options that would minimize any significant impact of a rule on small entities. Reclassification of the device from class III to class II has relieved all manufacturers of the device of the cost of complying with the premarket approval requirements in section 515 of the act (21 U.S.C. 360e). Because reclassification has reduced regulatory costs with respect to this device, no significant economic impact has been imposed on any small entities, and it may have permitted small potential competitors to enter the marketplace by lowering their costs. The agency therefore certifies that this final rule does not have a significant economic impact on a substantial number of small entities. In addition, this final rule will not impose costs of $100 million or more on either the private sector or State, local, and tribal governments in the aggregate, and therefore a summary statement or analysis under section 202(a) of the Unfunded Mandates Reform Act of 1995 is not required.

List of Subjects in 21 CFR Part 878

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 878 is amended as follows:

PART 878—GENERAL AND PLASTIC SURGERY DEVICES

1. The authority citation for 21 CFR part 878 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

2. Section 878.4495 is added to subpart E to read as follows:

§ 878.4495 Stainless steel suture.

(a) *Identification*. A stainless steel suture is a needled or unneedled nonabsorbable surgical suture composed of 316L stainless steel, in USP sizes 12–0 through 10, or a substantially equivalent stainless steel suture, intended for use in abdominal wound closure, intestinal anastomosis, hernia repair, and sternal closure.

(b) *Classification*. Class II (special controls).

Dated: March 29, 2000.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 00–9129 Filed 4–12–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD07–00–022]

RIN 2115–AE47

Drawbridge Operation Regulations; Wappoo Creek (ICW), Charleston, SC

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: Notice is hereby given that the Commander, Seventh Coast Guard District has approved a temporary deviation from the regulations governing the operation of the Folly Road (SC Route 171) drawbridge across the Atlantic Intracoastal Waterway, mile 470.8, Charleston, Charleston County, South Carolina. This deviation allows the drawbridge owner or operator to open only a single leaf of the drawbridge, and requires one hour advance notification to accommodate a request for a full double-leaf opening. This temporary schedule allows the bridge owner to safely conduct necessary repairs to the drawbridge.

DATES: This deviation is effective from March 28, 2000 to May 16, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Brodie Rich, Project Manager, Seventh Coast Guard District, Bridge Section at (305) 536–5117.

SUPPLEMENTARY INFORMATION: The Folly Road drawbridge across the Atlantic Intracoastal Waterway at Charleston, has a vertical clearance of 33 feet above mean high water (MHW) and 38 feet above mean low water (MLW) measured at the fenders in the closed position. On February 27, 2000, Coastal Marine Construction, Incorporated, the contractor representing the drawbridge owner, requested a deviation from the current operating regulation in 33 CFR 117.5 which requires drawbridge to open promptly and fully when a request to open is given. This temporary deviation was requested to allow necessary repairs to the drawbridge in a critical time sensitive manner. The contractor has advised us that the drawbridge is likely to suffer failure of operation, which would increase the intensity and length of time in order to complete the necessary repairs.

The District Commander has granted a temporary deviation from the operating requirements listed in 33 CFR 117.5 for the purpose of conducting repairs to the drawbridge. Under this deviation, the Folly Road (SC Route 171) Drawbridge need only open one leaf of the drawbridge unless one hour advance notification is provided by the vessel operator to the drawbridge tender which would allow a full double-leaf opening. The deviation is effective for a period of 50 days beginning on March 28, 2000 and ending on May 16, 2000.

Dated: March 21, 2000.

T.W. Allen,

Rear Admiral, U.S. Coast Guard Commander, Seventh Coast Guard District.

[FR Doc. 00–9220 Filed 4–12–00; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–6566–9]

Finding of Failure To Submit a Required State Implementation Plan for Carbon Monoxide; Spokane, WA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Finding of failure to submit.

SUMMARY: EPA is taking final action in making a finding, under the Clean Air Act (CAA or Act), that Washington failed to make a carbon monoxide (CO) nonattainment area State Implementation Plan (SIP) submittal required for Spokane under the Act. Under certain provisions of the Act, states are required to submit SIPs providing for, among other things, reasonable further progress and attainment of the CO National Ambient Air Quality Standards (NAAQS) in areas classified as serious. The deadline for submittal of this plan for Spokane was October 13, 1999. This action triggers the 18-month time clock for mandatory application of sanctions and 2-year time clock for a Federal Implementation Plan (FIP) under the Act. This action is consistent with the CAA mechanism for assuring SIP submissions.

EFFECTIVE DATE: This action is effective as of April 13, 2000.

ADDRESSES: Written comments should be addressed to: Ms. Debra Suzuki, Office of Air Quality (OAQ–107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Christi Lee, Office of Air Quality (OAQ), U.S.EPA, Region 10, Washington Operations Office, 300 Desmond Drive SE, Suite 102, Lacey, Washington, 98503, Telephone (360) 753–9079.

