sunday, including holidays. At all other times, the bridge will operate in accordance with 33 CFR 117.433.

During the nighttime repair periods when the bridge is in the closed-to-navigation position, vessels will not be allowed to pass through the bridge and the bridge will not be able to open for emergencies. Navigation on the waterway consists mainly of recreational craft, with some tugs with tows. There is no alternative route. The Coast Guard will inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35, the drawbridge must return to its regular operating schedule immediately at the

end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: October 16, 2018.

Douglas A. Blakemore,

Bridge Administrator, U.S. Coast Guard Eighth District.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2018-0950]

Drawbridge Operation Regulation; Hood Canal, Port Gamble, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Washington State pontoon highway bridge (Hood Canal Bridge) across Hood Canal, mile 5.0, near Port Gamble, WA. The deviation is necessary to accommodate replacement newly discovered draw span operating equipment while installing upgrades. This deviation allows the bridge to open the half the draw, 300 feet, after receiving at least a four hour notice.

DATES: This deviation is effective without actual notice from October 23, 2018 to 11:59 p.m. on November 16, 2019. For purposes of enforcement, actual notice will be used from 6 p.m. on October 13, 2018, to October 23, 2018.

ADDRESSES: The docket for this deviation, USCG-2018-0950 is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206-220-7282, email d13-pf-d13bridges@uscg.mil.

SUPPLEMENTARY INFORMATION: The Washington Department of Transportation (WSDOT), the bridge owner, has requested a temporary deviation from the operating schedule of the Hood Canal Bridge. This deviation will allow the subject bridge to open