

published criteria. The Institute will use this information to make a maximum of one cooperative agreement award for a period of up to 2 years.

**Burden Statement:** The burden for this collection of information is estimated at 55 hours per response. This estimate includes the time needed to review instructions, complete the form, and review the collection of information.

**Respondents:** Governors of States in Region I and Trust Territories.

**Estimated Number of Respondents:** 5.

**Estimated Number of Responses Per Respondent:** 1.

**Estimated Total Annual Burden on Respondents:** 275 hours.

**Frequency of Collection:** One time. Send comments regarding the burden estimate or any other aspect of the information collection, including suggestions for reducing the burden to: Jaleh Behrooz Soroui, National Institute for Literacy, 800 Connecticut Ave., NW, Suite 200, Washington, DC 20006.

Andrew J. Hartman,

Director, National Institute for Literacy.

[FR Doc. 96-9867 Filed 4-18-96; 8:45 am]

BILLING CODE 6055-01-M

## NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

### National Council on the Arts Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held from 9:45 a.m. to 12:00 p.m. on May 3, 1995, at The Century Association, #7 West 43rd Street, New York, NY.

This meeting is for the purpose of reviewing nominations for the National Medal of Arts. In accordance with the determination of the Chairman of June 22, 1995, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from the Office of Communications at the National Endowment for the Arts, Washington, D.C. 20506, or call 202/682-5570.

Dated: April 12, 1996

Kathy Plowitz-Worden,

Panel Coordinator, Office of Guidelines and Panel Operations, National Endowment for the Arts.

[FR Doc. 96-9639 Filed 4-18-96; 8:45 am]

BILLING CODE 7537-01-M

## President's Committee on the Arts and the Humanities: Meeting XXXVI

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the President's Committee on the Arts and the Humanities will be held on April 25-26, 1996, from 2:00 p.m. to 5:00 p.m. on April 25 and from 9:00 a.m. to 2:00 p.m. on April 26. The meeting will be held in the Cash Room, at the Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, D.C. Dates and times of the meeting are subject to change in response to the White House schedule.

This meeting will be open to the public on a space available basis and will feature a briefing on April 25, from 2:00 p.m. to 5:00 p.m. of *Coming Up Taller: Arts and Humanities Programs for Children and Youth At-Risk* and a discussion of the Report to the President. A review of recommendations for the Report to the President will be discussed on April 26 from 9:00 a.m. to 2:00 p.m.

The President's Committee on the Arts and the Humanities was created by Executive Order in 1982 to advise the President, the two Endowments, and the IMS on measures to encourage private sector support for the nation's cultural institutions and to promote public understanding of the arts and the humanities.

If, in the course of discussion, it becomes necessary for the Committee to discuss non-public commercial or financial information of intrinsic value, the Committee will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b.

Any interested persons may attend the meeting as observers, on a space available basis, but seating is limited in meeting rooms and it is suggested that individuals wishing to attend notify the staff of the President's Committee in advance at (202) 682-5409 or write to the Committee at 1100 Pennsylvania Avenue, NW, Suite 526, Washington, DC 20506.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, 202/682-5532, TDY-TDD 202/682-5496, at least seven (7) days prior to the meeting.

Dated: April 12, 1996.

Kathy Plowitz-Worden,

Panel Coordinator, Office of Guidelines and Panel Operations.

[FR Doc. 96-9640 Filed 4-18-96; 8:45 am]

BILLING CODE 7537-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-05712, License No. 34-6398-01EA 95-227]

### The Duriron Company, Inc.) Dayton, Ohio; Order Imposing Civil Monetary Penalty

I

The Duriron Company, Inc. (Licensee) is the holder of Materials License No. 34-06398-01 which was first issued by the Nuclear Regulatory Commission (NRC or Commission) on May 17, 1969. The license was last renewed on November 15, 1994, and is scheduled to expire on November 30, 1999. The license authorizes the Licensee to possess cobalt-60 and iridium-192, in sealed sources, to perform industrial radiography at the Licensee's facility at 450 North Findlay Street, Dayton, Ohio, in accordance with the conditions specified therein.

II

An inspection of the Licensee's activities was conducted from September 11 to September 29, 1995. The results of this inspection indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated February 5, 1996. The Notice states the nature of the violation, the provision of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violation.

The Licensee responded to the Notice in a letter dated February 19, 1996, and admitted the violation. In its response, the Licensee contested the characterization of the violation as being "willful" or representing "careless disregard," and requested that the severity level of the violation be reduced. The Licensee also requested that the civil penalty be partially or fully mitigated.

