

3. Memorandum from Natalie E. Marcy, Mathematical Statistician, Division of Hazard Analysis, Directorate for Epidemiology, and Debra S. Ascone, Mathematical Statistician, Division of Hazard Analysis, Directorate for Epidemiology, to Janet Buyer, Project Manager, Division of Combustion and Fire Sciences, Directorate for Engineering Sciences, "Incidents, Deaths, and In-Depth Investigations Associated with Carbon Monoxide from Engine-Driven Generators and Other Engine-Driven Tools, 1990-2004," December 1, 2005.

4. Memorandum from Robin L. Ingle, Health Statistician, Division of Hazard Analysis, Directorate for Epidemiology, to Janet Buyer, Project Manager, Division of Combustion and Fire Sciences, Directorate for Engineering Sciences, "Non-fire Carbon Monoxide Fatalities Associated with Engine-Driven Generators and Other Engine-Driven Tools in 2004 and 2005," January 13, 2006.

5. Memorandum from Robert Franklin, Directorate for Economic Analysis, "Effective Date of CO Warning Label for Generators—Response to Comments," December 27, 2006.

Dated: January 5, 2007.

Todd A. Stevenson,
Secretary, Consumer Product Safety Commission.

[FR Doc. 07-80 Filed 1-11-07; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 11

[Docket No. RM07-5-000]

Update of the Federal Energy Regulatory Commission's Fees Schedule for Annual Charges for the Use of Government Lands

December 21, 2006.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; update of Federal land use fees.

SUMMARY: In accordance with the Commission's regulations, the Commission by its designee, the Executive Director, is updating its schedule of fees for the use of government lands. The yearly update is based on the most recent schedule of fees for the use of linear rights-of-way prepared by the United States Forest Service. Since the next fiscal year will cover the period from October 1, 2006 through September 30, 2007 the fees in this notice will become effective October 1, 2006. The fees will apply to fiscal year 2007 annual charges for the use of government lands.

The Commission has concluded, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of OMB that this rule is not a "major rule" as defined in section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C 804(2).

EFFECTIVE DATE: October 1, 2006.

FOR FURTHER INFORMATION CONTACT: Fannie Kingsberry, Division of Financial Services, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-6108.

SUPPLEMENTARY INFORMATION: *Document Availability:* In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (<http://www.ferc.gov>) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

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List of Subjects in 18 CFR Part 11

Electric power, Reporting and recordkeeping requirements.

Thomas R. Herlihy,
Executive Director, Office of the Executive Director.

■ Accordingly, the Commission, effective October 1, 2006, amends part 11 of Chapter I, Title 18 of the Code of Federal Regulations, as follows:

PART 11—[AMENDED]

■ 1. The authority citation for part 11 continues to read as follows:

Authority: 16 U.S.C. 791a-825r; 42 U.S.C. 7101-7352.

■ 2. In part 11, Appendix A is revised to read as follows.

APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2007

| State | County | (Fee/acre/yr) |
|------------------|--|---------------|
| ALABAMA | ALL COUNTIES | \$29.20 |
| ARKANSAS | ALL COUNTIES | 21.90 |
| ARIZONA | COCHISE, GILA, GRAHAM, LA PAZ, MOHAVE, NAVAJO, PIMA, YAVAPAI, YUMA, COCONINO, (NORTH OF COLORADO R.) | 7.28 |
| CALIFORNIA | COCONINO (SOUTH OF COLORADO R.), GREENLEE, MARICOPA, PINAL, SANTA CRUZ | 29.20 |
| | IMPERIAL, INYO, LASSEN, MODOC, RIVERSIDE, SAN BERNARDINO | 14.60 |
| COLORADO | SISKIYOU | 21.90 |
| | ALAMEDA, ALPINE, AMADOR, BUTTE, CALAVERAS, COLUSA, CONTRA COSTA, DEL NORTE, EL DORADO, FRESNO, GLENN, HUMBOLDT, KERN, KINGS, LAKE, MADERA, MARIPOSA, MENDICINO, MERCED, MONO, NAPA, NEVADA, PLACER, PLUMAS, SACRAMENTO, SAN BENITO, SAN JOAQUIN, SANTA CLARA, SHASTA, SIERRA, SOLANO, SONOMA, STANISLAUS, SUTTER, TEHAMA, TRINITY, TULARE KINGS, TUOLUMNE, YOLO, YUBA. | 36.49 |
| COLORADO | LOS ANGELES, MARIN, MONTEREY, ORANGE, SAN DIEGO, SAN FRANCISCO, SAN LUIS OBISPO, SAN MATEO, SANTA BARBARA, SANTA CRUZ, VENTURA. | 43.81 |
| | ADAMS, ARAPAHOE, BENT, CHEYENNE, CROWLEY, ELBERT, EL PASO, HUERFANO, KIOWA, KIT CARSON, LINCOLN, LOGAN, MOFFAT, MONTEZUMA, MORGAN, PUEBLO, SEDGEWICK, WASHINGTON, WELD, YUMA. | 7.28 |
| | BACA, BROOMFIELD, DOLORES, GARFIELD, LAS ANIMAS, MESA, MONTROSE, OTERO, PROWERS, RIO BLANCO, ROUTT, SAN MIGUEL. | 14.60 |

