

Bureau of Labor Statistics, "Employer Costs for Employee Compensation," September 2011, Table 9, total compensation for all sales and office workers in goods-producing private industries: <http://www.bls.gov/ncs/>. Therefore, the estimated annual cost associated with the proposed requirements is \$1,418 (\$28.36 per hour × 50 hours = \$1,418).

We have applied to OMB for a control number for this information collection, and we will publish a notice in the **Federal Register** providing the number when we receive approval from OMB.

#### K. Preemption

Section 26(a) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2075(a), provides that where a consumer product safety standard 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) of the CPSA refers to the rules to be issued under that section as "consumer product safety rules," thus implying that the preemptive effect of section 26(a) of the CPSA would apply. Therefore, a rule issued under section 104 of the CPSA will invoke the preemptive effect of section 26(a) of the CPSA when the rule becomes effective.

#### L. Environmental Considerations

The Commission's regulations provide a categorical exclusion for the Commission's rules from any requirement to prepare an environmental assessment or an environmental impact statement because they "have little or no potential for affecting the human environment." 16 CFR 1021.5(c)(2). This final rule falls within the categorical exclusion, so no environmental assessment or environmental impact statement is required.

#### List of Subjects in 16 CFR Part 1223

Consumer protection, Imports, Incorporation by reference, Infants and children, Labeling, Law enforcement, Safety and toys.

■ Therefore, the Commission amends Title 16 of the Code of Federal Regulations by adding part 1223 to Chapter II to read as follows:

### PART 1223—SAFETY STANDARD FOR INFANT SWINGS

Sec.

1223.1 Scope.

1223.2 Requirements for Infant Swings.

**Authority:** The Consumer Product Safety Improvement Act of 2008, Pub. L. 110-314, Sec. 104, 122 Stat. 3016 (August 14, 2008).

#### § 1223.1 Scope.

This part establishes a consumer product safety standard for infant swings.

#### § 1223.2 Requirements for infant swings.

(a) Except as provided in paragraph (b) of this section, each infant swing must comply with all applicable provisions of ASTM F2088—12a, Standard Consumer Safety Specification for Infant Swings, approved on September 1, 2012. 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 Office of the Secretary, 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/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(b)(1) Instead of complying with section 8.3.1 of ASTM F2088—12a, comply with the following:

(i) 8.3.1 The warning statements shall address the following at a minimum:

(ii) 8.3.1.1 Products having an adjustable seat recline with a maximum seatback angle greater than 50 degrees from horizontal measured in accordance with 7.13 shall address the following:

Keep swing seat fully reclined until child is at least 4 months old AND can hold up head without help. Young infants have limited head and neck control. If seat is too upright, infant's head can drop forward, compress the airway, and result in DEATH.

(iii) 8.3.1.2 To prevent serious injury or death from infants falling or being strangled in straps:

(A) Always secure infant in the restraint system provided.

(B) Never leave infant unattended in swing.

(C) Discontinue use of swing when infant attempts to climb out.

(D) Travel swings (see 3.1.11) shall address the following:

Always place swing on floor. Never use on any elevated surface.

(2) Instead of complying with section 7.12.2 of ASTM F2088—12a, comply with the following:

(i) 7.12.2 Place the back of the swing in the most upright position. Remove positioning accessories, including pillows. Position the segments of the restraint system to limit interaction with the Hinged Weight Gage—Infant (see Fig. 10) when placed in the seat. Place the Hinged Weight Gage—Infant with the hinge located at the junction of the swing back and seat bottom (see Fig. 8). Determine if the lowest point of the toy positioned over the occupant is within 25.25 in. (641.5 mm) of the top surface of the Lower Plate (see Fig. 10)—throughout the swing seat's range of motion. Proceed to 7.12.3 if the distance is 25.25 in. (641.5 mm) or less. The toy is considered out of reach and not tested to 7.12.3 if the distance is greater than 25.25 in. (641.5 mm).

(ii) [Reserved]

Dated: November 1, 2012.

**Todd A. Stevenson,**

*Secretary, Consumer Product Safety Commission.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 100

[Docket No. USCG-2012-0946]

#### Special Local Regulation; Southern California Annual Marine Events for the San Diego Captain of the Port Zone

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of enforcement of regulation.

