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MEMORANDUM

From: Director, External Affairs, Naval Nuclear Propulsion Program
To: File

Subj: NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) RECORD OF
CATEGORICAL EXCLUSION (CATEX) FOR THE QUIET TEST LOOP
FACILITY

- Ref: (a) National Environmental Policy Act, 42 U.S.C. 4321 et seq., Public Law 91-190 (1970)
(b) Department of Defense National Environmental Policy Act Implementing Procedures dated 30 Jun 25
(c) OPNAV M-5090.1, Environmental Readiness Program Manual
(d) Information Bulletin #43 (Fourth Amendment), Indiana Lake Michigan Coastal Program (LMCP) Federal Consistency Nonrule Policy Document, dated 1 Jun 23
(e) LMCP Area, https://www.in.gov/dA/e6517d1d70/lm-boundary_and_watershed.pdf?language_id=1, accessed 16 Apr 26
(f) National Historic Preservation Act, 54 U.S.C. § 300101 et seq., Public Law 89-665 (1966)

1. PURPOSE: This Record of Categorical Exclusion (CATEX), prepared in accordance with references (a) and (b), documents the applicable National Environmental Policy Act (NEPA) CATEX and the facts supporting its use for construction of the Quiet Test Loop (QTL) facility in St. Joseph County, Indiana. A CATEX is defined as a category of actions that have been determined to not significantly affect the quality of the human environment under normal circumstances and therefore do not require the completion of either an Environmental Assessment or an Environmental Impact Statement.

2. DESCRIPTION OF THE PROPOSED ACTION: The Naval Nuclear Propulsion Program (Navy) proposes to construct and operate a 10,000 square foot QTL facility for testing of flow elements at the Jefferson Boulevard Site in St. Joseph County, Indiana

just outside Mishawaka city limits (see Figures 1 and 2). Installation of security fencing is also included in the Proposed Action.

The Navy is in the process of developing a non-proprietary Low Flow Control Feedwater Regulating Valve (FRV) flow control element. There is currently no qualified test facility for performing production FRV testing. The QTL will initially be used for production testing and qualification testing of FRV flow elements and subsequently for testing ½-inch and 1-inch Air Throttle Valve flow elements. All of these flow elements are currently manufactured and acoustically tested by suppliers using proprietary designs and equipment. While the flow element designs that will be tested in the QTL facility are intended for use in naval nuclear propulsion plants, the QTL facility will not test, evaluate, or store nuclear materials.

3. APPLICABLE CATEGORICAL EXCLUSION: This action falls under CATEX III (33) of reference (b):

New construction that is similar to or compatible with existing land use (i.e., site and scale of construction are consistent with those of existing adjacent or nearby facilities) and, when completed, the use or operation of which complies with existing regulatory requirements (e.g., a building within a cantonment area with associated discharges and runoff within existing handling capacities). The test for whether this CATEX can be applied should focus on whether the proposed action generally fits within the designated land use of the proposed site.

4. RATIONALE FOR CATEX III (33): CATEX III (33) is appropriate because the Navy is proposing new construction of a test facility consistent with designated land use (zoning), nearby development, and nearby facilities. The proposed location, the 6-acre Jefferson Boulevard Site, is owned by American Electric Power (AEP) and is in an area with facilities of similar characteristics and zoning. The Navy's Mishawaka Test Loop (MTL) relief valve testing facility has operated nearby since April 30, 1984. The MTL is located on AEP property previously occupied by the Twin Branch Power Plant, which was demolished in 1984. The QTL facility construction is expected to be similar in scale to the MTL – approximately 1 acre.

The City of Mishawaka zoning map (Figure 1) shows significant industrial development (heavy and light) in the area north of the St. Joseph River and east of State Road (SR) 331, with additional areas zoned as such south of York Street. Figure 2 shows the St. Joseph County Industrial zoning near the MTL and the Jefferson Boulevard Site. The established relationships and existing facilities/leases will allow the QTL facility at the Jefferson Boulevard Site to fit within the general site scale and land use. Once completed, operation of the QTL will comply with existing regulatory requirements.

