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BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[GA-200228(b); FRL-7382-3]

Approval and Promulgation; Georgia Transportation Conformity State Implementation Plan Memorandum of Agreement for the Atlanta Metropolitan Area**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: EPA is promulgating one correction to its previous approval of the transportation conformity State Implementation Plan (SIP) for Atlanta, Georgia promulgated on April 7, 2000 (65 FR 18249). In the Final Rules Section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: Written comments must be received on or before October 28, 2002.

ADDRESSES: Written comments on this action should be addressed to Kelly A. Sheckler at the Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Copies of documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file GA 20228. The EPA Region 4 office may have additional background documents not available at the other locations.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia

30303. Attn: Kelly Sheckler, 404/562-9042, Sheckler.Kelly@epa.gov.

Georgia Department of Natural Resources, Environmental Protection Division, Air Protection Division, 4244 International Parkway, Suite 136, Atlanta, Georgia 30354.

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler, Air Quality Modeling and Transportation Section, US Environmental Protection Agency, Region 4, 61 Forsyths Street, SW, Atlanta, Georgia 30303, Sheckler.Kelly@epa.gov, (404) 562-9042.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the Rules Section of this **Federal Register**.

Dated: September 11, 2002.

A. Stanley Meiburg,*Regional Administrator, Region 4.*

[FR Doc. 02-24491 Filed 9-26-02; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Parts 223 and 224**

[I.D. 091802D]

Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition to List Barndoor Skate (*Dipturus laevis*) as Threatened or Endangered

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of petition finding.

SUMMARY: NMFS announces a 12-month finding on a petition to add barndoor skate (*Dipturus laevis*) to the list of threatened and endangered wildlife and to designate critical habitat under the Endangered Species Act (ESA). NMFS has compiled and analyzed the best available data, and prepared this administrative finding for barndoor skate. NMFS has determined after review of the best available scientific and commercial information that listing the barndoor skate is not warranted at this time. NMFS will retain the species on its candidate species list.

DATES: The finding announced in this notice was made on September 20, 2002.

ADDRESSES: Comments or questions concerning this petition finding should be sent to Mary Colligan, NMFS,

Protected Resources Division, One Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Mary Colligan, NMFS Northeast Region, 978-281-9116, or David O'Brien, NMFS Office of Protected Resources, 301-713-1401.

SUPPLEMENTARY INFORMATION:**Background**

Pursuant to section 4(b)(3)(B) of the ESA (16 U.S.C. 1531 *et seq.*), for any petition to revise the List of Endangered or Threatened Wildlife and Plants that presents substantial scientific and commercial information, NMFS is required to make a finding within 12 months of the date of receipt of the petition on whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted but precluded from immediate proposal by other pending proposals of higher priority. Such 12-month findings are to be published promptly in the **Federal Register**.

On January 15, 1999 (64 FR 2629), NMFS requested information from the public on barndoor skate for possible inclusion on the list of candidate species. Such designation highlights species for which NMFS is concerned may warrant listing under the ESA, but it does not afford any regulatory protection for those species. In a petition dated March 4, 1999, GreenWorld requested that NMFS list barndoor skate as endangered or threatened and designate Georges Bank and other appropriate areas as critical habitat. The petitioner also requested that barndoor skate be listed immediately, as an emergency matter. Finally, the petitioner requested that other similar looking species of skate also be designated as threatened or endangered to ensure the protection of barndoor skate. On April 2, 1999, NMFS received a second petition from the Center for Marine Conservation (CMC) to list barndoor skate as an endangered species. This second petition is considered a comment on the first petition submitted by GreenWorld.

Both the petition and comment on the petition referenced a paper in the journal *Science* (Casey and Myers, 1998), which presents data on the decline of barndoor skate. The petitioner cites bycatch in commercial fishing gear as the major threat to the species' continued existence and also expresses concern over "inbreeding depression due to small population size." Furthermore, the petitioner cites the inadequacy of existing regulatory mechanisms as a threat to the species. Comments submitted by the CMC cite