

§ 82.19

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(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 ac-

tual 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
	HCFC-22	13,514
	HCFC-22	35,392,492
Air Systems	HCFC-141b	20,749,489
	HCFC-142b	1,315,819
Altair Industries	HCFC-22	279,935
	HCFC-22	99,643
Ausimont USA	HCFC-142b	3,047,386
	HCFC-22	54,088
Automatic Equipment Sales of VA	HCFC-22	666,171
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

Person	Controlled substance	Allowances (kg)
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.

(2) The Administrator will review the information and documentation submitted under paragraph (a)(1) of this section and will issue a notice.

(i) The Administrator will determine the quantity of class II controlled substances that the documentation verifies was exported and issue consumption allowances equivalent to the quantity of class II controlled substances that were exported.

(A) The grant of the consumption allowances will be effective on the date the notice is issued.

(B) The consumption allowances will be granted to the person the exporter indicates, whether it is the producer or the exporter.

(ii) The Administrator will issue a notice that the consumption allowances are not granted if the Administrator determines that the information and documentation do not satisfactorily substantiate the exporter's claims.

(b) *International trades of consumption allowances.* (1) A person may increase its consumption allowances for a specified control period through trades with another Party to the Protocol as set forth in this paragraph (b). A person may only receive consumption from Poland or Norway, or both, and only if the nation agrees to trade to the person for the current control period some quantity of consumption that the nation is permitted under the Montreal Protocol.

(2) Trade from a Party—Information requirements. A person must submit