

the digital sidebands, as defined in § 73.402(i). Where asymmetric operation is used, the Effective Radiated Power at each sideband must be adjusted so that the total sideband powers do not exceed the total power that would be authorized for the station operating in symmetric sideband mode. A station using asymmetric sidebands planning to operate with a radiated power in excess of -17 dBc on either sideband (upper or lower) must confirm compliance with Table 1 below by calculating the signal strength of its analog signal at the respective (upper or lower) first adjacent station's 60 dBu contour. All calculations must be made using the standard FCC contour prediction methodology.

TABLE 1 TO PARAGRAPH (f)—MAXIMUM PERMISSIBLE FM DIGITAL ERP FOR ASYMMETRIC SIDEBAND OPERATION

Proponent analog F(50,10) field strength at the upper or lower first adjacent station's analog 60 dBu F(50,50) contour (asymmetric sideband operation)	Maximum permissible FM digital ERP for the respective (upper or lower) sideband (dBc)
54.9 dBu and above	- 17
53.5 dBu to 54.8 dBu	- 16
52.6 dBu to 53.4 dBu	- 15
51.1 dBu to 52.5 dBu	- 14
51.0 dBu or less	- 13

(g) The digital effective radiated power of a previously authorized superpowered FM station, as defined in § 73.310(a)(7) and (a)(21), must be limited to the class maximum set forth in §§ 73.211 and 73.511.

■ 5. Amend § 73.406 by adding paragraphs (d)(5) through (8) to read as follows:

§ 73.406 Notification.

* * * * *

(d) * * *
 (5) If applicable, for FM stations planning to operate with symmetric sidebands in excess of -14 dBc, a certification that the proposed FM digital Effective Radiated Power is permitted, using the table set forth in Table 1 to § 73.404(e). Certifications must be based on the most restrictive analog field strength of the proponent at any nearby first-adjacent channel station's 60 dBu contour.

(6) If applicable, for FM stations employing asymmetric sideband operation as defined in § 73.402(i), a certification that the proposed digital sideband power on each sideband conforms to the Maximum Permissible FM Digital ERP set forth in Table 1 to § 73.404(f), and that the total digital sideband power will not exceed the

total power if the digital sideband operation were symmetric.

(7) Any digital FM station permanently reducing digital power must notify the Commission of such digital power reduction on Form 2100, Schedule 335-FM. Any such notification of digital FM power reduction must include a short statement of the reason(s) for the power reduction.

(8) Any digital FM station permanently discontinuing asymmetric sideband operation and returning to symmetric sideband operation must notify the Commission of such return to symmetric sideband operation on Form 2100, Schedule 335-FM. Any such notification of discontinuing asymmetric sideband operation must include a short statement of the reason(s) for such action.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 245

[Docket No. FRA-2022-0019, Notice No. 3]

RIN 2130-AC91

Certification of Dispatchers

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

ACTION: Notice of proposed rulemaking (NPRM); extension of comment period.

SUMMARY: On May 31, 2023, FRA published an NPRM proposing to require railroads to develop written programs for certifying dispatchers and to submit those written certification programs to FRA for approval prior to implementation. On July 5, 2023, FRA published a notice extending the comment period by 30 days. By this notice, FRA is extending the NPRM's comment period by an additional 15 days.

DATES: The comment period for the NPRM, scheduled to close on August 30, 2023, is extended until September 14, 2023.

ADDRESSES:

Comments: Comments related to Docket No. FRA-2022-0019, Notice No. 1, may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket name,

and docket number or Regulatory Identification Number (RIN) for this rulemaking (2130-AC91). Note that all comments received will be posted without change to <https://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: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Curtis Dolan, Railroad Safety Specialist, Dispatch Operating Practices, telephone: (470) 522-6633 or email: curtis.dolan@dot.gov; or Michael C. Spinnicchia, Attorney Adviser, Office of the Chief Counsel, telephone: (202) 493-0109 or email: michael.spinnicchia@dot.gov.

SUPPLEMENTARY INFORMATION: On July 24, 2023, FRA provided information in the rulemaking docket about the accidents that were analyzed by FRA in the regulatory impact analysis.¹ In an August 5, 2023, petition, the American Short Line and Regional Railroad Association (ASLRRRA) requested a 30-day extension of the NPRM's² comment period to analyze the information and its impact on ASLRRRA's member railroads.

The comment period for this NPRM is scheduled to close on August 30, 2023.³ As FRA is partially granting ASLRRRA's request, the comment period is now extended 15 days to September 14, 2023.

