**Section 255.110 Federal Requirement**

a) Section 176(b)(1) of the Federal Clean Air Act (CAA) requires that any department, agency, or instrumentality of the Federal Government that engages in, supports in any way, provides financial assistance for, licenses, permits, or approves any activity must conform to an applicable implementation plan.

b) A Federal agency must make a determination that a Federal action conforms to the applicable implementation plan before the action is taken.

c) Subsection (b) of this Section does not include Federal actions where either:

1) A National Environmental Policy Act (NEPA) analysis was completed as evidenced by a final environmental assessment (EA), environmental impact statement (EIS), or finding of no significant impact (FONSI) that was prepared prior to January 31, 1994;

2) Prior to January 31, 1994, an EA was commenced or a contract was awarded to develop the specific environmental analysis;

3) Sufficient environmental analysis is completed by March 15, 1994, so that the Federal agency may determine that the Federal action is in conformity with the specific requirements and the purposes of the applicable SIP pursuant to the Federal agency's affirmative obligation under section 176(c) of the CAA; or

4) A written determination of conformity under section 176(c) of the CAA has been made by the Federal agency responsible for the Federal action by March 15, 1994.

d) Notwithstanding any provisions of this Part, a determination that an action is in conformance with the applicable implementation plan does not exempt the action from any other requirements of the applicable implementation plan, the NEPA, or the CAA.