III

After consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined, as set forth in the

Appendix to this Order, that the violation was correctly characterized as representing careless disregard and was willful in nature, and the severity level of the violation was properly categorized at Severity Level III. Furthermore, the amount of the civil penalty was correctly affixed, the civil penalty should not be partially or fully mitigated, and that the penalty proposed for the violation designated in the Notice should be imposed.

#### IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, IT IS HEREBY ORDERED THAT:

The Licensee pay a civil penalty in the amount of \$2,500 within 30 days of the date of this Order, by check, draft, money order, or electronic transfer, payable to the Treasurer of the United States and mailed to the attention of Mr. James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738.

#### V

The Licensee may request a hearing within 30 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and include a statement of good cause for the extension. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission Washington, D.C. 20555, with a copy to the Commission's Document Control Desk, Washington, D.C. 20555. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address and to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, Illinois 60532-4351.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order (or if written approval of an extension of time in which to request a hearing has not been granted), the provisions of this Order shall be effective without further proceedings. If payment has not been made by that

time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issue to be considered at such hearing shall be: Whether, on the basis of the violation admitted by the Licensee, this Order should be sustained.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 12th day of April, 1996.

James Lieberman,

*Director, Office of Enforcement.*

#### Appendix

##### *Evaluation and Conclusion*

On February 5, 1996, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for violations identified during a September 1995, NRC inspection. The Duriron Company, Inc. (Licensee) responded to the Notice on February 19, 1996. The Licensee admitted Violation A, the violation assessed a civil penalty.<sup>1</sup> The Licensee contended that Violation A was caused by, at the most, the negligence of the Radiation Safety Officer (RSO) and was not a result of careless disregard or willfulness as described in the NRC's February 5, 1996 letter transmitting the Notice to the Licensee. The Licensee requested that the severity level of the violation be reduced from III to IV. The Licensee also requested that the civil penalty be partially or fully mitigated because: the violation was not willful or a result of careless disregard; the Licensee has a good performance history; and, the extensive corrective actions implemented by the Licensee after the violation was identified. The NRC's evaluation and conclusion regarding the Licensee's requests are as follows:

##### *Restatement of Violation A*

10 CFR 34.25(b) requires that each sealed source be tested for leakage at intervals not to exceed six months.

Contrary to the above, the Licensee did not leak test its sealed sources at intervals not to exceed six months. Specifically:

1. A nominal 33 curie (1.22 TBq) cobalt-60 sealed source (serial number 2146) was not leak tested from January 7, 1994, to September 11, 1995, and
2. Two nominal 100 curie (3.7 TBq) iridium-192 sealed sources (serial numbers A3872 and A3873) were not tested for leakage from January 26, 1994, to September 11, 1995.

This is a Severity Level III violation (Supplement VI). Civil Penalty—\$2,500.

<sup>1</sup> A second violation, Violation B, was identified during the inspection. Violation B concerned the Licensee's failure to inventory sealed sources at the intervals specified by 10 CFR 34.26. The Licensee also contested Violation B. The NRC's evaluation of the Licensee's request for withdrawing Violation B is contained in the "Evaluation of Violation Not Assessed a Civil Penalty" which follows the evaluation of Violation A.

##### *Summary of Licensee's Response to Violation A*

In the response letter dated February 19, 1996, the Licensee admitted the violation and requested the NRC reconsider the Severity Level III categorization of the violation because the violation represented neither willfulness nor careless disregard.

The Licensee stated that the NRC informed it that the Notice of Violation and Proposed Imposition of Civil Penalty—\$2,500 was processed under the 1992 (emphasis added) edition of the NRC Enforcement Policy, and under that edition, "a willful violation involves 'careless disregard of requirements, deception, or other indication of willfulness,' 10 CFR Part 2, Appendix C, Section IV.C." Citing the same paragraph from the 1992 edition, the Licensee stated that the reference to negligence was deleted since negligence is not willful. The Licensee also pointed out that daily radiation surveys were made and stated that the daily surveys have not detected any contamination. The Licensee further stated that records of daily surveys indicate compliance with NRC requirements.

As an additional example of an attempt to show that the RSO did not act with careless disregard, the Licensee discussed an attempt to make required leak tests of sealed sources, stating some samples were collected, but inadvertently were not submitted for analysis in a timely fashion.

In conclusion, the Licensee contended that without willful conduct, the violation is correctly categorized at Severity Level IV rather than Severity Level III.