Privacy Act

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, to <https://www.regulations.gov>, as described in the system of records notice, DOT/ALL-14 FDMS, accessible through www.dot.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact

¹ <https://www.regulations.gov/document/FRA-2022-0019-0022>.

² 88 FR 35574 (May 31, 2023).

³ 88 FR 42907 (July 5, 2023).

the agency for alternate submission instructions.

Authority: 49 U.S.C. 20103, 20107, 20162, 21301, 21304, 21311; 28 U.S.C. 2461 note; 49 CFR 1.89; and Pub. L. 110–432, sec. 402, 122 Stat. 4884.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety Chief Safety Officer.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 246

[Docket No. FRA–2022–0020, Notice No. 3]

RIN 2130–AC92

Certification of Signal Employees

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

ACTION: Notice of proposed rulemaking (NPRM); extension of comment period.

SUMMARY: On May 31, 2023, FRA published an NPRM proposing to require railroads to develop written programs for certifying signal employees and to submit those written certification programs to FRA for approval prior to implementation. On July 5, 2023, FRA published a notice extending the comment period by 30 days. By this notice, FRA is extending the NPRM's comment period by an additional 15 days.

DATES: The comment period for the NPRM, scheduled to close on August 30, 2023, is extended until September 14, 2023.

ADDRESSES:

Comments: Comments related to Docket No. FRA–2022–0020, Notice No. 1, may be submitted by going to <https://www.regulations.gov> and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket name, and docket number or Regulatory Identification Number (RIN) for this rulemaking (2130–AC92). Note that all comments received will be posted without change to <https://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: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov> and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT:

Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: (816) 516–7168 or email: Gabe.Neal@dot.gov; or Kathryn Gresham, Attorney Adviser, Office of the Chief Counsel, telephone: (202) 577–7142 or email: Kathryn.Gresham@dot.gov.

SUPPLEMENTARY INFORMATION: On July 28, 2023, FRA provided information in the rulemaking docket about the accidents that were analyzed by FRA in the regulatory impact analysis.¹ In an August 5, 2023, petition, the American Short Line and Regional Railroad Association (ASLRRA) requested a 30-day extension of the NPRM's² comment period to analyze the information and its impact on ASLRRA's member railroads.

The comment period for this NPRM is scheduled to close on August 30, 2023.³ As FRA is partially granting ASLRRA's request, the comment period is now extended 15 days to September 14, 2023.

Privacy Act

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, to <https://www.regulations.gov>, as described in the system of records notice, DOT/ALL–14 FDMS, accessible through www.dot.gov/privacy. To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 49 U.S.C. 20103, 20107, 20162, 21301, 21304, 21311; 28 U.S.C. 2461 note; 49 CFR 1.89; and Pub. L. 110–432, sec. 402, 122 Stat. 4884.

¹ <https://www.regulations.gov/document/FRA-2022-0020-0010>.

² 88 FR 35632 (May 31, 2023).

³ 88 FR 42907 (July 5, 2023).

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety Chief Safety Officer.

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DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2023–0001]

RIN 1652–AA69

49 CFR Parts 1500, 1530, 1570, 1572, 1580, 1582, 1584

Vetting of Certain Surface Transportation Employees

AGENCY: Transportation Security Administration, DHS.

ACTION: Notice of proposed rulemaking (NPRM); Extension of comment period.

SUMMARY: On May 23, 2023, the Transportation Security Administration (TSA) published a notice of proposed rulemaking (NPRM) proposing security vetting of certain public transportation, railroad, and over-the-road-bus (OTRB) employees. Through this notice, TSA is extending the comment period to October 1, 2023, to provide additional time for the public to submit comments.

DATES: The comment period for the NPRM published at 88 FR 33472 (May 23, 2023), is extended from August 21, 2023, to October 1, 2023.

ADDRESSES: You may submit comments, identified by the TSA docket number to this rulemaking, to the Federal Docket Management System (FDMS), a government-wide, electronic docket management system. To avoid duplication, please use only one of the following methods:

- *Electronic Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. The Department of Transportation (DOT), which maintains and processes TSA's official regulatory dockets, will scan the submission and post it to FDMS. Comments must be postmarked by the date indicated above.
- *Fax:* (202) 493–2251.

See the **SUPPLEMENTARY INFORMATION** section for format and other information about comment submissions.

FOR FURTHER INFORMATION CONTACT: