

5.4 *Water energy consumption for non-soil-sensing or soil-sensing dishwashers using electrically heated water.*

5.4.1 *Dishwashers that operate with a nominal 140 °F inlet water temperature, only.* For the normal and truncated normal test cycle, calculate the water energy consumption, W, expressed in kilowatt-hours per cycle and defined as:

$$W = V \times T \times K$$

Where,

V = water consumption in gallons per cycle, as determined in section 5.3.1 of this Appendix,

T = nominal water heater temperature rise = 90 °F,

K = specific heat of water in kilowatt-hours per gallon per degree Fahrenheit = 0.0024.

5.4.2 *Dishwashers that operate with a nominal inlet water temperature of 120 °F.*

For the normal and truncated normal test cycle, calculate the water energy consumption, W, expressed in kilowatt-hours per cycle and defined as:

$$W = V \times T \times K$$

Where,

V = water consumption in gallons per cycle, as determined in section 5.3.1 of this Appendix,

T = nominal water heater temperature rise = 70 °F,

K = specific heat of water in kilowatt-hours per gallon per degree Fahrenheit = 0.0024.

5.5 *Water energy consumption per cycle using gas-heated or oil-heated water.*

5.5.1 *Dishwashers that operate with a nominal 140 °F inlet water temperature, only.*

For each test cycle, calculate the water energy consumption using gas-heated or oil-heated water, W<sub>g</sub>, expressed in Btu's per cycle and defined as:

$$W_g = V \times T \times C / e$$

Where,

V = reported water consumption in gallons per cycle, as determined in section 5.3.2 of this Appendix,

T = nominal water heater temperature rise = 90 °F,

C = specific heat of water in Btu's per gallon per degree Fahrenheit = 8.2,

e = nominal gas or oil water heater recovery efficiency = 0.75.

5.5.2 *Dishwashers that operate with a nominal inlet water temperature of 120 °F.*

For each test cycle, calculate the water energy consumption using gas heated or oil heated water, W<sub>g</sub>, expressed in Btu's per cycle and defined as:

$$W_g = V \times T \times C / e$$

Where,

V = reported water consumption in gallons per cycle, as determined in section 5.3.2 of this Appendix,

T = nominal water heater temperature rise = 70 °F,

C = specific heat of water in Btu's per gallon per degree Fahrenheit = 8.2,

e = nominal gas or oil water heater recovery efficiency = 0.75.

5.6 *Annual standby energy consumption.* Calculate the estimated annual standby

energy consumption. First determine the number of standby hours per year, H<sub>s</sub>, defined as:

$$H_s = H - (N \times L).$$

Where,

H = the total number of hours per year = 8766 hours per year,

N = the representative average dishwasher use of 215 cycles per year,

L = the average of the duration of the normal cycle and truncated normal cycle, for non-soil-sensing dishwashers with a truncated normal cycle; the duration of the normal cycle, for non-soil-sensing dishwashers without a truncated normal cycle; the average duration of the sensor light response, truncated sensor light response, sensor medium response, truncated sensor medium response, sensor heavy response, and truncated sensor heavy response, for soil-sensing dishwashers with a truncated cycle option; the average duration of the sensor light response, sensor medium response, and sensor heavy response, for soil-sensing dishwashers without a truncated cycle option.

Then calculate the estimated annual standby power use, S, expressed in kilowatt-hours per year and defined as:

$$S = S_m \times ((H_s) / 1000)$$

Where,

S<sub>m</sub> = the average standby power in watts as determined in section 4.4 of this Appendix.

■ 5. Section 430.32 of subpart C is amended by revising paragraph (f) to read as follows:

**§ 430.32 Energy and water conservation standards and effective dates.**

\* \* \* \* \*

(f) *Dishwashers.* The energy factor of dishwashers manufactured on or after May 14, 1994, must not be less than:

Product class	Energy factor (cycles/kWh)
(1) Compact Dishwasher (capacity less than eight place settings plus six serving pieces as specified in ANSI/AHAM DW-1 [Incorporated by reference, see § 430.22] using the test load specified in section 2.7 of Appendix C in subpart B) ....	0.62
(2) Standard Dishwasher (capacity equal to or greater than eight place settings plus six serving pieces as specified in ANSI/AHAM DW-1 [Incorporated by Reference, see § 430.22] using the test load specified in section 2.7 of Appendix C in subpart B) .....	0.46

\* \* \* \* \*

■ 6. Section 430.62 is amended in subpart F by revising paragraph (a)(4)(vi) to read as follows:

**§ 430.62 Submission of data.**

(a) \* \* \*

(4) \* \* \*

(vi) Dishwashers, the energy factor expressed in cycles per kilowatt-hour.

\* \* \* \* \*

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**DEPARTMENT OF HOMELAND SECURITY**

**Bureau of Customs and Border Protection**

**19 CFR Part 12**

[CBP Dec. 03-25]

RIN 1515-AD38

**Extension of Emergency Import Restrictions Imposed on Ethnological Material From Cyprus**

**AGENCY:** Customs and Border Protection, Department of Homeland Security.

**ACTION:** Final rule.

**SUMMARY:** In T.D. 99-35, the Customs Regulations were amended to reflect the imposition of emergency import restrictions on certain ethnological material from Cyprus. These restrictions were imposed pursuant to a determination by the United States Information Agency issued under the terms of the Convention on Cultural Property Implementation Act in accordance with the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Recently, the United States Department of State determined that conditions continue to warrant the imposition of these emergency import restrictions for a period not to exceed 3 years. Thus, this document amends the Customs regulations to reflect that the emergency import restrictions currently in place continue, without interruption, for 3 years from September 4, 2003. T.D. 99-35 contains the Designated List describing the Byzantine ecclesiastical and ritual ethnological material from Cyprus to which the restrictions apply.

