

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786-9994 in advance to schedule your arrival with one of our staff members.

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** Ronisha Blackstone, (410) 786-6633.

**SUPPLEMENTARY INFORMATION:** On July 16, 2015, we published a proposed rule in the **Federal Register** (80 FR 42168) entitled, "Reform of Requirements for Long-Term Care Facilities" that would revise the requirements that long-term care facilities must meet to participate in the Medicare and Medicaid programs. The proposed provisions include updating obsolete language, improving clarity, addressing ongoing healthcare priorities, and implementing certain Affordable Care Act provisions. These proposed changes are necessary to reflect the substantial advances that have been made over the past several years in the theory and practice of service delivery and safety. These proposals are also an integral part of our efforts to achieve broad-based improvements both in the quality of health care furnished through federal programs, and in patient safety, while at the same time reducing procedural burdens on providers.

We have received inquiries from Hospital Associations and national industry organizations regarding the 60 day period to submit comments regarding this proposed rule. The organizations stated that they needed additional time to respond to the rule due to the scope and complexity of the proposal. Because of the scope of the proposed rule, and since we have specifically requested the public's comments on various aspect of the rule, we believe that it is important to allow ample time for the public to prepare comments on this proposed rule. Therefore, we have decided to reopen the comment period for an additional 30 days. This document announces the reopening of the public comment period to end on October 14, 2015.

Dated: September 9, 2015.

**Andrew M. Slavitt,**

*Acting Administrator, Centers for Medicare & Medicaid Services.*

[FR Doc. 2015-23110 Filed 9-11-15; 8:45 am]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2009-0038]

#### 49 CFR Part 271

RIN 2130-AC11

#### Risk Reduction Program

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Proposed rule; notice of comment period reopening.

**SUMMARY:** On February 27, 2015, FRA published a Notice of Proposed Rulemaking (NPRM) that would require certain railroads to develop a Risk Reduction Program (RRP). On August 27, 2015, FRA held a public hearing to provide interested persons an opportunity to provide oral comments on the proposal. FRA is reopening the comment period for this proceeding to allow additional time for interested parties to submit written comments in response to views or information provided at the public hearing.

**DATES:** The comment period for this proceeding, consisting of the proposed rule published February 27, 2015, at 80 FR 10950, and the August 27, 2015, hearing, announced at 80 FR 45500, July 30, 2015, is reopened. Written comments must be received by September 18th, 2015. Comments received after that date will be considered to the extent possible without incurring additional expense or delay.

**ADDRESSES:** Written comments related to Docket No. FRA-2009-0038 may be submitted by any of the following methods:

- *Web site:* The Federal eRulemaking Portal, <http://www.regulations.gov>. Follow the Web site's online instructions for submitting comments.

- *Fax:* (202) 493-2251.

- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Room W12-140, Washington, DC 20590.

- *Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, Room W12-140 on the ground level of the West Building, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the agency name, docket name, and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all comments

received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

*Docket:* FRA has posted a transcript of the August 27, 2015, public hearing to the public docket in this proceeding. For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to the Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, Room W-12-140 on the ground level of the West Building, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Miriam Kloeppe, Staff Director, Risk Reduction Program Division, Office of Safety Analysis, FRA, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590, (202) 493-6224, [Miriam.Kloeppe@dot.gov](mailto:Miriam.Kloeppe@dot.gov); or Elizabeth Gross, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., Mail Stop 10, Washington, DC 20590, (202) 493-1342, [Elizabeth.Gross@dot.gov](mailto:Elizabeth.Gross@dot.gov).

**SUPPLEMENTARY INFORMATION:** The Rail Safety Improvement Act of 2008 requires the development and implementation of railroad safety risk reduction programs. Risk reduction is a comprehensive, system-oriented approach to safety that (1) determines an operation's level of risk by identifying and analyzing applicable hazards and (2) involves the development of plans to mitigate that risk. Each RRP is statutorily required to be supported by a risk analysis and a Risk Reduction Program Plan, which must include a Technology Implementation Plan and a Fatigue Management Plan.

FRA held a public hearing on August 27, 2015, to receive oral comments in response to an NPRM requesting public comment on a proposed risk reduction rulemaking. See 80 FR 10950, Feb. 27, 2015 and 80 FR 45500, July 30, 2015. FRA also reopened the comment period to allow time for interested parties to submit written comments after the public hearing, and comments were due September 10, 2015. To afford interested parties additional time and opportunity to submit written comments in response to views or information provided at the public hearing, FRA is again reopening the comment period in this proceeding.

Written comments must be received by September 18th, 2015.

### Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

Issued in Washington, DC, on September 11th, 2015.

