

WASTES EXCLUDED FROM THE TREATMENT STANDARDS UNDER § 268.40—Continued

Facility name ¹ and address	Waste code	See also	Regulated hazardous constituent	Wastewaters		Nonwastewaters	
				Concentration (mg/L TCLP)	Notes	Concentration (mg/L TCLP)	Notes
Owens Brockway Glass Container Company, Vernon, CA ^{(5),(7)} .	D010	Table CCWE in 268.40.	Selenium	NA	NA	51	NA

⁽¹⁾ A facility may certify compliance with these treatment standards according to provisions in 40 CFR 268.7.

⁽⁵⁾ Alternative D010 selenium standard only applies to dry scrubber solid from glass manufacturing wastes.

⁽⁶⁾ Alternative D010 selenium standard only applies to electrostatic precipitator dust generated during glass manufacturing operations.

⁽⁷⁾ D010 wastes generated by these two facilities are subject to the following conditions: (a) the wastes must be treated by Chemical Waste Management, Inc. at their Kettleman Hills facility in Kettleman City, California; and (b) this treatment variance will be valid until May 11, 2002.

NOTE: NA means Not Applicable.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AF62

Endangered and Threatened Wildlife and Plants; Threatened Status for Johnson's Seagrass

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) is adding Johnson's seagrass (*Halophila johnsonii*) to the List of Endangered and Threatened Plants (List) as a threatened species in accordance with the Endangered Species Act of 1973, as amended (Act). This amendment to the List is based on a determination by the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Department of Commerce, which has jurisdiction for this species, published on September 14, 1998, in the **Federal Register** (63 FR 49035).

DATES: The effective date of this action is May 26, 1999.

FOR FURTHER INFORMATION CONTACT: Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 4401 N.

Fairfax Drive, Mail Stop 452, Arlington, Virginia 22203 (703/358-2171).

SUPPLEMENTARY INFORMATION: The Act is administered jointly by the Service and NMFS. In accordance with a Memorandum of Understanding regarding jurisdictional responsibilities and listing procedures under the Act signed on August 28, 1974, the agencies agreed that NMFS would assume jurisdiction for the Johnson's seagrass. Under section 4(a)(2) of the Act, NMFS must decide whether a species under its jurisdiction should be classified as endangered or threatened. The Service is responsible for the actual amendment of the List in 50 CFR 17.12(h).

NMFS published a proposed rule to list Johnson's seagrass as a threatened species on September 15, 1993 (58 FR 48326). In the proposed rule, NMFS solicited comments from peer reviewers, the public, and all other interested parties. NMFS held a public hearing on the proposed listing in Vero Beach, Florida, on September 20, 1994. NMFS reopened the comment period for the proposed listing on April 20, 1998 (63 FR 19468).

On September 14, 1998, NMFS published a final rule to list Johnson's seagrass as threatened (63 FR 49035). In the final rule, NMFS addressed the comments received in response to the proposed rule. Because NMFS provided public comment periods on the proposed rule, and because this action of the Service to amend the List in accordance with the determination by NMFS is nondiscretionary and

administrative in nature, the Service has omitted the notice and public comment procedures of 5 U.S.C. 553(b) for this action.

National Environmental Policy Act

The Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Export, Import, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, the Service amends part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500, unless otherwise noted.

2. The Service amends section 17.12(h) by adding the following, in alphabetical order under FLOWERING PLANTS, to the List of Endangered and Threatened Plants:

Species		Historic range	Family name	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
FLOWERING PLANTS							
<i>Halophila johnsonii</i> ..	Johnson's seagrass	U.S.A. (FL)	Hydrocharitaceae ...	T	663	NA	NA

Species		Historic range	Family name	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
*	*	*	*	*	*	*	*

Dated: May 17, 1999.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 99-13251 Filed 5-25-99; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AE52

Endangered and Threatened Wildlife and Plants; Threatened Status for the Plant *Thelypodium howellii* ssp. *spectabilis* (Howell's spectacular thelypody)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service) determine threatened status pursuant to the Endangered Species Act of 1973, as amended (Act), for *Thelypodium howellii* ssp. *spectabilis* (Howell's spectacular thelypody). *Thelypodium howellii* ssp. *spectabilis* is known from 11 sites in Baker and Union counties, Oregon. This taxon is threatened by a variety of factors including habitat destruction and fragmentation from agricultural and urban development, grazing by domestic livestock, competition from non-native vegetation, and alterations of wetland hydrology. This rule implements the Federal protection and recovery provisions afforded by the Act for the plant.

EFFECTIVE DATE: June 25, 1999.

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Snake River Basin Office, 1387 S. Vinnell Way, Room 368, Boise, Idaho 83709.

FOR FURTHER INFORMATION CONTACT: Robert Ruesink, Field Supervisor (see ADDRESSES section) (telephone 208/378-5243; facsimile 208/378-5262).