**EFFECTIVE DATE:** This regulation and the extension of emergency import restrictions reflected in this regulation become effective on September 4, 2003.

**FOR FURTHER INFORMATION CONTACT:** (Regulatory Aspects) Joseph Howard,

Intellectual Property Rights Branch (202) 572-8701; (Operational Aspects) Michael Craig, Office of Field Operations (202) 927-0370.

**SUPPLEMENTARY INFORMATION:**

**Background**

Pursuant to the provisions of the 1970 UNESCO Convention, codified into U.S. law as the Convention on Cultural Property Implementation Act (Pub. L. 97-446, 19 U.S.C. 2601, *et seq.*) (the Act), the United States, after a request was made by the Government of Cyprus on September 4, 1998, imposed emergency import restrictions on Byzantine ecclesiastical and ritual ethnological material from Cyprus for a period of 5 years from the date of the request. These restrictions and the list of materials covered by them were published in the **Federal Register** (64 FR 17529, April 12, 1999) by the U.S. Customs Service in Treasury Decision (T.D.) 99-35. The T.D. amended § 12.104g(b) of the Customs Regulations which lists emergency import restrictions on cultural property imposed under the Act. The restrictions became effective on April 12, 1999.

Under 19 U.S.C. 2603(c)(3), emergency restrictions may be extended for a period of 3 years upon a determination by the United States that the emergency condition continues to apply with respect to the articles covered by the restrictions. On August 25, 2003, the Acting Assistant Secretary for Educational and Cultural Affairs, Department of State, issued the determination that the emergency condition continues to apply to the articles covered in T.D. 99-35. Accordingly, Customs and Border Protection is amending § 12.104g(b) to reflect the extension of the emergency import restrictions for a 3-year period; this extension of restrictions commences on September 4, 2003. The list of ethnological materials contained in T.D. 99-35 and an accompanying image database may also be found at the following Internet website address: <http://exchanges.state.gov/culprop>.

Based on the foregoing, importation of these materials continues to be restricted unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met. For example, these materials may be permitted entry if accompanied by appropriate export certification issued by the Government of Cyprus or by documentation showing that exportation from Cyprus occurred before April 12, 1999.

The document also amends 19 CFR 12.104g(a) and 104g(b), in the third column heading of the lists set forth in those sections, by removing the words

“T.D. No.” and replacing them with the words “Decision No.” This change is made in recognition of the fact that import restrictions are now published by CBP Decisions as opposed to Treasury Decisions. A conforming change is also made to the text of 19 CFR 12.104g(b).

This amendment to the regulations is being issued in accordance with § 0.2(a) of the Customs Regulations (19 CFR 0.2(a)) pertaining to the authority of the Secretary of Homeland Security (or his/her delegate) to prescribe regulations not involving customs revenue functions in accordance with the delegation of such authority by the Secretary of the Treasury.

**Inapplicability of Notice and Delayed Effective Date**

Because the amendment to the Customs Regulations contained in this document extends emergency import restrictions already imposed on the referenced cultural property of Cyprus under the terms of the Convention on Cultural Property Implementation Act (Pub. L. 97-446, 19 U.S.C. 2601 *et seq.*), in accordance with the 1970 UNESCO Convention and in furtherance of a foreign affairs function of the United States, pursuant to the Administrative Procedure Act (5 U.S.C. 553(a)(1)), no notice of proposed rulemaking or public procedure is necessary and a delayed effective date is not required.

**Regulatory Flexibility Act**

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. Accordingly, this final rule is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

**Executive Order 12866**

This amendment does not meet the criteria of a “significant regulatory action” as described in E.O. 12866.

**Drafting Information**

The principal author of this document was Bill Conrad, Regulations Branch, Office of Regulations and Rulings, Bureau of Customs and Border Protection.

**List of Subjects in 19 CFR Part 12**

Customs duties and inspections, Imports, Cultural property.

**Amendment to the Regulations**

■ Accordingly, Part 12 of the Customs Regulations (19 CFR Part 12) is amended, as set forth below:

**PART 12—[AMENDED]**

■ 1. The general authority and specific authority citations for Part 12, in part, continue to read as follows:

**Authority:** 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note 23, Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

\* \* \* \* \*

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

\* \* \* \* \*

**§ 12.104g [Amended]**

■ 2. Section 12.104g is amended as follows:

■ a. In paragraph (a), in the heading of column three of the chart, by removing the words “T.D. No.” and adding in their place the words “Decision No.”;

■ b. In paragraph (b), in the second sentence, by removing the words “Treasury Decision” and adding in their place the word “decision”;

■ c. In paragraph (b), in the heading of column three of the chart, by removing the words “T.D. No.” and adding in their place the words “Decision No.”; and

■ d. In paragraph (b), in the third column of the chart relative to the entry for Cyprus, by removing the citation “99-35” and adding in its place “T.D. 99-35 extended by CBP Dec. 03-25”.

Dated: August 26, 2003.

**Robert C. Bonner,**

*Commissioner, Customs and Border Protection.*

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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 520**

**Oral Dosage Form New Animal Drugs; Lufenuron Tablets; Milbemycin Oxime and Lufenuron Tablets; Nitenpyram Tablets**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of two original new animal drug applications (NADAs) and three supplemental NADAs filed by Novartis Animal Health US, Inc. The original NADAs provide for the concurrent oral use in dogs of approved milbemycin oxime and lufenuron flavor tablets with nitenpyram tablets to kill adult fleas and