SUPPLEMENTARY INFORMATION:

I. Background

The CAA Amendments of 1990 were enacted on November 15, 1990. Under Section 107(d)(1)(c) of the amended CAA, each CO area designated nonattainment prior to enactment of the 1990 Amendments, such as the Spokane area, was designated nonattainment by operation of law upon enactment of the 1990 Amendments. Under section 186 (a) of the Act, each CO area designated nonattainment under section 107 (d) was also classified by operations of law as either ''moderate'' or ''serious'' depending on the severity of the area's air quality problem. CO areas with design values between 9.1 and 16.4 parts per million (ppm), such as the Spokane area, were classified as moderate. These nonattainment designations and classifications were codified in 40 CFR part 81. See 56 FR 56846 (November 6, 1991).

(1) The CO nonattainment area is the ''Spokane urban area (as defined by the Washington Department of Transportation urban area maps).'' 40 CFR 81.348.

States containing areas that were classified as moderate nonattainment by operation of law under section 107 (d) were required to submit SIPs designed to attain the CO NAAQS as expeditiously as practicable but no later than December 31,1995. An attainment plan meeting most of the requirements of the Act was submitted by Ecology to EPA as a revision to the State Implementation Plan (SIP) on January 22, 1993. Ecology submitted an additional SIP revision to EPA on April 30, 1996. EPA approved a portion of the attainment plan submitted (the 1990 base year emission inventory, the vehicle miles traveled (VMT) tracking and forecasting provision, the VMT and Oxygenated fuel contingency measures and the deletion of two unimplemented transportation control measures). EPA deferred action on that part of the SIP revision which consisted of the Spokane CO attainment demonstration and the emissions budget provision. See 62 FR 49442 (September 22, 1997).

(2) The moderate area SIP requirements are set forth in section 187 (a) of the Act and differ depending on whether the area's design value is below or above 12.7 ppm. The Spokane area has a design value above 12.7 ppm. 40 CFR 81.348.

Effective April 13, 1998, (63 FR 12007, March 12, 1998) the Spokane area was reclassified as a serious nonattainment area for not meeting the moderate area attainment date of December 31, 1995. EPA found that the standard was exceeded four times at one monitoring site in 1995. In 1996 the CO standard was exceeded once, at two different monitoring sites. Both 1997 and 1998 had no exceedance.

The State had 18 months or until October 13, 1999, to submit a new State Implementation Plan (SIP) demonstrating attainment of the CO NAAQS as expeditiously as practicable but no later than December 31, 2000, the CAA attainment date for serious areas. Notwithstanding significant efforts by the Washington State Department of Ecology, the Spokane County Air Pollution Control Authority and the Spokane Regional Transportation Authority to complete their CO SIP, the state has failed to meet the October 13, 1999 deadline for the required SIP submission. EPA is therefore compelled to find that the State of Washington has failed to make the required SIP submission for Spokane. The CAA established specific consequences if EPA finds that a State has failed to meet certain requirements of the CAA. Of particular relevance here is CAA section 179(a)(1), the mandatory sanctions provisions. Sections 179 (a) sets forth four findings that form the basis for applications of a sanction. The first finding, that a State has failed to submit a plan required under the CAA, is the finding relevant to this rulemaking.

If Washington has not made the required complete submittal by October 13, 2001, pursuant to CAA section 179 (a) and 40 CFR 52.31, the offset sanction identified in CAA section 179 (b) will be applied in the affected area. If the State has still not made a complete submission by April 13, 2002, then the highway funding sanction will apply in the affected area, in accordance with 40 CFR 52.31. In addition, CAA section 110 (c) provides that EPA must promulgate a Federal Implementation Plan (FIP).

(3) In a 1994 rulemaking, EPA established the Agency's selection of the sequence of these two sanctions: the offset sanction under section 179 (b) (2) shall apply at 18 months, followed 6 months later by the highway sanction under section 179 (b) (1) of the Act. EPA does not choose to deviate from this presumptive sequence in this instance. For more details on the timing and implementation of the sanctions, see 59 FR 39832 (August 4, 1994), promulgating 40 CFR 52.31, ''Selection of sequence of mandatory sanctions for findings made pursuant to section 179 of the Clean Air Act.''

The sanctions will not take effect if, before October 13, 2001, EPA finds that the State has made a complete submittal of a plan addressing the serious area CO requirements for Spokane. In addition, EPA will not promulgate a FIP if the State makes the required SIP submittal and EPA takes final action to approve the submittal before April 13, 2002, (section 110 (c) (1) of the Act). EPA encourages the responsible parties in Washington State to continue working together on the CO Plan which can eliminate the need for potential sanctions and FIP.

II. Final Action

A. Finding of Failure To Submit

Today, EPA is making a finding of failure to submit for the Spokane CO nonattainment area, due to failure of the State to submit a SIP revision addressing the serious area CO requirements of the CAA.