Figure 1: City of Mishawaka Zoning Map

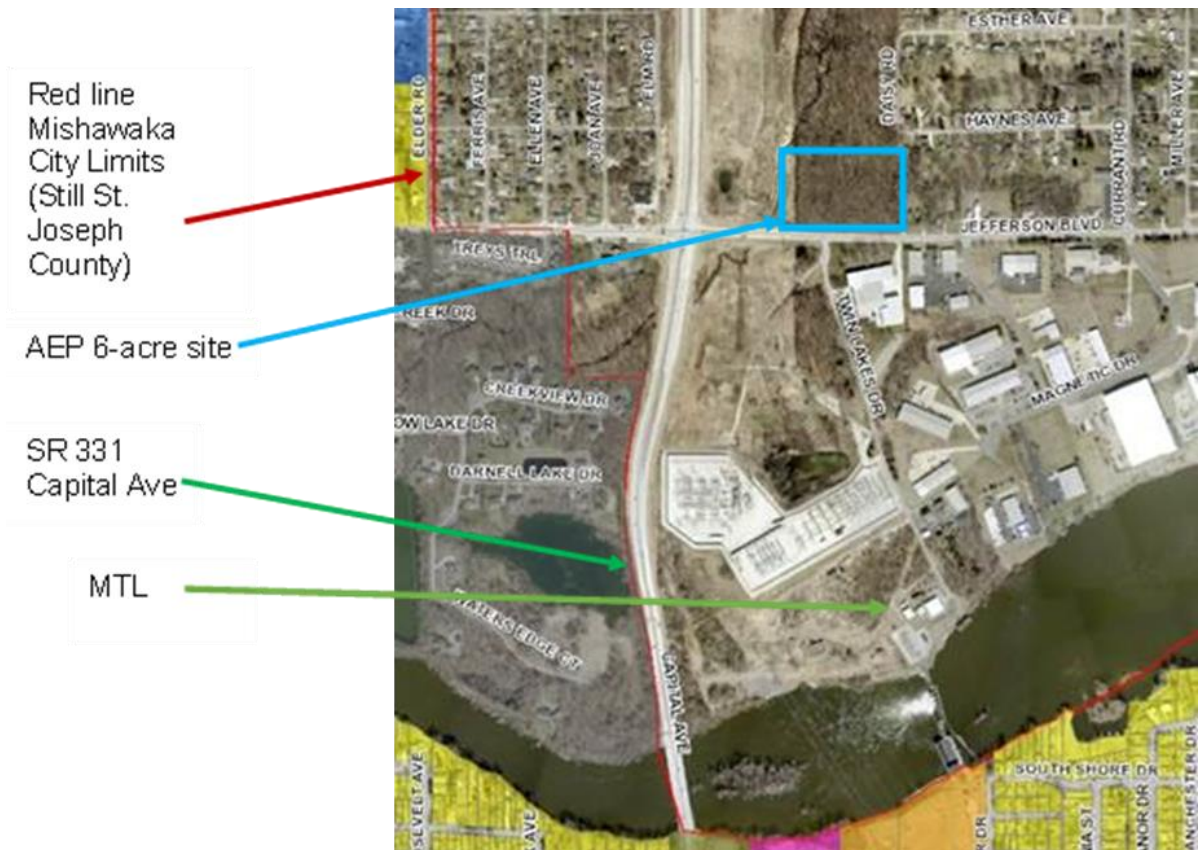
