

should promptly complete such rule making" (H. Conf. Rept. No. 107-481, at 131 (2002)). This expedited timeframe reflects the urgency of the U.S. Government's need to prepare to respond to bioterrorism and other food-related emergencies.

FDA has concluded that the urgency of this matter is sufficient justification for shortening the public comment period for this proposal to 60 days, consistent with Executive Order 12889.

FDA will not consider any comments submitted after the 60-day comment period closes. Due to the need to promptly complete this rulemaking, FDA does not intend to grant any requests for extensions of the comment period.

X. References

The following references have been placed on display in the Dockets Management Branch (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday. FDA has verified the Web site addresses, but is not responsible for subsequent changes to the Web sites after this document publishes in the **Federal Register**.

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3. Price list from California Refrigerated Services, Inc., received October 3, 2002.
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Imported Food Products That Have Been Refused Admission into the United States," **Federal Register**, volume 66, No. 14, Monday, January 22, 2001, pp. 6508-6509.

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11. Scharff, R. and Jessup, A., Valuing Chronic Disease for Heterogeneous Populations: The Case of Arthritis, 2002, Mimeo.

12. Lee L. A., Ostroff S. M., McGee H. B., Johnson D. R., Downes F. P., Cameron D. N., Bean N. H., and P.M. Griffin, "An Outbreak of Shigellosis at an Outdoor Music Festival," *American Journal of Epidemiology*, 133:6:608-615.

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14. Kolavic S. A., Kimura A., Simons S. L., Slusker L., Barth S., and C. E. Haley, "An Outbreak of *Shigella Dysenteriae* Type 2 Among Laboratory Workers Due to Intentional Food Contamination," *The Journal of the American Medical Association*, 278:5:396-403.

15. Colley D. G., Widespread Foodborne Cyclosporiasis Outbreaks Present Major Challenges (letter), *Emerging Infectious Diseases*, 2:4:354-356.

16. Herwaldt B. L., Ackers M. L., and Cyclospora Working Group, "An Outbreak in 1996 of Cyclosporiasis Associated With Imported Raspberries," *New England Journal of Medicine*, May 29, 1997, pp. 1548-1556.

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List of Subjects

21 CFR Part 1

Cosmetics, Drugs, Exports, Food labeling, Imports, Labeling, and Reporting and recordkeeping requirements.

21 CFR Part 16

Administrative practice and procedure.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR parts 1 and 16 be amended as follows:

PART 1—GENERAL ENFORCEMENT REGULATIONS

1. The authority citation for 21 CFR part 1 continues to read as follows:

Authority: 15 U.S.C. 1453, 1454, 1455; 21 U.S.C. 304, 321, 331, 334, 343, 350c, 350d, 352, 355, 360b, 362, 371, 374, 381, 382, 393; 42 U.S.C. 216, 241, 243, 262, 264.

2. Subpart K is added to part 1 to read as follows:

Sec. Subpart K—Administrative Detention of Food for Human or Animal Consumption

General Provisions

- 1.377 What definitions apply to this subpart?
- 1.378 What criteria does FDA use to order a detention?
- 1.379 How long may FDA detain an article of food?
- 1.380 Where and under what conditions must the detained article of food be held?
- 1.381 May a detained article of food be delivered to another entity or transferred to another location?
- 1.382 What labeling or marking requirements apply to a detained article of food?
- 1.383 What expedited procedures apply when FDA initiates a seizure action against a detained perishable food?
- 1.384 When does a detention order terminate?

How does FDA order a detention?

- 1.391 Who approves a detention order?
- 1.392 Who receives a copy of the detention order?
- 1.393 What information must FDA include in the detention order?

What is the appeal process for a detention order?

- 1.401 Who is entitled to appeal?
- 1.402 What are the requirements for submitting an appeal?
- 1.403 What requirements apply to an informal hearing?
- 1.404 Who serves as the presiding officer at an informal hearing?
- 1.405 When does FDA have to issue a decision on an appeal?
- 1.406 How will FDA handle classified information in an informal hearing?

Subpart K—Administrative Detention of Food for Human or Animal Consumption

General Provisions

§ 1.377 What definitions apply to this subpart?

The definitions of terms that appear in section 201 of the act (21 U.S.C. 321)