

duration must be at least five (5) seconds.

(ii) *Animated Graphic*. A moving or animated graphic that ends up as a countdown reminder. It would remind viewers that there are "x number of days" until the transition. They will be visually instructed to call a toll-free number and/or visit a Web site for details. The duration must be at least five (5) seconds.

(iii) *Graphic and Audio Display*. Option #1 or option #2 with an added audio component. The duration must be at least five (5) seconds.

(iv) *Longer Form Reminders*. Stations can choose from a variety of longer form options to communicate the countdown message. Examples might include an "Ask the Expert" segment where viewers can call in to a phone bank and ask knowledgeable people their questions about the transition. The duration must be at least two (2) minutes. (Some stations may also choose to include during newscasts DTV "experts" who may be asked questions by the anchor or reporter about the impending transition deadline.)

(e) *Consumer Education Campaign Option Three*:

(1) Only a licensee or permittee of a noncommercial television station may elect this option. Under this option, from March 27, 2008, through April 30, 2008, a noncommercial broadcaster must, at a minimum, air 60 seconds per day of transition-related education (PSAs), in variable timeslots, including at least 7.5 minutes per month between 6 p.m. and 12 a.m. From May 1, 2008, through October 31, 2008, a broadcaster must, at a minimum, air 120 seconds per day of transition-related education (PSAs), in variable timeslots, including at least 15 minutes per month between 6 p.m. and 12 a.m. From November 1, 2008, through the station's termination of analog service, or, for stations subject to the provisions of paragraph (b)(4) of this section, until the station completes construction of its full, authorized post-transition digital facility, a broadcaster must, at a minimum, air 180 seconds per day of transition-related education (PSAs), in variable timeslots, including at least 22.5 minutes per month between 6 p.m. and 12 a.m.

(2) Noncommercial stations must air a 30-minute informational program on the digital television (DTV) transition between 8 a.m.–11:35 p.m. on at least one day after April 1, 2009, and prior to the station's termination of analog service. The program must contain at least the following information:

(i) The fact that Congress has changed the deadline for the national DTV transition to June 12, 2009;

(ii) The date and approximate time of day when the station airing the informational video is terminating analog service;

(iii) The date and approximate time of day when all other full-power stations in the same market are terminating analog service;

(iv) For stations covered by paragraph (b)(5) of this section, the same service loss information required by paragraph (b)(5) of this section.

[FR Doc. E9-5820 Filed 3-13-09; 4:15 pm]

BILLING CODE 6712-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

#### 49 CFR Parts 356, 365, and 374

[Docket No. FMCSA-2008-0235]

RIN 2126-AB16

#### Elimination of Route Designation Requirement for Motor Carriers Transporting Passengers Over Regular Routes

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Final rule; delay of effective date and request for comments.

**SUMMARY:** On March 3, 2009, FMCSA published a document in the **Federal Register** (74 FR 9172) requesting comments on its proposal to delay the effective date of its January 16, 2009, final rule entitled "Elimination of Route Designation Requirement for Motor Carriers Transporting Passengers over Regular Routes." Based on the five comments received, all supporting the proposal to delay the effective date of the final rule, FMCSA is extending the effective date by 90 days, and seeks additional public comment on the rulemaking. The final rule announced the discontinuation of the administrative requirement that applicants seeking for-hire authority to transport passengers over regular routes submit a detailed description and a map of the route(s) over which they propose to operate. In response to the Assistant to the President and Chief of Staff's memorandum of January 20, 2009, FMCSA extends the effective date to allow the Agency the opportunity for further review and consideration of the January 16, 2009, final rule and solicits public comments on the final rule. In order to afford sufficient time to

consider and respond to comments, the effective date is extended for 90 days.

**DATES:** Comments must be received on or before April 16, 2009. The effective date of the rule amending 49 CFR Parts 356, 365, and 374, published at 74 FR 2895, January 16, 2009, is delayed until June 15, 2009. The compliance date for this rule continues to be July 15, 2009.

**ADDRESSES:** You may submit comments identified by the Federal Docket Management System Number in the heading of this document by any of the following methods. Do not submit the same comments by more than one method. The Federal eRulemaking portal is the preferred method for submitting comments, and we urge you to use it.

*Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments. In the *Comment or Submission* section, type Docket ID Number "FMCSA-2008-0235", select "Go", and then click on "Send a Comment or Submission." You will receive a tracking number when you submit a comment.

*Telefax:* 1-202-493-2251.

*Mail, Courier, or Hand-Deliver:* Docket Management Facility; U.S. Department of Transportation, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001. Office hours are between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

*Privacy Act:* Regardless of the method used for submitting comments, all comments will be posted without change to the Federal Docket Management System (FDMS) at <http://www.regulations.gov>. Anyone can search the electronic form of all our dockets in FDMS, by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). DOT's complete Privacy Act Statement was published in the **Federal Register** on April 11, 2000 (65 FR 19476) or you may visit <http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf>.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Miller, Regulatory Development Division, (202) 366-5370 or by e-mail at: [FMCSAregs@dot.gov](mailto:FMCSAregs@dot.gov).

**SUPPLEMENTARY INFORMATION:** On January 16, 2009, FMCSA published a final rule announcing the discontinuation of the administrative requirement that applicants seeking for-hire authority to transport passengers over regular routes submit a detailed description and a map of the route(s) over which they propose to operate (74

FR 2895). The effective date of the rule was originally March 17, 2009, with a compliance date of July 15, 2009.