**Patrick T. Warren,**

*Acting Associate Administrator for Railroad Safety and Chief Safety Officer.*

[FR Doc. 2015-23233 Filed 9-11-15; 4:15 pm]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS-R5-ES-2015-0136; 4500030113]

### Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition To List the New England Cottontail as an Endangered or Threatened Species

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

**ACTION:** Notice of 12-month petition finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce a 12-month finding on a petition to list the New England cottontail (*Sylvilagus transitionalis*) as an endangered or threatened species and to designate critical habitat under the Endangered Species Act of 1973, as amended (Act). After review of the best available scientific and commercial information, we find that listing the New England cottontail is not warranted at this time. However, we ask the public to submit to us any new information that becomes available concerning the threats to the New England cottontail or its habitat at any time.

**DATES:** The finding announced in this document was made on September 15, 2015.

**ADDRESSES:** This finding is available on the Internet at <http://www.regulations.gov> at Docket Number FWS-R5-ES-2015-0136. Supporting documentation we used in preparing this finding is available for public

inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, New England Field Office, 70 Commercial Street, Suite 300, Concord, NH 03301. Please submit any new information, materials, comments, or questions concerning this finding to the above address.

#### FOR FURTHER INFORMATION CONTACT:

Thomas R. Chapman, Field Supervisor, New England Field Office (see **ADDRESSES**); by telephone at 603-223-2541; or by facsimile at 603-223-0104. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800-877-8339.

#### SUPPLEMENTARY INFORMATION:

#### Background

Section 4(b)(3)(B) of the Act (16 U.S.C. 1531 *et seq.*), requires that, for any petition to revise the Federal Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific or commercial information that listing the species may be warranted, we make a finding within 12 months of the date of receipt of the petition. In this finding, we will determine that the petitioned action is: (1) Not warranted, (2) Warranted, or (3) Warranted, but the immediate proposal of a regulation implementing the petitioned action is precluded by other pending proposals to determine whether species are endangered or threatened, and expeditious progress is being made to add or remove qualified species from the Federal Lists of Endangered and Threatened Wildlife and Plants. Section 4(b)(3)(C) of the Act requires that we treat a petition for which the requested action is found to be warranted but precluded as though resubmitted on the date of such finding, that is, requiring a subsequent finding to be made within 12 months. We must publish these 12-month findings in the **Federal Register**. Until now, making a 12-month finding that listing is warranted or not warranted for the New England cottontail was precluded by other higher priority national listing actions (71 FR 53756, September 12, 2006; 72 FR 69034, December 6, 2007; 73 FR 75176, December 10, 2008; 74 FR 57804, November 9, 2009; 75 FR 69222, November 10, 2010; 76 FR 66370, October 26, 2011; 77 FR 69993, November 21, 2012; 78 FR 70103, November 22, 2013; 79 FR 72449, December 5, 2014).

#### Previous Federal Actions

On December 30, 1982, we published our notice of review classifying the New England cottontail as a Category 2

species (47 FR 58454). Category 2 status included those taxa for which information in the Service's possession indicated that a proposed rule may be appropriate, but for which sufficient data on biological vulnerability and threats were not available to support a proposed rule at that time. This classification remained valid for the species in subsequent review publications for animals that occurred on September 18, 1985 (50 FR 37958), January 6, 1989 (54 FR 554), November 21, 1991 (56 FR 58804), and November 15, 1994 (59 FR 58982). In the February 28, 1996, candidate notice of review (CNOR) (61 FR 7596), we discontinued the designation of Category 2 species as candidates; therefore, the New England cottontail was no longer a candidate species.

On August 30, 2000, we received a petition dated August 29, 2000, from the Biodiversity Legal Foundation, Conservation Action Project, Endangered Small Animals Conservation Fund and Defenders of Wildlife, requesting that the New England cottontail be listed under the Act and critical habitat be designated. We acknowledged the receipt of the petition in a letter to The Biodiversity Legal Foundation, dated September 14, 2000, and stated that, due to funding constraints in fiscal year (FY) 2000, we would not be able to begin processing the petition in a timely manner. Those funding constraints persisted into FY 2001.

On December 19, 2000, Defenders of Wildlife sent a Notice of Intent (NOI) to sue the Service for violating the Act by failing to make a timely 90-day finding on the August 2000 petition. On February 8, 2002, Defenders of Wildlife sent another NOI to sue in response to the Service's failure to make a timely 12-month finding on the August 2000 petition. On May 14, 2002, we advised Defenders of Wildlife that we would begin action on the petition in FY 2002.

On June 30, 2004, the Service published in the **Federal Register** a 90-day finding that the petition presented substantial scientific and commercial information indicating that listing the New England cottontail as endangered may be warranted (69 FR 39395). We also announced the initiation of a status review to determine if listing the species was warranted and requested additional information and data regarding this species. On September 12, 2006, the Service published a finding that the petition presented substantial scientific and commercial information indicating that listing the New England cottontail as threatened or endangered was warranted, but precluded (71 FR 53756).