

cycle, and recommended that we replace the word "shift" with "batch." In this final rule, we are changing our terminology to use "batch," as recommended by the commenters. In our discussion of the proposed rule in this background information, when we refer to text in the proposed rule that used the term "shift," we will use the term "batch" instead and follow it with the term "shift" in parentheses.

The regulations in part 94 require that meat cooked in plastic for exportation to the United States from regions where FMD or rinderpest exists be cooked in boiling water or a steam-fed oven. Several commenters stated that technology exists that makes it possible to carry out the required cooking by steam or boiling water in a continuous cooker, rather than in a single batch cooker. The commenters requested that the regulations specifically acknowledge that adequate cooking by steam or boiling water can be done in a continuous cooker and that, if such a continuous cooker is used, a batch be considered a designated period of time in the cooker. One commenter recommended that such a batch be limited to one metric ton of meat.

We agree that a steam-fed or boiling water continuous cooker can be used to cook meat to a temperature that will destroy the FMD and rinderpest agents, and consider a batch to be a unit of meat kept in the cooker for a minimum of 1.75 hours. We are adding language to § 94.4 to clarify that such a continuous cooker may be used. However, we do not consider it necessary to limit the amount of meat that may be cooked in a batch, provided all of the meat is cooked for the minimum required time.

Several commenters requested that APHIS eliminate the requirement in the regulations for any specific cooking method and either allow manufacturers to use alternative heat processing technologies that achieve the necessary time and temperature results, or provide that alternative cooking methods may be approved on a case-by-case basis.

We are making no changes based on this comment. The methods of cooking allowed by the regulations were approved after we determined them to be effective in destroying the FMD and rinderpest agents. Part of the process of determining the efficacy of those cooking methods was to allow members of the public to submit information regarding the effectiveness of the cooking methods. We will consider any requests to allow alternative cooking methods that are submitted to us along with supporting documentation regarding their effectiveness. If it appears the methods can be used to

destroy the FMD and rinderpest agents, we will propose to add them to the cooking methods allowed under the regulations and will invite the general public to comment on the proposal. Based on all information we receive, we will determine whether to add such cooking methods to those allowed under the regulations.

Among the requirements we proposed regarding the further processing of meat after cooking was that one tube of cooked meat from each batch (shift) per cooker be randomly selected and that an indicator piece be cut from the cold spot of the tube to serve as the indicator piece for the entire batch (shift).

A number of commenters stated that all of the meat cooked in a particular batch per cooker cannot always be shipped together. The commenters recommended that the regulations allow indicator pieces or TID's to be taken from more than one cooking tube per batch of a cooker, in case the batch is split into more than one shipment. The commenters recommended that the regulations require that unused indicator pieces or TID'S taken from the batch be destroyed once the batch is loaded into a container.

With regard to the use of TID's, we did not specifically refer to them in our proposed provisions because current standard industry practice is not to use TID's. However, as indicated in § 94.4(b)(5), a TID is an acceptable method of confirming that meat cooked in plastic has been cooked to the required temperature. Therefore, in this final rule, § 94.4(b)(6) provides that meat that is further processed after cooking may be accompanied to the United States by either an indicator piece or a TID. With regard to the number of indicator pieces or TID's that may be taken from a batch for shipment to the United States, we are providing in this final rule that indicator pieces or TID's from up to two cooking tubes per batch of a cooker may be selected to accompany shipments of cooked meat to the United States. Following the loading of a batch of cooked meat into a container, any unused indicator pieces or TID's must be destroyed.

Section 94.4(b)(6) of the proposed rule stated that the provisions of that paragraph pertained to meat that is cooked and then cooled before further processing. Several commenters stated that we should not require that the meat be cooled before further processing.

Our reference to cooling before further processing was based on standard industry practice. However, such cooling is not necessary for the destruction of the FMD and rinderpest disease agents. Therefore, in this final

rule, § 94.4(b)(6) will not refer to cooling the meat after cooking.

One commenter noted that proposed § 94.4(b)(6)(i) used the wording "tube or plastic container." The commenter recommended that, since the tubes that are used are made of plastic, it would be sufficient simply to refer to "plastic container."

Proposed § 94.4(b)(5) stated that meat to be cooked in tubes must be loaded into a flexible or semiflexible cooking tube constructed of plastic or other material approved by the U.S. Food and Drug Administration. The intent was to require that a tube be used, but not necessarily that the tube be made of plastic. Therefore, in this final rule, § 94.4(b)(6)(i) refers to the tube required under § 94.4(b)(5), and not to a plastic container. For the same reason, we have also changed the heading of paragraph (b)(5) from "Meat cooked in plastic" to "Meat cooked in tubes."

One commenter noted that proposed § 94.4(b)(6)(i) stated that the certificate accompanying meat that has been further processed must provide the date that the tube from which the indicator piece was taken was selected. The commenter recommended that the term "selected" be changed to "cooked," to eliminate the option of the indicator piece being collected at any time after cooking but before processing.

We do not consider the precise date that the tube was selected (*i.e.*, whether it was selected the day the meat was cooked or at some later date before the meat is further processed) as important as knowing that the indicator piece or piece containing a TID is, in fact, representative of the processed meat. Therefore, although we are not requiring that the indicator piece or piece containing a TID be selected the date the meat is cooked, we are adding a requirement in this final rule that the certificate include the date the meat was cooked, as well as the date of the selection of the tube. Additionally, we are requiring in § 94.4(b)(6) that the indicator piece or piece containing a TID be selected by random sampling after the meat has been cooked and before the meat undergoes any additional processing (*e.g.*, through cutting, slicing, or dicing), and that, once that processing is completed, the meat may not be processed further before being exported to the United States. We are requiring in § 94.4(b)(8) that the certificate that must accompany the meat to the United States indicate what type of processed product (*e.g.*, diced cubes of a particular size) the indicator piece or piece containing a TID represents.