

energy action as defined in E.O. 13211, and OIRA has not otherwise designated the proposed rule as a significant energy action.

#### *Civil Justice Reform*

The Agency has analyzed the proposed rule in accordance with the principles and criteria in E.O. 12988, *Civil Justice Reform*. After adoption of the proposed rule, (1) all state and local laws and regulations that conflict with the proposed rule or that impede its full implementation would be preempted; (2) no retroactive effect would be given to the proposed rule; and (3) it would not require administrative proceedings before parties may file suit in court challenging its provisions.

#### *Unfunded Mandates*

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), signed into law on March 22, 1995, the Agency has assessed the effects of the proposed rule on state, local, and tribal governments and the private sector. The proposed rule would not compel the expenditure of \$100 million or more by any state, local, or tribal government or anyone in the private sector. Therefore, a statement under section 202 of the Act is not required.

#### *Controlling Paperwork Burdens on the Public*

The proposed rule does not contain information collection requirements as defined in 5 CFR part 1320 that are not already required by law or not already approved for use. Accordingly, the review provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR part 1320 do not apply.

#### **List of Subjects in 36 CFR Part 251**

Electric power, Mineral resources, National forests, Rights-of-way, and Water resources.

Therefore, for the reasons set forth in the preamble, the Agency proposes to amend part 251, subpart B, of title 36 of the Code of Federal Regulations as follows:

### **PART 251—LAND USES**

#### **Subpart B—Special Uses**

- 1. The authority citation for part 251 continues to read:

**Authority:** 16 U.S.C. 460l–6a, 460l–6d, 472, 497b, 497c, 551, 580d, 1134, 3210; 30 U.S.C. 185; 43 U.S.C. 1740, 1761–1772.

- 2. Amend § 251.54 by adding paragraph (g)(5)(iii) to read as follows:

#### **§ 251.54 Proposal and application requirements and procedures.**

\* \* \* \* \*

(g) \* \* \*

(5) \* \* \*

(iii) *Annual programmatic administrative fee for communications use authorizations.* An annual programmatic administrative fee shall be assessed for each new and existing communications use authorization as of [Effective date of final rule] based on the total annual estimated costs to the Forest Service of administering its communications use program, allocated as deemed applicable by the Forest Service between communications use authorizations for wireless uses and communications use authorizations for fiber optic cable and prorated as deemed applicable by the Forest Service among all holders of those authorizations. The Forest Service shall maintain a schedule in its directive system (36 CFR 200.4) of the annual programmatic administrative fee for communications use authorizations for wireless uses and the annual programmatic administrative fee for communications use authorizations for fiber optic cable. These two annual programmatic administrative fees shall be updated annually based on the difference in the U.S. Department of Labor Consumer Price Index for All Urban Consumers, U.S. City Average (CPI-U), from July of one year to July of the following year, rounded up or down to the nearest dollar. The Forest Service shall also enumerate in its directive system the annual programmatic administrative costs for which the two fees are charged. Within 5 years of [Effective date of final rule], and at least every 5 years thereafter, the Forest Service shall review the amount of and bases for the two annual programmatic administrative fees and shall revise them as needed to ensure they continue to reflect the Forest Service's total annual estimated costs of administering its communications use program.

Dated: December 16, 2021.

**Meryl Harrell,**

*Deputy Under Secretary, Natural Resources and Environment.*

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### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Part 9**

[PS Docket Nos. 20–291 and 09–14; Report No. 3184; FR ID 63299]

#### **Petitions for Reconsideration of Action in Rulemaking Proceeding**

**AGENCY:** Federal Communications Commission.

**ACTION:** Petition for Reconsideration.

**SUMMARY:** Petitions for Reconsideration (Petitions) have been filed in the Commission's rulemaking proceeding by Joseph P. Benkert on behalf of the Boulder Emergency Telephone Service Authority (BRETSA), and by Scott Newman on behalf of the City of Aurora 911 Authority, et al.

**DATES:** Oppositions to the Petitions must be filed on or before January 6, 2022. Replies to an opposition must be filed on or before January 18, 2022.

**ADDRESSES:** Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Brenda Boykin, Policy and Licensing Division, Public Safety and Homeland Security Bureau, at (202) 418–2062 or [Brenda.Boykin@fcc.gov](mailto:Brenda.Boykin@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's document, Report No. 3184, released December 15, 2021. The full text of the Petitions may be accessed online via the Commission's Electronic Comment Filing System at: <https://www.fcc.gov/ecfs/>. The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5 U.S.C. 801(a)(1)(A), because no rules are being adopted by the Commission.

*Subject:* 911 Fee Diversion; New and Emerging Technologies 911 Improvement Act of 2008, Report and Order, FCC 21–80, published at 86 FR 45892, August 17, 2021, in PS Docket Nos. 20–291 and 09–14. This document is being published pursuant to 47 CFR 1.429(e). See also 47 CFR 1.4(b)(1) and 1.429(f), (g).

*Number of Petitions Filed:* 2.

Federal Communications Commission.

**Katura Jackson,**

*Federal Register Liaison Officer.*

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