| State | County | (Fee/acre/yr) |
|----------------------|---|---------------|
| | ALAMOSA, ARCHULETA, DBOULDER, CHAFFEE, CLEAR CREEK, CONEJOS, COSTILLA, CUSTER, DENVER, DELTA, DOUGLAS, EAGLE, FREMONT, GILPIN, GRAND, GUNNISON, HINSDALE, JACKSON, JEFFERSON, LAKE, LA PLATA, LARIMER, MINERAL, OURAY, PARK, PITKIN, RIO GRANDE, SAGUACHE, SAN JUAN, SUMMIT, TELLER. | 29.20 |
| CONNECTICUT | ALL COUNTIES | 7.28 |
| FLORIDA | BAKER, BAY, BRADFORD, CALHOUN, CLAY, COLUMBIA, DIXIE, DUVAL, ESCAMBIA, FRANKLIN, GADSDEN, GILCHRIST, GULF, HAMILTON, HOLMES, JACKSON, JEFFERSON, LAFAYETTE, LEON, LIBERTY, MADISON, NASSAU, OKALOOSA, SANTA ROSA, SUWANNEE, TAYLOR, UNION, WAKULLA, WALTON, WASHINGTON. | 43.81 |
| | ALL OTHER COUNTIES | 72.97 |
| GEORGIA | ALL COUNTIES | 43.81 |
| IDAHO | CASSIA, GOODING, JEROME, LINCOLN, MINIDOKA, ONEIDA, OWYHEE, POWER, TWIN FALLS | 7.28 |
| | ADA, ADAMS, BANNOCK, BEAR LAKE, BENEWAH, BINGHAM, BLAINE, BOISE, BONNER, BONNEVILLE, BOUNDARY, BUTTE, CAMAS, CANYON, CARIBOU, CLARK, CLEARWATER, CUSTER, ELMORE, FRANKLIN, FREMONT, GEM, IDAHO, JEFFERSON, KOOTENAI, LATAH, LEMHI, LEWIS, MADISON, NEZ PERCE, PAYETTE, SHOSHONE, TETON, VALLEY, WASHINGTON. | 21.90 |
| ILLINOIS | ALL COUNTIES | 21.90 |
| INDIANA | ALL COUNTIES | 36.49 |
| KANSAS | MORTON | 14.60 |
| | ALL OTHER COUNTIES | 7.28 |
| KENTUCKY | ALL COUNTIES | 21.90 |
| LOUISIANA | ALL COUNTIES | 43.81 |
| MAINE | ALL COUNTIES | 21.90 |
| MICHIGAN | ALGER, BARAGA, CHIPPEWA, DELTA, DICKINSON, GOGEBIC, HOUGHTON, IRON, KEWEENAW, LUCE, MACKING, MARQUETTE, MENOMINEE, ONTONAGON, SCHOOLCRAFT. | 21.90 |
| | ALL OTHER COUNTIES | 29.20 |
| MINNESOTA | ALL COUNTIES | 21.90 |
| MISSISSIPPI | ALL COUNTIES | 29.20 |
| MISSOURI | ALL COUNTIES | 21.90 |
| MONTANA | BIG HORN, BLAINE, CARTER, CASCADE, CHOUTEAU, CUSTER, DANIELS, MCCONE, MEAGHER, DAWSON, FALLON, FERGUS, GARFIELD, GLACIER, GOLDEN VALLEY, HILL, JUDITH BASIN, LIBERTY, MUSSELSHELL, PETROLEUM, PHILLIPS, PONDERA, POWDER RIVER, PRAIRIE, RICHLAND, ROOSEVELT, ROSEBUD, SHERIDAN, TETON, TOOLE, TREASURE, VALLEY, WHEATLAND, WIBAUX, YELLOWSTONE. | 7.28 |
| | BEAVERHEAD, BROADWATER, CARBON, DEER LODGE, FLATHEAD, GALLATIN, GRANITE, JEFFERSON, LAKE, LEWIS & CLARK, LINCOLN, MADISON, MINERAL, MISSOULA, PARK, POWELL, RAVALLI, SANDERS, SILVER BOW, STILLWATER, SWEET GRASS. | 21.90 |
| NEBRASKA | ALL COUNTIES | 7.28 |
| NEVADA | CHURCHILL, CLARK, ELKO, EMERALDA, EUREKA, HUMBOLDT, LANDER, LINCOLN, LYON, MINERAL, NYE, PERSHING, WASHOE, WHITE PINE. | 3.65 |
| | CARSON CITY, DOUGLAS, STORY | 36.49 |
| NEW HAMPSHIRE | ALL COUNTIES | 21.90 |
| NEW MEXICO | CHAVES, CURRY, DE BACA, DONA ANA, EDDY, GRANT, GUADALUPE, HARDING, HIDALGO, LEA, LUNA, MCKINLEY, OTERO, QUAY, ROOSEVELT, SAN JUAN, SOCORRO, TORRENCE. | 7.28 |
| | RIO ARRIBA, SANDOVAL, UNION | 14.60 |
| | BERNALILLO, CATRON, CIBOLA, COLFAX, LINCOLN, LOS ALAMOS, MORA, SAN MIGUEL, SANTA FE, SIERRA, TAOS, VALENCIA. | 29.20 |
| NEW YORK | ALL COUNTIES | 29.20 |
| NORTH CAROLINA | ALL COUNTIES | 43.81 |
| NORTH DAKOTA | ALL COUNTIES | 7.28 |
| OHIO | ALL COUNTIES | 29.20 |
| OKLAHOMA | BEAVER, CIMARRON, ROGER MILLS, TEXAS | 14.60 |
| | LE FLORE, MC CURTAIN | 21.90 |
| | ALL OTHER COUNTIES | 7.28 |
| OREGON | HARNEY, LAKE, MALHEUR | 7.28 |
| | BAKER, CROOK, DESCHUTES, GILLIAM, GRANT, JEFFERSON, KLAMATH, MORROW, SHERMAN, UMATILLA, UNION, WALLOWA, WASCO, WHEELER. | 14.60 |
| | COOS, CURRY, DOUGLAS, JACKSON, JOSEPHINE | 21.90 |
| | BENTON, CLACKAMAS, CLATSOP, COLUMBIA, HOOD RIVER, LANE, LINCOLN, LINN, MARION, MULTNOMAH, POLK, TILLAMOOK, WASHINGTON, YAMHILL. | 29.20 |
| PENNSYLVANIA | ALL COUNTIES | 29.20 |
| PUERTO RICO | ALL | 43.81 |
| SOUTH CAROLINA | ALL COUNTIES | 43.81 |
| SOUTH DAKOTA | BUTTE, CUSTER, FALL RIVER, LAWRENCE, MEAD, PENNINGTON | 21.90 |
| | ALL OTHER COUNTIES | 7.28 |
| TENNESSEE | ALL COUNTIES | 29.20 |
| TEXAS | CULBERSON, EL PASO, HUDSPETH | 7.28 |
| | ALL OTHER COUNTIES | 43.81 |
| UTAH | BEAVER, BOX ELDER, CARBON, DUCHESNE, EMERY, GARFIELD, GRAND, IRON, JUAB, KANE, MILLARD, SAN JUAN, TOOELE, UTAH, WAYNE. | 7.28 |
| | WASHINGTON | 14.60 |
| | CACHE, DAGGETT, DAVIS, MORGAN, PIUTE, RICH, SALT LAKE, SANPETE, SEVIER, SUMMIT, UTAH, WASATCH, WEBER. | 21.90 |