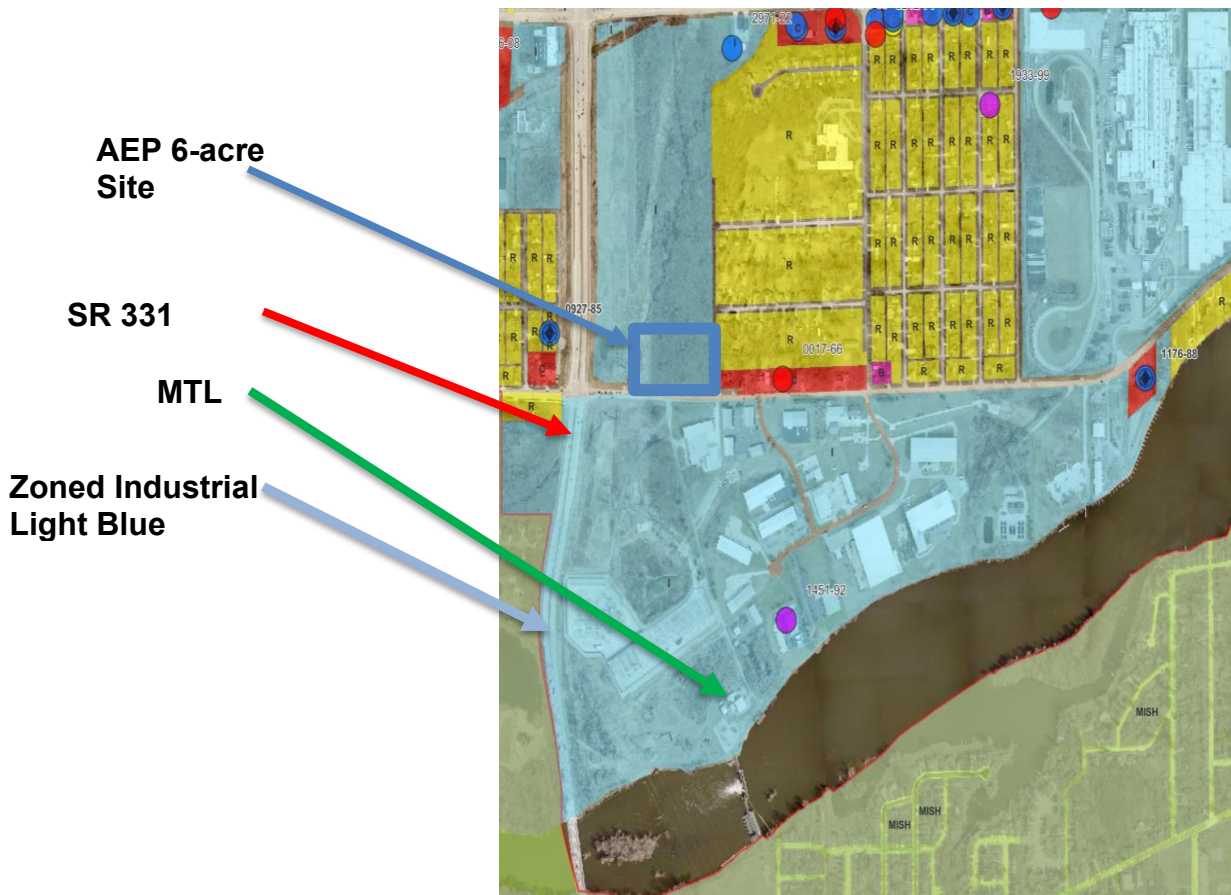


