

**Environmental Protection Agency**

**§ 82.19**

(A) The unexpended production allowances, unexpended export production allowances or unexpended Article 5 allowances held by the trade or minus the quantity traded; or

(B) The unexpended production allowances held by the trader minus the amount by which the U.S. average annual production of the class II controlled substance being traded for the three years prior to the trade is less than the total allowable production of that class II controlled substance under this subpart minus the amount traded; or

(C) The total U.S. allowable production of the class II controlled substance being traded minus the three-year average of the actual annual U.S. production of the class II controlled substance prior to the control period of the trade.

(6) Revised notices of production limits for subsequent traders. If after one person obtains approval of a trade of allowable production of a class II controlled substance to a Party and other persons obtain approval for trades of the same class II controlled substance during the same control period, the Administrator will issue revised notices. The notices will revise the production limits for each of the other persons trading to equal the lesser of:

(i) The unexpended production allowances, unexpended export production allowances or unexpended Article 5 allowances held by the trader under this subpart minus the quantity traded; or

(ii) The result of the following set of calculations:

(A) The total U.S. allowable production of the class II controlled substance minus the three-year average of the actual annual U.S. production of the class II controlled substance prior to the control period of the trade;

(B) The quantity traded divided by the total quantity traded by all the other persons trading the same class II controlled substance in the same control period;

(C) The result of paragraph (c)(6)(ii)(A) of this section multiplied

by the result of paragraph (c)(6)(ii)(B) of this section;

(D) The quantity derived in paragraph (c)(6)(i) of this section, minus the result of paragraph (c)(6)(ii)(C) of this section;

(7) Production limit for previous traders. The Administrator will also issue a notice revising the production limit for each trader who previously obtained approval of a trade of the class II controlled substance to a Party in the same control period to equal the result of the following set of calculations:

(i) The total U.S. allowable production of the class II controlled substance minus the three-year average of the actual annual U.S. production of the class II controlled substance prior to the control period of the trade;

(ii) The quantity traded by the person divided by the quantity traded by all the persons who have traded that class II controlled substance in that control period;

(iii) The result of paragraph (c)(7)(i) of this section multiplied by the result of paragraph (c)(7)(ii) of this section.

(iv) The unexpended production allowances, unexpended export production allowances or unexpended Article 5 allowances held by the person plus the result of paragraph (c)(7)(iii) of this section;

(8) Effective date of revised production limits. The change in production allowances, export production allowances or Article 5 allowances will be effective on the date that the notice is issued.

[68 FR 2848, Jan. 21, 2003]

**§ 82.19 Apportionment of baseline consumption allowances for class II controlled substances.**

(a) Effective January 1, 2003, the following persons are apportioned baseline consumption allowances for HCFC-141b, HCFC-22, or HCFC-142b as set forth in the following table:

Person	Controlled substance	Allowances (kg)
ABCO Refrigeration Supply .....	HCFC-22 .....	279,366
Air Systems .....	HCFC-22 .....	13,514
Allied (Honeywell) .....	HCFC-22 .....	35,392,492
	HCFC-141b .....	20,749,489

Person	Controlled substance	Allowances (kg)
	HCFC-142b .....	1,315,819
Altair Industries .....	HCFC-22 .....	279,935
Ausimont USA .....	HCFC-22 .....	99,643
	HCFC-142b .....	3,047,386
Automatic Equipment Sales of VA .....	HCFC-22 .....	54,088
Condor Products .....	HCFC-22 .....	666,171
Continental .....	HCFC-141b .....	20,315
Discount Refrigerants .....	HCFC-22 .....	375,328
	HCFC-141b .....	994
DuPont Company .....	HCFC-22 .....	38,814,862
	HCFC-141b .....	9,049
	HCFC-142b .....	52,797
Elf Atochem (ATOFINA) .....	HCFC-22 .....	29,524,481
	HCFC-141b .....	25,405,570
	HCFC-142b .....	16,672,675
Full Circle .....	HCFC-22 .....	14,865
HG Refrigeration Supply .....	HCFC-22 .....	40,068
ICC Chemical Corp. ....	HCFC-141b .....	81,225
ICI Americas (INEOS) .....	HCFC-22 .....	2,546,305
Kivlan & Co. (Dynatemp) .....	HCFC-22 .....	2,028,980
Klomar Ship Supply .....	HCFC-22 .....	8,585
LaRoche Industries .....	HCFC-141b .....	16,097,869
MDA Manufacturing .....	HCFC-22 .....	2,541,545
Mondy-Global .....	HCFC-22 .....	281,824
National Refrigerants .....	HCFC-22 .....	5,480,315
Refricenter of Miami .....	HCFC-22 .....	381,293
Refricentro .....	HCFC-22 .....	45,979
Rhone-Poulenc .....	HCFC-22 .....	52,090
R-Lines .....	HCFC-22 .....	63,172
Saez .....	HCFC-22 .....	37,936
Solvay Fluorides .....	HCFC-22 .....	313,966
	HCFC-141b .....	3,940,115
TESCO Distributors .....	HCFC-22 .....	48,049
Tulstar Products .....	HCFC-141b .....	89,913

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**§ 82.20 Availability of consumption allowances in addition to baseline consumption allowances for class II controlled substances.**

(a) A person may obtain at any time during the control period, in accordance with the provisions of this section, consumption allowances equivalent to the quantity of class II controlled substances that the person exported from the U.S. and its territories to a foreign state, in accordance with this section, when that quantity of class II controlled substance was produced in the U.S. with expended consumption allowances.

(1) The exporter must submit to the Administrator a request for consumption allowances setting forth the following:

(i) The identities and addresses of the exporter and the recipient of the exports;

(ii) The exporter's Employer Identification Number;

(iii) The names and telephone numbers of contact persons for the exporter and the recipient;

(iv) The quantity (in kilograms) and type of class II controlled substances reported;

(v) The source of the class II controlled substances and the date purchased;

(vi) The date on which, and the port from which, the class II controlled substances were exported from the U.S. or its territories;

(vii) The country to which the class II controlled substances were exported;

(viii) A copy of the bill of lading and the invoice indicating the net quantity (in kilograms) of class II controlled substances shipped and documenting the sale of the class II controlled substances to the purchaser;

(ix) The commodity codes of the class II controlled substances reported; and

(x) A written statement from the producer that the class II controlled substances were produced with expended allowances.