B. Effective Date Under the Administrative Procedures Act

EPA has issued this action as a rulemaking because the Agency has treated this type of action as rulemaking in the past. However, EPA believes that it would have the authority to issue this action in an informal adjudication, and is considering which administrative process'rulemaking or informal adjudication'is appropriate for future actions of this kind. Because EPA is issuing this action as a rulemaking, the Administrative Procedures Act (APA) applies. Today's action will be effective on April 13, 2000. Under the APA, 5 U.S.C. 553 (d) (3), agency rulemaking may take effect before 30 days after the date of publication in the **Federal Register** if an agency has good cause to mandate an earlier effective date. Today's action concerns a SIP submission that is already overdue and the State is aware of applicable provisions of the CAA relating to overdue SIPs. In addition, today's action simply starts a ''clock'' that will not result in sanctions for 18 months, and that the State may ''turn off'' through the submission of a complete SIP submittal. These reasons support an effective date prior to 30 days after the date of publication.

C. Notice-and-Comment Under the Administrative Procedures Act

This document is a final agency action, but is not subject to the notice-and-comment requirements of the APA, 5 U.S.C. 533(b). EPA believes that because of the limited time provided to make findings of failure to submit regarding SIP submissions, Congress did not intend such findings to be subject to notice-and-comment rulemaking. However, to the extent such findings are subject to notice-and-comment rulemaking, EPA invokes the good cause exception pursuant to the APA, 5 U.S.C.

553(d)(3). Notice and comment are unnecessary because no EPA judgment is involved in making a nonsubstantive finding of failure to submit SIPs required by the CAA. Furthermore, providing notice and comment would be impracticable because of the limited time provided under the statute for making such determinations. Finally, notice and comment would be contrary to the public interest because it would divert Agency resources from the critical substantive review of submitted SIPs. See 58 FR 51270, 51272, note 17 (October 1, 1993); 59 FR 39832, 39853 (August 4, 1994).

III. Administrative Requirements

As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this notice, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the action in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings' issued under the executive order. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. However, section 808 provides that any rule for which the issuing agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of April 13, 2000. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective April 13, 2000.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 12, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations.

Dated: March 20, 2000.

Jane Moore,

Acting Regional Administrator, Region X.

[FR Doc. 00–7627 Filed 4–12–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL190–1a; FRL–6574–1]

Approval and Promulgation of Air Quality Implementation Plans; Illinois; Approval of a Site-Specific Sulfur Dioxide Plan Revision for CILCO Edwards Station

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On May 21, 1999, Illinois submitted a site-specific sulfur dioxide (SO_2) State Implementation Plan (SIP) revision request for the Central Illinois Light Company's Edwards Generating Station in Peoria County, Illinois. The requested revision provides for a temporary relaxation in the fuel quality limit for one of the facility's three boilers, but adds an overall daily sulfur dioxide emission cap for the three boilers. The State's submittal included dispersion modeling results which indicated that the revision will not cause violations of the SO_2 standards. EPA is approving this request.

DATES: This rule is effective on June 12, 2000, unless EPA receives relevant adverse written comments by May 15, 2000. If EPA receives adverse comment, it will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: All comments should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, IL 60604.

Copies of the State submittal and other relevant documents used in support of this action are available at the following address for inspection during normal business hours: U.S. Environmental Protection Agency, Region 5, Air Programs Branch, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, IL 60604.

FOR FURTHER INFORMATION CONTACT: Mary Portanova, USEPA Region 5, (312) 353–5954.

SUPPLEMENTARY INFORMATION: The supplemental information is organized in the following order:

I. What action is being taken in this document?
II. What is the SIP?
III. Does approval of a variance create a permanent SIP revision?
IV. What has changed in the Illinois SO_2 SIP?
V. Why was this SIP revision requested?
VI. What are the National Ambient Air Quality Standards?
VII. What are the NAAQS for sulfur dioxide?
VIII. What are the requirements for SIP approval?
IX. Does this SIP revision request meet EPA's requirements?
X. What is EPA's final rulemaking action?
XI. Administrative Requirements.

I. What Action Is Being Taken in This Document?

EPA is approving a site-specific request to revise Illinois' SO_2 SIP for the Central Illinois Light Company's E. D. Edwards Generating Station (CILCO Edwards) in Bartonville, Peoria County, Illinois. The revision provides a new set of SO_2 emission limits for the plant's three boilers. These new limits were approved by the Illinois Pollution Control Board (IPCB) as a variance from State regulation 35 Illinois Administrative Code (IAC) 214.141 on April 15, 1999. CILCO signed a certification of acceptance and agreement to the variance on May 17, 1999, and Illinois submitted the variance to EPA as a SIP revision on May 21, 1999.