Figure 2: St. Joseph, IN County Industrial Zoning Map Adjacent to the MTL

5. EXECUTIVE ORDER (EO) 12114 REQUIREMENTS: Per EO 12114 and the Navy's implementing guidance in reference (c), an Overseas Environmental Impact Statement or Overseas Environmental Assessment must be prepared when a Proposed Action is considered to be a major Navy action abroad that may result in significant environmental harm, or when the significance of the harm is unknown. The Proposed Action is exempted from EO 12114 requirements because it lacks any potential to cause significant harm to the environment outside the United States (U.S.). The Proposed Action and any environmental effects are within the geographic boundaries of the U.S. Additionally, the Proposed Action does not meet the definition of "significant harm" within the meaning of reference (c) because the action would not introduce into a foreign nation's territory, territorial sea, or exclusive economic zone a product or a physical project that produces a principal product, emission, or effluent that is prohibited or strictly regulated by Federal law in the U.S. because its toxic effects on the environment create a serious public health risk (i.e., a "toxic product") or a physical project that is prohibited or strictly regulated in the U.S. by Federal law to protect the

environment against radioactive substances (i.e., a “radioactive substance”). This record of CATEX serves as the negative decision document.

6. ANALYSIS OF ENVIRONMENTAL EFFECTS: Implementation of the Proposed Action, as described above, is expected to cause minor ground disturbances during construction. A Phase I American Society for Testing and Materials (ASTM) Environmental Site Assessment (ESA) review of the Jefferson Boulevard Site, based on review of public documents, files, photographs, and maps; correspondence with regulatory agencies; review of an environmental regulatory database; interviews with local government agencies; and a reconnaissance of the property found no recognized environmental conditions, controlled recognized environmental conditions, or significant data gaps in connection with the site. The absence of recognized environmental conditions means there is no evidence of contamination, hazardous materials, or other environmental liabilities.

Air: St. Joseph County is in attainment with the National Ambient Air Quality Standards, thus a General Conformity analysis with the state implementation plan is not required. *De minimis* air emissions may result from additional vehicles on-site and construction/demolition debris generation during renovation.

Noise: The Proposed Action would result in temporarily elevated airborne noise levels at the site during construction. Noise would be generated from construction equipment such as generators, power tools, excavators, and dump trucks. The National Institute for Occupational Safety and Health sets a boundary of 85 decibels (dBA) as the recommended occupational exposure limit. St. Joseph County has set a maximum permissible environmental noise level for industrial zoned properties. Under Title XIII 130.03, the maximum permissible environmental noise level along residential district boundaries is 72 dBA. The nearest residential district boundary is approximately 260 feet east of the proposed QTL location on the Jefferson Boulevard Site, between Jefferson Boulevard and Haynes Avenue. Noise path reduction factors such as the normal unpacked earth site, intervening topography, and vegetation make any noise impacts during construction unlikely.

Water: No wetlands or floodplains are present on the Site. Willow Creek is west of the Proposed Action site and will not be impacted during construction or operation of the QTL. Willow Creek provides areas of good aquatic and riparian habitat and water quality features relative to other streams in the Little Calumet River watershed. It was one of the few stream segments where riffle pool complexes were found during field investigations for the Little Calumet River Watershed Management Plan.

Hazardous Materials and Waste: All solid and hazardous waste generated during construction and operation of the facility will be properly handled and disposed in accordance with all local, state, and federal regulations.

Biological Resources: Due to the geographic location of the Proposed Action, Indiana Bat (*Myotis sodalist*), Whooping Crane (*Grus americana*), and Monarch Butterfly (*Danaus Plexippus*) were identified as potentially affected by activities in this location. No critical habitat for these species is found at the Site. Tree removal restrictions will be implemented to ensure work in any potential Indiana Bat (*Myotis sodalist*) summer habitat will occur while hibernating or concentrated near their hibernacula. No areas of the Site exhibit characteristics that support breeding, wintering, or migratory stopover habitat of the Whooping Crane (*Grus americana*).

Several species of migratory birds, including the Bald Eagle (*Haliaeetus leucocephalus*), are listed as birds of concern in the project location. The Bald Eagle (*Haliaeetus leucocephalus*) is known to occur in the surrounding area; however, it is not a Bird of Conservation Concern at the Site. Based on the nature, location, and scale of the proposed construction project, no impacts to migratory birds are anticipated. The project will not contribute to or measurably exacerbate the primary threats to migratory birds, including habitat loss and degradation, collisions, light pollution, climate change, or the spread of invasive species and disease.

Coastal Zone Management Act: A federal action that has reasonably foreseeable effects on a land or water use of the Indiana Lake Michigan Coastal Program (LMCP) Area must be consistent with the state laws described in Indiana's LCMP Program Document. Indiana's coastal zone and the LMCP Area are defined as Indiana's portion of Lake Michigan and the watershed area draining into Indiana's portion of Lake Michigan (references (d) and (e)). The Proposed Action is in an inland area within the Saint Joseph River watershed, which drains into Michigan's portion of Lake Michigan in Berrien County, Michigan. Per reference (e), the Proposed Action is outside Indiana's LMCP Area. The Navy has assessed the potential impacts from implementation of the Proposed Action in accordance with paragraph 14-3.1(c) of reference (c) and Indiana's LMCP and determined the Proposed Action would not have reasonably foreseeable effects on coastal uses or resources of Indiana's coastal zone. In accordance with paragraph 14-3.1(h) of reference (c), no further documentation is required.