SUPPLEMENTARY INFORMATION:

Background

Thelypodium howellii ssp. *spectabilis* is a herbaceous biennial that occurs in moist, alkaline meadow habitats at approximately 1,000 meters (m) (3,000

feet (ft)) to 1,100 m (3,500 ft) elevation in northeast Oregon. The plant is currently known from 11 sites (5 populations) ranging in size from 0.01 hectares (ha) (0.03 acres (ac)) to 16.8 ha (41.4 ac) in the Baker-Powder River valley in Baker and Union counties. The total occupied habitat for this species is approximately 40 ha (100 ac). Plants at the type locality in Malheur County have not been relocated since 1927 and are considered to be extirpated (Kagan 1986). The entire extant range of this taxon lies within a 21 kilometer (km) (13 mile (mi)) radius of Haines, Oregon.

Due to its relatively low elevation and rich soils, agriculture is the primary land use in the Baker-Powder River Valley region, which contains the 11 extant *T. howellii* ssp. *spectabilis* sites. The region is bordered on the west by the Elkhorn Mountains and on the east by the Wallowa Mountains (Kagan 1986). Annual precipitation for the Baker Valley averages 27 centimeters (cm) (10.6 inches (in)), most falling as snow in winter. Weather patterns follow the interior continental weather systems with little maritime influence. Winters are cold, and summers are warm and dry (Larkin and Salzer 1992).

Thelypodium howellii ssp. *spectabilis* grows to approximately 60 cm (2 ft) tall, with branches arising from near the base of the stem. The basal leaves are approximately 5 cm (2 in) long with wavy edges and are arranged in a rosette. Stem leaves are shorter, narrow, and have smooth edges. Flowers appear in loose spikes at the ends of the stems. Flowers have four purple petals approximately 1.9 cm (0.75 in) in length, each of which is borne on a short (0.6 cm (0.25 in)) stalk. Fruits are long, slender pods (Greenleaf 1980, Kagan 1986).

This taxon was thought to be extinct until rediscovered by Kagan in 1980 near North Powder (Kagan 1986). The 11 recently discovered sites containing *T. howellii* ssp. *spectabilis* are located near the communities of North Powder, Haines, and Baker. The North Powder *T. howellii* ssp. *spectabilis* population contains five sites; the largest is subject to a conservation easement (16.8 ha (41.4 ac)). Until recently, one site near the town of North Powder, less than 0.8 ha (2.3 ac) in size, had a plant protection agreement between the landowner and The Nature Conservancy. The Haines plant

population currently consists of three small sites located in or near the town of Haines. Since the publication of the proposed rule, an additional site in Haines was identified (B. Russell, consultant, *in litt.* 1998) and one previously known site in Haines was apparently extirpated by development (P. Brooks, Forest Service, *in litt.* 1998). A 0.7 ha (1.8 ac) site west of Baker is within a 8 ha (20 ac) pasture adjacent to a road. Another site north of Baker (0.03 ha (0.08 ac)) exists in a small remnant of meadow habitat surrounded by farmland. One site approximately 8 km (5 mi) north of North Powder is located on private land at Clover Creek (Kagan 1986, Oregon Natural Heritage Program (ONHP) 1998).

Thelypodium howellii var. *spectabilis* was first described by Peck in 1932 (Peck 1932) from a specimen collected in 1927 near Ironside, Oregon (Malheur County). In 1973, Al-Shehbaz revised the genus and elevated the variety to subspecies status (Al-Shehbaz 1973). This taxon has larger petals than *T. howellii* ssp. *howellii*, and the paired filaments are not united (Al-Shehbaz 1973, Kagan 1986, Antell 1990). In addition, although both taxa occur in eastern Oregon, their habitats do not overlap (Kagan 1986). For purposes of this final rule, *T. howellii* ssp. *spectabilis* is recognized as a subspecies because of the taxonomic distinction made in 1973 (Al-Shehbaz 1973), although the plant was treated as a variety in the candidate assessment process (see "Previous Federal Action" section).

Thelypodium howellii ssp. *spectabilis* occurs in wet alkaline meadows in valley bottoms, usually in and around woody shrubs that dominate the habitat on the knolls and along the edge of the wet meadow habitat between the knolls. Associated species include *Sarcobatus vermiculatus* (greasewood), *Distichlis stricta* (alkali saltgrass), *Elymus cinereus* (giant wild rye), *Spartina gracilis* (alkali cordgrass), and *Poa juncifolia* (alkali bluegrass) (Kagan 1986). Soils are pluvial-deposited alkaline clays mixed with recent alluvial silts, and are moderately well-drained (Kagan 1986).

Thelypodium howellii ssp. *spectabilis* may be dependent on periodic flooding since it appears to rapidly colonize areas adjacent to streams that have flooded (Kagan 1986). In addition, this taxon does not compete well with