| State | County | (Fee/acre/yr) |
|---------------------|---|---------------|
| VERMONT | ALL COUNTIES | 29.20 |
| VIRGINIA | ALL COUNTIES | 29.20 |
| WASHINGTON | ADAMS, ASOTIN, BENTON, CHELAN, COLUMBIA, DOUGLAS, FRANKLIN, GARFIELD, GRANT, KITTITAS, KLICKITAT, LINCOLN, OKANOGAN, SPOKANE, WALLA WALLA, WHITMAN, YAKIMA, FERRY, PEND OREILLE, STEVENS | \$14.60 |
| | CLALLAM, CLARK, COWLITZ, GRAYS HARBOR ISLAND, JEFFERSON, KING, KITSAP, LEWIS, MASON, PACIFIC, PIERCE, SAN JUAN, SKAGIT, SKAMANIA, SNOHOMISH, THURSTON, WAHAKIUM, WHATCOM. | 21.90 |
| WEST VIRGINIA | ALL COUNTIES | 29.20 |
| WISCONSIN | ALL COUNTIES | 21.90 |
| WYOMING | ALBANY, CAMPBELL, CARBON, CONVERSE, GOSHEN, HOT SPRINGS, JOHNSON, LARAMIE, LINCOLN, NATRONA, NIOBRARA, PLATTE, SHERIDAN, SWEETWATER, FREMONT, SUBLETTE, UINTA, WASHAKIE, BIG HORN, CROOK, PARK, TETON, WESTON | 7.28 |
| ALL OTHER ZONES | | 21.90 |
| | | 5.74 |