##### *NRC Evaluation of Licensee's Response to Violation A*

The Licensee is in error in its statement that the NRC informed it that the enforcement action was processed under the 1992 edition of the NRC Enforcement Policy. The two examples of Violation A began on January 7 and January 26, 1994, respectively. Therefore, the controlling edition of the NRC Enforcement Policy was published in 10 CFR Part 2, Appendix C, effective on January 1, 1994, which was the Enforcement Policy in effect for a significant duration of the violation, as stated by the NRC in its February 5, 1996 letter to the Licensee. Nevertheless, the Licensee is correct in the assertion that mere negligence is not a form of willfulness for purposes of the NRC Enforcement Policy.

The 1994 Enforcement Policy, Section IV.C, provides that the severity level of a violation may be increased if the circumstances surrounding the matter involve careless disregard or other indication of willfulness. Further, the term "willfulness" embraces a spectrum of violations including careless disregard. Also, the position and responsibilities of the individual involved in the violation, e.g., licensee official,<sup>2</sup> will be considered in assessing the severity level of a violation.

In any NRC-licensed radiation safety program, the RSO is a licensee's focal point

<sup>2</sup> 10 CFR Part 2, Appendix C, Paragraph IV.C, Footnote 7, provides that for purposes of the NRC Enforcement Policy, a Radiation Safety Officer is considered a licensee official.

for radiation safety activities. The RSO and senior managers of a licensee are considered by the NRC to be responsible for implementing and maintaining the radiation safety program. In this case, the Licensee's current RSO was approved when License Amendment No. 14 was issued by the NRC on May 18, 1988.

The Licensee's NRC-licensed program was operated in a safe manner with a minimum of violations from May 18, 1988, until January 1994, at which time the leak tests of sealed sources was stopped. The RSO attributed this turn of events to increased demands on his time as a supervisory radiographer. The NRC inspection established that the RSO knew the Licensee was required to perform leak tests at specified intervals because the RSO told the NRC inspector that he understood the requirement. Discussions with the RSO and a review of records indicated that leak tests were not performed after January 1994. Further, the RSO told the NRC inspector that: (1) He knew the NRC required sealed sources to be leak tested; (2) he knew the leak test requirement was not being fulfilled; (3) he did not promptly implement corrective action to insure that leak tests were performed; and, (4) he had not informed Licensee managers of his need for assistance in either production radiography or the radiation safety program. Considering the RSO's statements to the NRC inspector, along with the position and responsibilities of the RSO for implementing the Licensee's radiation safety program, the NRC considers the RSO's actions to represent willful misconduct. The RSO demonstrated at least careless disregard of NRC requirements, not merely negligent conduct as advanced by the Licensee.

The Licensee also argues that daily radiation surveys would identify any leakage from a sealed source and the Licensee had not identified any loss of containment through daily surveys. The Licensee is incorrect in this statement as a direct radiation survey would not identify leakage since it does not distinguish between the radiation field emitted from an unbreached sealed source or that from a leaking source. Therefore, daily surveys are not a substitute for required leak tests.

The Licensee's discussion of an attempt to make required leak tests of sealed sources to demonstrate that the RSO was not acting with careless disregard is not persuasive when the Licensee stated that some samples were collected, but inadvertently were not submitted for analysis. It is true that leak test samples were gathered. However, the samples were not marked with the identity of the source tested. Therefore, the RSO was unable to correlate a sealed source with a specific sample. Based on a lack of identity of the samples and inability to correlate samples to sources, test samples were not submitted for analysis. It appears that the RSO's decision not to submit the test samples was based on the problems with the samples and not an inadvertent error on the part of the RSO as contended by the Licensee.

In conclusion, the Licensee did not offer any new information that would cause the NRC to withdraw Violation A or reduce the severity level of the violation.

#### Summary of Licensee's Request for Mitigation

The Licensee contended that the civil penalty should be mitigated because of the Licensee's demonstrated good performance, having had only one minor recordkeeping violation during the previous 11 NRC inspections. The Licensee further stated that the acknowledged cooperation of the Licensee's Radiation Safety Officer (RSO) during the inspection signifies that there was no attempt to conceal any violations from the inspector and that records the RSO provided to the inspector demonstrate compliance with NRC requirements. Finally, the Licensee asks the NRC to reconsider the civil penalty because of the corrective actions implemented to prevent recurrence of the violations.

