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## 40 C.F.R. § 1037.645

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### In-use compliance with family emission limits (FELs).

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Section 1037.225 describes how to change the FEL for a vehicle family during the model year. This section, which describes how you may ask us to increase a vehicle family's FEL after the end of the model year, is intended to address circumstances in which it is in the public interest to apply a higher in-use FEL based on forfeiting an appropriate number of emission credits. For example, this may be appropriate where we determine that recalling vehicles would not significantly reduce in-use emissions. We will generally not allow this option where we determine the credits being forfeited would likely have expired.

- (a) You may ask us to increase a vehicle family's FEL after the end of the model year if you believe some of your in-use vehicles exceed the CO<sub>2</sub> FEL that applied during the model year (or the CO<sub>2</sub> emission standard if the family did not generate or use emission credits). We may consider any available information in making our decision to approve or deny your request.

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