[FR Doc. E6-22365 Filed 1-11-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 2004P-0183]

RIN 0910-ZA27

Food Labeling: Nutrient Content Claims, Expansion of the Nutrient Content Claim "Lean"

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its food labeling regulations for the expanded use of the nutrient content claim "lean" on the labels of foods categorized as "mixed dishes not measurable with a cup" that meet certain criteria for total fat, saturated fat, and cholesterol content. This final rule responds to a nutrient content claim petition submitted by Nestlé Prepared Foods Co. (Nestlé) under the Federal Food, Drug, and Cosmetic Act (the act). This action is also being taken to provide reliable information that would assist consumers in maintaining healthy dietary practices.

DATES: This final rule is effective January 12, 2007.

FOR FURTHER INFORMATION CONTACT: Vincent de Jesus, Center for Food Safety and Applied Nutrition (HFS-830), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301-436-1774.

SUPPLEMENTARY INFORMATION:

I. Background

In the *Federal Register* of November 25, 2005 (70 FR 71041), FDA published a proposed rule to amend the definition of the nutrient content claim "lean" (21 CFR 101.62) to include foods categorized as "mixed dishes not measurable with a cup" that are regulated by FDA and that meet the criteria in the rule for total fat, saturated fat, and cholesterol. FDA issued this proposed rule in response to a petition filed under section 403(r)(4) of the act (21 U.S.C. 343(r)(4)) and in part 101 (21 CFR part 101) in § 101.69. Section 403(r)(2)(A)(i) of the act (21 U.S.C. 343(r)(2)(A)(i)) states that a nutrient content claim may be made only if the characterization of the level made in the claim uses terms which are defined in regulations of the Secretary of Health and Human Services (the Secretary) (and, by delegation, FDA). Section 403(r)(4) of the act sets out the procedures that FDA is to follow upon receiving a nutrient content claim petition.

On January 9, 2004, Nestlé (the petitioner) submitted a petition requesting that the agency amend the nutrient content claim regulation for "lean" (21 CFR 101.62(e)) to include "mixed dishes not measurable with a cup" as defined in the "Reference amounts customarily consumed per eating occasion" regulation (21 CFR 101.12), based on certain qualifying criteria for total fat, saturated fat, and cholesterol. FDA filed the petition for comprehensive review in accordance with section 403(r)(4) of the act on April 22, 2004.

FDA's definition of the nutrient content claim "lean" includes flesh foods, such as seafood and game meat products, which are foods that are similar to the U.S. Department of Agriculture (USDA)-regulated meat and poultry products, and also includes

meal-type products (i.e., main dishes and meal products), which are included in the USDA definition. Prior to the publication of this final rule, FDA's definition of "lean," did not extend to foods categorized as "mixed dishes not measurable with a cup." Such foods, e.g., burritos, egg rolls, enchiladas, pizza, quiches, and sandwiches, are generally similar to the foods subject to the definition of "main dish" (21 CFR 101.13(m)) but do not meet the weight criterion for "main dish" foods (6 ounces (oz) per labeled serving). The Reference Amount Customarily Consumed (RACC) for "mixed dishes not measurable with a cup" is 140 grams (g) (5 oz) (21 CFR 101.12(b), Table 2), which is 1 oz less than the 6 oz per labeled serving required to qualify as a "main dish." Thus, food products categorized as "mixed dishes not measurable with a cup" and that weigh less than 6 oz were not eligible to bear a "lean" nutrient content claim under § 101.62(e).

FDA considered the evidence presented in the petition as part of its review, as well as information previously considered by the agency in the January 6, 1993, nutrient content claim final rule (58 FR 2302). Based on the available evidence, FDA acknowledged the following in the proposed rule (70 FR 71041 at 71044):

- "mixed dishes not measurable with a cup" have found their way into the American diet and serve as a convenient "meals-on-the-go" eating option that is consistent with America's changing lifestyle;
- This category has become a well established product category that consumers have come to rely on; and
- There is a growing interest in healthful alternatives to traditional food options, including vegetarian alternatives.

FDA believes that portable food products, particularly those that are