#### NRC Evaluation of Licensee's Request for Mitigation

The Licensee's good performance was considered in assessing the civil penalty adjustment factor for past performance. However, the NRC does not expect its licensees to willfully violate its requirements; therefore, it is inappropriate to make any adjustment for a licensee's good past performance when assessing a potential civil penalty for a willful violation.

The Licensee argued that the civil penalty should also be mitigated because the RSO cooperated with the NRC inspector and he did not attempt to conceal any violations from the inspector. The NRC acknowledged the RSO's cooperation. However, the NRC expects its licensees and their employees to act with complete candor when dealing with the NRC; thus mitigation is not warranted. A basis for mitigation would only be associated with self-identification of the violation by a licensee or prompt and extensive corrective actions. Mitigating credit was given to the Licensee in assessing the civil penalty adjustment factor for self-identification of a violation. Corrective action is discussed in the following paragraph.

The Licensee also asked the NRC to consider mitigating the civil penalty because of the corrective actions that have been implemented to prevent recurrence of the violation. The NRC considered the Licensee's long term corrective action in assessing the civil penalty adjustment factor for corrective action. The NRC recognized that the actions to prevent recurrence were comprehensive and the NRC would normally mitigate a civil penalty for such corrective measures. However, the Licensee's RSO was aware of the violation for more than one year and he did not take any action to promptly correct the violation. A failure to take immediate corrective action would normally be considered as an escalating factor in assessing a civil penalty. In this case, escalation for failing to perform immediate corrective actions is offset by equal mitigation for the long term actions. Therefore, the amount of the base civil penalty was not adjusted for the corrective action factor.

The Licensee did not offer any new information that would cause the NRC to mitigate or remit the civil penalty for Violation A.

#### NRC Conclusion

The NRC has concluded that this violation occurred as stated and the Licensee has not provided an adequate basis for a reduction of the severity level or for mitigation or remission of the civil penalty. Consequently, the proposed civil penalty in the amount of \$2,500 is imposed.

#### Evaluation of Violation Not Assessed a Civil Penalty

On February 5, 1996, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for two violations identified during an NRC inspection. One violation, Violation A, was assessed a civil penalty. (See the Appendix, "Evaluation and Conclusion," to the accompanying Order Imposing Civil Penalty for the details associated with Violation A.)

The second violation, Violation B, was cited for the Licensee's failure to conduct the quarterly inventory of all sealed sources, as required by 10 CFR 34.26. Violation B was categorized at Severity Level IV and was not assessed a civil penalty. The Duriron Company, Inc. (Licensee) responded to the Notice on February 19, 1996, and denied Violation B. The NRC's evaluation and conclusion regarding the Licensee's denial of Violation B are as follows:

#### Restatement of Violation B

10 CFR 34.26 requires, in part, that the Licensee conduct a quarterly inventory to account for all sealed sources.

Contrary to the above, from June 10, 1994, to September 11, 1995, an interval encompassing at least four quarterly periods, the Licensee did not conduct an inventory to account for all of its sealed sources. Specifically, five iridium-192 sealed sources that were in storage were not included in the quarterly inventory.

This is a Severity Level IV violation (Supplement VI).

#### Summary of Licensee's Response to Violation B

The Licensee states that the inventories were conducted by visual surveys, but notes of these surveys were not completed or transcribed in the correct format. The Licensee claims that the RSO was embarrassed by his failure to maintain his inventory records and did not show the records to the NRC inspector because of his embarrassment. The Licensee attached two pages of records to the February 19, 1996 response and indicated that the information on those pages demonstrated compliance with the NRC inventory requirement.

#### NRC Evaluation of Licensee's Response

The Licensee claims in the February 19, 1996 letter that inventories were conducted by visual survey. However, the RSO told the NRC inspector that he last inventoried the NRC-licensed materials on January 7 and June 10, 1994. The RSO attributed his failure to inventory the sources to the constraints placed on his time as a supervisory radiographer and RSO.

As of the date of the inspection, the Licensee possessed eight sealed sources consisting of one cobalt-60 source and seven

iridium-192 sources. (The cobalt-60 source and two iridium-192 sources are used almost every day. The five remaining iridium-192 sources are in storage.) In citing the violation, the NRC credited the Licensee with having complied with the inventory requirement for the three sources that are in virtually daily use and cited the Licensee for failing to conduct the quarterly inventory of the sealed sources that were in storage.

