

of entry into the United States, and will, therefore, have a variety of warehouses available. Therefore, we assume that the distance that we would require firms to transport administratively detained food would normally be no farther than the distance to the nearest metropolitan area. Firms might undergo additional transportation costs if we later cancel the administrative detention order and release the food back into commerce, because the secure facility might not be as convenient to the subsequent destination as the original location. Therefore, we calculate the transportation costs associated with food that we later release on the basis of round trip travel between its original location and the secure storage facility.

Transportation costs would depend, in part, on the security measures that we direct firms to take. We do not define those measures in this proposed rule. Instead, we will determine the relevant level of security and types of security measures needed on a case-by-case basis. We tentatively assume that a normal or average level of security for transportation of food would be the level associated with bonded or third party carriers. We believe using these types of carriers rather than a firm's own transportation system could provide some additional security because the owner of the bonded or third-party carrier might have a greater financial incentive to monitor and maintain custody of the food than do the owners of the food. In some cases, we might require higher security. In other cases, we might require lower security, such as that associated with a firm's own transportation system.

The cost of transporting food varies widely with the type and quantity of food. Some food requires specialized trucks, such as bulk liquid or refrigerated carriers. We base our estimate of the average transportation costs on the average rates for transporting the "most usual loads" of various fresh fruits and vegetables as reported in the "Agricultural Marketing Service's Fruit and Vegetable Truck Rate Report" for the week ending November 19, 2002 (Ref. 1). These loads of fresh fruits and vegetables do not require specialized trucks. We think that average transportation costs should be similar because the proportion of food that requires specialized trucks is relatively small. However, we request comment on this assumption, and on the cost of specialized transportation. We assume there would be suitable storage facilities in the nearest major metropolitan area. However, we do not know the average distance from any randomly chosen point in the United

States to the nearest metropolitan area. Therefore, we tentatively assume that the distance from any location at which we might detain food to the nearest metropolitan area would be between 30 and 200 miles. Most of the trips in the trucking report were much longer than 200 miles. However, the report listed 10 trips under 300 miles. The trucking report included both a low cost and a high cost estimate. Using these estimates gives an average cost per mile for the 10 trips under 300 miles of between \$4.26 and \$5.13. The actual cost per mile varied from a high of \$23.91 for the high cost estimate for the shortest trip (23 miles) to \$1.93 per mile for the low estimate for an intermediate length trip (243 miles). Costs per mile are higher for shorter trips because some costs are probably fixed and do not increase with mileage. We use the range for the average cost per mile for all trips under 300 miles because we have insufficient information to estimate a distribution of trips by distance. Based on this assumption, we estimate that the average transportation cost per truckload will be between approximately \$100 and \$1,000.

In order to use these transportation rates, we need to know the average amount of food that we would administratively detain. The amount of food that we administratively detain could be anything from a few packages, to a lot, a shipment, or a production run. The amount of food involved in class I recalls and seizure actions has ranged from 100 pounds or less, in the case of some seizure actions, to millions of pounds, in the case of some class I recalls. Therefore, we estimate that we will administratively detain between 0 and 1 million pounds of food per administrative detention. We request comments on this assumption.

To apply the information on transportation costs, which was based on the most usual load of produce (as defined by the "Agricultural Marketing Service's Fruit and Vegetable Truck Rate Report"), to our assumption about the amount of food that we might administratively detain, which we expressed in pounds, we need to estimate the average weight in pounds of the most usual loads of produce. One way to do this is to look at the average weight of lines of imported produce, and to assume that the size of an average line of produce is comparable to the size of the most usual load of produce. A line in this context is the unit by which we record information on imported food; it does not refer to a product line. We base the assumption relating the size of the line of produce to the most usual load of produce on the fact that most

imported produce arrives by truck, so that the typical unit of imported produce probably corresponds roughly to a usual truckload of that produce. We request comments on this assumption.

In 2001, firms imported approximately 22.6 billion pounds of 48 common types of fresh produce into the United States (Ref. 4). We extrapolated data on the number of lines in the OASIS database for the first three quarters of FY 2002 for all product categories that appear relevant to fresh produce to estimate that the total number of lines will be approximately 1.5 million by the end of FY 2002. If the amount of imports in 2001 were similar to that for FY 2002, then the average line would be about 15,000 pounds. Therefore, we assume that the most usual load of produce would be about the same size as the average line of imported produce, or 15,000 pounds. We have insufficient information to estimate the weight of the average line for any other type of food. Therefore, we assume that the average truckload across all types of food is about 15,000 pounds. Under this assumption, each administrative detention may involve transporting approximately 0 to 67 truckloads of food.

Additional transportation costs might arise if we conditionally released food that we administratively detained, and firms moved the conditionally released food to another location. We have not included these costs because of the voluntary nature of these limited conditional releases. A firm would not request a limited conditional release unless the benefits of doing so outweighed the costs. Therefore, any increase in transportation costs would be at least offset by some form of cost savings. If we were to analyze the impact of the availability of these limited conditional releases, then our estimate of the costs associated with this proposed rule would be somewhat lower. However, the impact would probably be small, because we do not expect many requests for limited conditional release.

We request comments on all assumptions relating to transportation costs, including but not limited to the average amount of food that we might administratively detain, the average amount of food per truck load or per load of other conveyance, the likelihood that firms will use different types of conveyances (i.e. trucks, airplanes, trains, and ships), the costs of using various types of specialized conveyances, and the distances that firms may need to transport food.

As explained earlier in this analysis, we are analyzing the cost of