**SUMMARY:** The Coast Guard will enforce the Special Local Regulations in 33 CFR 100.1101 from 7 a.m. to 11:30 a.m. on November 11, 2012 on Mission Bay, CA in support of the San Diego Fall Classic. This action is necessary to restrict vessel movement and provide for the safety of the participants, crew, spectators, sponsor vessels of the race, and general users of the waterway. During the enforcement period, persons and vessels are prohibited from entering into, transiting through, or anchoring within this designated race area unless authorized by the Captain of the Port, or his designated representative.

**DATES:** The regulations in 33 CFR 100.1101 will be enforced on November 11, 2012 from 7 a.m. until 11:30 a.m.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call or email Petty Officer Bryan Gollogly, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278-7656, email *D11-PF-MarineEventsSanDiego@uscg.mil*.

**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce the special local regulations in 33 CFR 100.1101 on November 11, 2012 from 7 a.m. to 11:30 a.m. in support of the annual San Diego Fall Classic (Item 1 on Table 1 of 33 CFR 100.1101). The Coast Guard will enforce the special local regulations on the navigable waters of Mission Bay from Fiesta Island and along the southern and western shore of Vacation Isle. The event will consist of approximately 100 participants in rowing shells ranging from 26 to 55 feet in length. Each race will consist of heats of approximately six to eight rowing shells. The sponsor will provide seven to nine safety perimeter vessels to patrol the racecourse.

Under the provisions of 33 CFR 100.1101, persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This notice is issued under authority of 33 CFR 100.1101 and 5 U.S.C. 552(a). In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with extensive advance notification of this enforcement period via the Local Notice to Mariners, state, or local agencies.

Dated: October 18, 2012.

**S.M. Mahoney,**

*Captain of the Port San Diego, United States Coast Guard.*

[FR Doc. 2012-27252 Filed 11-6-12; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2012-0978]

#### Drawbridge Operation Regulation; Columbia River, Vancouver, 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 Murray Morgan Bridge, also known as the South 11th Street Bridge, across the Thea Foss Waterway, mile 0.6, previously known as City Waterway, at Tacoma, WA. This deviation is necessary to perform extensive maintenance and repair work on the bridge as part a major bridge rehabilitation project. This deviation allows the bridge to remain in the closed position during construction activities.

**DATES:** This deviation is effective from 8 a.m. on November 10, 2012 through 8 p.m. December 21, 2012.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of docket USCG-2012-0978 and are available online by going to <http://www.regulations.gov>, inserting USCG-2012-0978 in the "Keyword" box and then clicking "Search". They are also available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email the Bridge Administrator, Coast Guard Thirteenth District; telephone 206-220-7282 email *randall.d.overton@uscg.mil*. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

**SUPPLEMENTARY INFORMATION:** The City of Tacoma has requested to place the Murray Morgan Bridge (South 11th Street Bridge) in the closed or down position and to not open the bridge for vessel traffic to facilitate a major rehabilitation project on the bridge. The Murray Morgan Bridge crosses Thea Foss Waterway (previously known as City Waterway) at mile 0.6, at Tacoma, WA. The Murray Morgan Bridge is a vertical lift bridge. During this deviation the bridge will be placed in the closed or down position. There will be a debris containment system attached to the underside of the bridge for the duration of construction activities. A minimum vertical clearance of 57 feet above mean high water will be provided beneath the bridge and the attached debris containment system, at all times during the deviation period. Vessels which do not require a bridge opening may

continue to transit beneath the bridge during this closure period. Under normal operations the bridge operates under 33 CFR 117.1063 which requires a two hour notice for an opening and allows the bridge to remain closed during morning and afternoon rush hours. This current deviation states the lift span of the Murray Morgan Bridge across Thea Foss Waterway, mile 0.6, need not open from 8 a.m. on November 10, 2012 through 8 p.m. December 21, 2012; except as otherwise outlined in this article and through ongoing coordination with waterway users. During this deviation period the bridge will be placed in the open position from 8 a.m. November 22 through 8 p.m. November 25, 2012 and from 8 a.m. December 8 through 8 p.m. December 9, 2012.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: October 29, 2012.

**Randall D. Overton,**

*Bridge Administrator.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2012-0965]

#### Drawbridge Operation Regulation; China Basin, San Francisco, CA

**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 Third Street Drawbridge across China Basin, mile 0.0, at San Francisco, CA. The deviation is necessary to allow the public to cross the bridge to participate in the scheduled RedBull Flugtag, a community event. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

**DATES:** This deviation is effective from 9 a.m. to 6 p.m. on November 10, 2012.

**ADDRESSES:** Documents mentioned in this preamble as being available in the docket are part of the docket USCG-2012-0965 and are available online by going to <http://www.regulations.gov>,