Cultural Resources: The Proposed Action does not have the potential for an adverse effect on archaeological resources or resources listed or determined to be eligible for listing on the National Register of Historic Places (NRHP). As documented in the Phase I ESA, since at least 1938 the site has been an undeveloped electric utility right-of-way, adjacent to an electrical substation and Twin Branch Power Plant until it was demolished in the 1980s. As such, there are no historic structures present that are listed or could be eligible for listing on the NRHP. To comply with Section 106 of reference (f), the Navy is conducting a review of the proposed project's effects in conjunction with the Indiana State Historic Preservation Officer.

Although the proposed site is not known to have been previously disturbed, much of the surrounding area has been subject to commercial, industrial, and residential development leading to the assumption that no archaeological resources are likely to be present. The Indiana State Historical Architectural and Archaeological Research Database does not identify any cultural resources on the site. In the event that cultural resources are discovered during project implementation, the Navy would facilitate an archaeological evaluation of the resources by the Indiana Department of Natural Resources.

American Indian Traditional Resources: In accordance with EO 13175, *Consultation and Coordination with Indian Tribal Governments*, Department of Defense Instruction 4710.02 and applicable Navy instructions, the Navy must consult with federally recognized Indian Tribes whenever proposing an action that may have the potential to significantly affect treaty-protected Tribal resources, Tribal rights, or Indian lands. Based on an evaluation of the potential impacts of the Proposed Action, the Navy has determined that the Proposed Action does not have the potential to significantly affect treaty-protected Tribal resources, tribal rights, or Indian lands. Accordingly, the Navy has concluded that Government-to-Government consultation is not required.

7. EVALUATION OF EXTRAORDINARY CIRCUMSTANCES: Part 1.4(d) of reference (b) was used to assess the presence of extraordinary circumstances that may preclude use of a CATEX. The Navy has determined this action would not:

- a. Adversely affect public health or safety;
- b. Involve effects on the human environment that are highly uncertain, involve unique or unknown risks, or which are scientifically controversial;
- c. Establish precedents or make decisions in principle for future actions that have the potential for significant impacts;
- d. Threaten a violation of applicable Federal, State, or local environmental laws;
- e. Involve an action that may:
 - i) Have more than an insignificant or discountable effect on federally protected species under the Endangered Species Act or have impacts that would rise to the level of requiring an Incidental Take Authorization under the Marine Mammal Protection Act irrespective of whether one is procured;
 - ii) Have an adverse effect on coral reefs or on federally designated wilderness areas, wildlife refuges, marine sanctuaries and monuments, or parklands;
 - iii) Adversely affect the size, function, or biological value of wetlands and is not covered by a general (nationwide, regional, or state) permit;

- iv) Have an adverse effect on archaeological resources or resources listed or determined to be eligible for listing on the NRHP (including, but not limited to, ships, aircraft, vessels, and equipment) where compliance with Section 106 of the National Historic Preservation Act has not been resolved through an agreement executed between the Department of the Navy and the appropriate historic preservation office and other appropriate consulting parties; or
- v) Result in an uncontrolled or unpermitted release of hazardous substances or require a conformity determination under standards in 40 CFR part 93, subpart B (the Clean Air Act General Conformity Rule).

8. CONCLUSION: Based on the above analysis, the Proposed Action is within the scope of CATEX III (33), and none of the extraordinary circumstances that may preclude reliance on a CATEX apply in this case. Therefore, the Proposed Action is excluded from the requirement for further NEPA analysis. This analysis and CATEX document will be retained on file at the place of origin: Commander, Naval Sea Systems Command (N00024), 1333 Isaac Hull Ave SE, Washington Navy Yard, DC 20376 and online at <https://www.energy.gov/nepa/doe-categorical-exclusion-cx-determinations>.

This Record of Navy CATEX has been developed in accordance with applicable policy and guidance documents, including OPNAV-M 5090.1, SECNAVINST 5090.8B, SECNAVINST 5000.2G, DoDI 5000.02, *DoD National Environmental Policy Act Implementing Procedures*, and NEPA, 42 U.S.C. § 4321, Public Law 91-190 (1970).

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None