In accordance with the January 20, 2009 memorandum, 74 FR 4435, January 26, 2009, from the Assistant to the President and Chief of Staff, on March 2, 2009 (74 FR 9172), FMCSA sought comment on a proposal to extend the effective date of the final rule for 90 days. FMCSA received five comments to the March 2 notice. All of the commenters supported extending the effective date of the final rule for 90 days, providing for a new comment period, and, if appropriate, reconsidering the final rule based on any new information provided by the comments. Therefore, FMCSA extends the effective date of its January 16, 2009, final rule from March 17, 2009, to June 15, 2009. This will provide us sufficient time to address issues that have been raised about whether the new rule will make it more difficult for us to enforce our requirements concerning safety and access for individuals with disabilities. Although we believe the final rule fully addressed these issues, in light of the Assistant to the President and Chief of Staff's memorandum, we are delaying the effective date of the final rule to allow the Agency the opportunity for further review and consideration of these issues.

#### List of Subjects

##### 49 CFR Part 356

Administrative practice and procedure, Routing, Motor carriers.

##### 49 CFR Part 365

Administrative practice and procedure, Brokers, Buses, Freight forwarders, Motor carriers, Moving of household goods, Reporting and recordkeeping requirements.

##### 49 CFR Part 374

Aged, Blind, Buses, Civil rights, Freight, Individuals with disabilities, Motor carriers, Smoking.

Issued on: March 12, 2009.

**Rose A. McMurray,**

*Acting Deputy Administrator.*

[FR Doc. E9-5778 Filed 3-16-09; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[FWS-R1-ES-2008-0016; MO 9221050083-B2]

RIN 1018-AV00

#### Endangered and Threatened Wildlife and Plants; Listing *Phyllostegia hispida* (No Common Name) as Endangered Throughout Its Range

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), determine endangered status under the Endangered Species Act of 1973, as amended (Act), for *Phyllostegia hispida* (no common name), a plant species from the island of Molokai in the Hawaiian Islands. This final rule implements the Federal protections provided by the Act for this species. We have also determined that critical habitat for *P. hispida* is prudent but not determinable at this time.

**DATES:** This rule becomes effective April 16, 2009.

**ADDRESSES:** This final rule is available on the Internet at <http://www.regulations.gov> and <http://www.fws.gov/pacificislands>. Comments and materials received, as well as supporting documentation used in the preparation of this rule, will be available for public inspection, by appointment, during normal business hours at: U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Room 3-122, Box 50088, Honolulu, HI 96850; telephone, 808-792-9400; facsimile, 808-792-9581.

#### FOR FURTHER INFORMATION CONTACT:

Patrick Leonard, Field Supervisor, Pacific Islands Fish and Wildlife Office (see **ADDRESSES** section). If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.

#### SUPPLEMENTARY INFORMATION:

##### Background

*Phyllostegia hispida* is known only from the island of Molokai, Hawaii, where 24 wild and 214 outplanted individuals currently exist. Molokai is approximately 38 miles (mi) (61 kilometers (km)) long and up to 10 mi (16 km) wide, and encompasses an area of about 260 square (sq) mi (674 sq km) (Foote *et al.* 1972, p. 11; Department of Geography 1998, p. 13). Three shield volcanoes make up most of the land

mass, dividing the island into roughly three geographic segments: West Molokai Mountain, East Molokai Mountain, and a volcano that formed Kalaupapa Peninsula (Department of Geography 1998, pp. 11, 13).

The taller and larger East Molokai Mountain, which makes up eastern Molokai, rises 4,970 feet (ft) (1,514 meters (m)) above sea level on the island's summit at Kamakou and comprises roughly 50 percent of the island's land area (Department of Geography 1998, p. 11; Foote *et al.* 1972, p. 11). *Phyllostegia hispida* is known only from the wet forests of eastern Molokai, at elevations from 2,300 to 4,200 ft (700 to 1,280 m) (Wagner *et al.* 1999, p. 819). The wet forests where *P. hispida* has been recorded are found only on the windward side of East Molokai, which differs topographically from the leeward side. Precipitous cliffs line the northern windward coast, with deep inaccessible valleys dissecting the coastline. The annual rainfall on the windward side ranges from 75 to over 150 inches (in) (200 to over 375 centimeters (cm)), distributed throughout the year. The soils are poorly drained and high in organic matter. The gulches and valleys are usually very steep, but sometimes gently sloping (Foote *et al.* 1972, p. 14).

The native habitats and vegetation of the Hawaiian Islands have undergone extreme alterations because of past and present land use, as well as the intentional or inadvertent introduction of nonnative animal and plant species. Introduced mammals, particularly feral pigs (*Sus scrofa*), have greatly affected native Hawaiian plant communities. Feral pigs have been described as the most pervasive and disruptive nonnative influence on the unique native forests of the Hawaiian Islands, and are widely recognized as one of the greatest threats to forest ecosystems in Hawaii today (Aplet *et al.* 1991, p. 56; Anderson and Stone 1993, p. 195; Loope 1998, p. 752). Introduced (nonnative) plant species, which now comprise approximately half of the plant taxa in the islands, have come to dominate many Hawaiian ecosystems, and frequently outcompete native plants for space, light, water, and nutrients, as well as alter ecosystem function, rendering habitats unsuitable for native species (Cuddihy and Stone 1990, pp. 73-91; Vitousek *et al.* 1997, p. 6).

The plant *Phyllostegia hispida* has only a few recorded occurrences and until recently was thought to be extinct in the wild. Alterations of the plant's native habitat by feral pigs and nonnative plants have been the primary threats to *P. hispida*, in conjunction