The Licensee copied four records onto the first page attached to the February 19, 1996 letter and represented those copies as examples of inventory records. None of the records list the source by serial number or indicate the date the inventory was made. Therefore, with the exception of the record for one cobalt-60 source, the records submitted with the Licensee's February 19, 1996 letter do not show that an inventory was made and cannot be used in evaluating the Licensee's response to the NOV.

The second page attached to the Licensee's February 19, 1996 letter shows three sealed sources by serial number and isotope were inventoried on June 10, 1994. The NRC considered that inventory while assessing the violation and did not cite the Licensee for that inventory. Rather, the cited violation was for the quarterly inventories that were not performed from June 11, 1994, to the September 1995 inspection. The Licensee's February 19, 1996 letter did not provide any information to show that quarterly inventories were made from June 11, 1994, to September 11, 1995.

#### NRC Conclusion

The Licensee has not provided an adequate basis for withdrawal of the violation. Therefore, NRC concludes that the violation occurred as stated in the Notice.

[FR Doc. 96-9666 Filed 4-18-96; 8:45 am]

BILLING CODE 7590-01-P

### **Commonwealth Edison Company; LaSalle County Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact**

#### **[Docket Nos. 50-373 and 50-374]**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations to Facility Operating License Nos. NPF-11 and NPF-18, issued to Commonwealth Edison Company (ComEd, the licensee), for operation of the LaSalle County Station, Units 1 and 2, located in LaSalle County, Illinois.

#### Environmental Assessment

##### *Identification of the Proposed Action*

The proposed action is in accordance with the licensee's application dated February 20, 1996, for an exemption from certain requirements of 10 CFR 73.55, "Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors Against

Radiological Sabotage." The requested exemption would allow the implementation of a hand geometry biometric system of site access control in conjunction with photograph identification badges and would allow the badges to be taken off site.

##### *The Need for the Proposed Action*

Pursuant to 10 CFR 73.55(a), the licensee is required to establish and maintain an onsite physical protection system and security organization.

In 10 CFR 73.55(d), "Access Requirements," it specifies in part that "The licensee shall control all points of personnel and vehicle access into a protected area." In 10 CFR 73.55(d)(5), it specifies in part that "A numbered picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort." It further indicates that an individual not employed by the licensee (e.g., contractors) may be authorized access to protected areas without an escort provided the individual, "receives a picture badge upon entrance into the protected area which must be returned upon exit from the protected area."

Currently, unescorted access for both employee and contractor personnel into the LaSalle County Station, Units 1 and 2, is controlled through the use of picture badges. Positive identification of personnel who are authorized and request access into the protected areas is established by security personnel making a visual comparison of the individual requesting access and that individual's picture badge. The picture badges are issued, stored, and retrieved at the entrance/exit location to the protected area. In accordance with 10 CFR 73.55(d)(5), contractor personnel are not allowed to take their picture badges off site. In addition, in accordance with the plant's physical security plan, the licensee's employees are also not allowed to take their picture badges off site. The licensee proposes to implement an alternative unescorted access control system which would eliminate the need to issue and retrieve picture badges at the entrance/exit location to the protected area. The proposal would also allow contractors who have unescorted access to keep their picture badges in their possession when departing the LaSalle site. In addition, the site security plans will be revised to allow implementation of the hand geometry system and to allow employees and contractors with unescorted access to keep their picture badges in their possession when leaving the LaSalle site.

##### *Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the proposed action and concludes that the proposed exemption would not increase the probability or consequences of accidents previously analyzed and would not affect facility radiation levels or facility radiological effluents. Under the proposed system, all individuals with authorized unescorted access will have the physical characteristics of their hand (hand geometry) registered with their picture badge number in a computerized access control system in addition to their picture badges. Therefore, all authorized individuals must not only have their picture badges to gain access into the protected area, but must also have their hand geometry confirmed.

All other access processes, including search function capability and access revocation, will remain the same. A security officer responsible for access control will continue to be positioned within a bullet-resistant structure. The proposed system is only for individuals with authorized unescorted access and will not be used for individuals requiring escorts.

The underlying purpose for requiring that individuals not employed by the licensee must receive and return their picture badges at the entrance/exit is to provide reasonable assurance that the access badges could not be compromised or stolen with a resulting risk that an unauthorized individual could potentially enter the protected area. Although the proposed exemption will allow individuals to take their picture badges off site, the proposed measures require not only that the picture badge be provided for access to the protected area, but also that verification of the hand geometry registered with the badge be performed as discussed above. Thus, the proposed system provides an identity verification process that is equivalent to the existing process.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as