

October 28, 2003

Mr. Kurt M. Haas
General Manager
Big Rock Point Plant
Consumers Energy Company
10269 US-31 North
Charlevoix, MI 49720

SUBJECT: BIG ROCK POINT - QUALITY ASSURANCE PROGRAM CHANGES
APPROVAL WITH COMMENT (L52099)

Dear Mr. Haas:

By letters dated April 15, 2003, and September 11, 2003, Consumers Energy Company submitted a proposed revision to the quality assurance program description for the Big Rock Point Plant (BRP). The revision was submitted as a reduction in commitment under the provisions of 10 CFR 50.54(a)(4).

The proposed revision reflects program simplifications at BRP based on the plant's decommissioned status. Specifically, as of April 2, 2003, all spent fuel has been transferred to the Independent Spent Fuel Storage Installation (ISFSI). Consequently, the primary focus of the BRP quality program requirements have shifted to important-to-safety ISFSI structures, systems, components, and associated process. The quality program continues to apply to decommissioning activities in select areas such as radiation protection under 10 CFR Part 20 and packaging and transportation of radioactive material under 10 CFR Part 71.

The Nuclear Regulatory Commission (the staff) reviewed the proposed revision, as documented in the enclosed safety evaluation, and found that the reduction in commitment will continue to satisfy the criteria of Appendix B to 10 CFR Part 50 and 10 CFR 72.140(d) subject to the following comment.

The staff found insufficient justification and does not approve the proposed change to the full element inspection interval for technical specifications from five years to six years. The staff informed BRP of its position in a telephone conversation with licensee representatives on September 25, 2003. The licensee had no objections to the staff's position regarding the technical specification full element audit interval and agreed that the interval could remain as-is. Therefore, the licensee should make no changes to the currently approved five year inspection frequency.

Based on BRP's acceptance of above comment, the staff finds all other proposed changes to the BRP QA program acceptable.

Mr. K. M. Haas

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You can contact me at 301-415-1141 or Jim Shepherd at 301-415-6712 for any additional information or clarification you need on this subject.

Sincerely,

/RA/

William C. Huffman, Project Manager
Section A
Decommissioning Branch
Division of Waste Management, NMSS

Docket No. 50-155
Docket No. 72-043

Enclosure: Safety Evaluation

cc w/encl: See next page

Mr. K.M. Haas

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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS

FOR PROPOSED REVISION TO THE

BIG ROCK POINT PLANT QUALITY ASSURANCE PROGRAM

CONSUMERS ENERGY

DOCKET NO. 50-155 AND 72-043

1.0 INTRODUCTION

By letters dated April 15, 2003, and September 11, 2003, Consumers Energy (the licensee) submitted a proposed revision (Revision 21) to the Big Rock Point decommissioning nuclear power plant (BRP) "Quality Program Description for Nuclear Power Plants Part 1 - Big Rock Point" (CPC-2A). This quality assurance (QA) program revision was submitted as a reduction in commitment under the provisions of 10 CFR 50.54(a)(4). The proposed QA program revision reflects changes and program simplification based primarily on having transferred all spent fuel from the spent fuel pool to dry cask storage in the Independent Spent Fuel Storage Installation (ISFSI) and also in consideration of the plant's current extensively decommissioned status.

2.0 BACKGROUND

BRP permanently shut down on August 30, 1997. The licensee submitted certification of permanent cessation of operations on June 26, 1997, and certification of permanent fuel removal on September 23, 1997. Subsequently, the licensee has accomplished significant decommissioning of the facility including removal of many major components. All spent fuel was transferred to the Independent Spent Fuel Storage Insulation (ISFSI) by the end of March 2003. A license termination plan was submitted to the NRC on April 1, 2003. As a result of the decommissioning activities, the licensee states that there are no longer any safety-related structures, systems, or components (SSCs) at the facility. The QA program, however, continues to apply to the ISFSI and other select areas such as radiological safety and material transportation.

3.0 EVALUATION

3.1 Basis of Evaluation

The existing BRP QA program is considered to meet the criteria in Appendix B to 10 CFR Part 50, "Quality Assurance for Nuclear Power Plants and Fuel Reprocessing Plant." Appendix B establishes QA requirements for the design, fabrication, construction, testing, and operation of nuclear power plant safety-related SSCs. During decommissioning, the regulations

require the licensee to maintain a QA program that complies with Appendix B until the Part 50 license is terminated.

An acceptable way of establishing QA program compliance with the requirements of 10 CFR Part 50, Appendix B quality assurance criteria is by reviewing and evaluating the licensee's commitment to the ANSI Standards N18.7 as endorsed by RG 1.33 and the ANSI Standard N45.2 series (and corresponding Regulatory Guides). The proposed changes to the BRP QA program were qualitatively evaluated and judged based on changes and exceptions to previous commitments to these ANSI standards and associated regulatory guides in the context of the current decommissioning status of the facility.

The changes were also evaluated to ensure continued compliance of the QA program with quality assurance regulations for ISFSIs per 10 CFR 72.140(d). Evaluation of the acceptability of the QA program changes relative to the ISFSI was performed in accordance with the guidance of NUREG-1567, "Standard Review Plan for Spent Fuel Dry Storage Facilities," which provides a well-defined, uniform basis for evaluating proposed changes to license commitments.

Therefore, this evaluation reviews the QA program changes for conformance with both 10 CFR Part 50, Appendix B, and 10 CFR Part 72, Subpart G.

3.2 Proposed Change

The licensee's proposed changes to the QA program reflect the complete transfer of spent fuel from the spent fuel pool to a generally licensed ISFSI. Because there are no longer any significant radiological hazards associated with the decommissioning activities at BRP, the focus of the QA program has been shifted to the ISFSI. The scope of the QA program for decommissioning activities (ongoing and separate from the ISFSI) primarily involves continued compliance with the license technical specifications, radiation protection under 10 CFR Part 20 and radioactive material transportation under 10 CFR Part 71. As a result of the decommissioning status of the plant and the passive nature of operation and maintenance of the ISFSI, significant changes to the quality organization and review responsibilities have been proposed. The changes also include changes in quality classifications and deletion of reactor related regulatory guidance where no longer appropriate. Most significantly, the structure and function of the former BRP Safety Review Committee and the Restoration Safety Review Committee (which are renamed under the proposed plan) have been considerably altered and reduced in scope commensurate with the plant status. In addition, numerous editorial changes have been made throughout the QA program to conform plans with scope of the proposed changes.

3.2.1 Program Scope Changes Based on the Plant's Decommissioned Status

The licensee states that since spent fuel and high level waste has been removed from within the areas of the plant being decommissioned and will only be stored at the ISFSI, there are no longer any SSCs or anything else safety related on-site. Consequently, the licensee has rewritten the scope of the QA program to primarily address the important-to-safety components associated with spent fuel storage associated with the ISFSI. Where appropriate, the licensee has removed the term "safety related" from the QA program and replaced it with "important-to-safety." The licensee notes that the QA program will continue to be applied to selected

decommissioning activities and programs in addition to the ISFSI - such as radiation protection under 10 CFR Part 20 and Packaging and Transportation of Radioactive Material under 10 CFR Part 71. The licensee will continue to maintain a Quality list to indicate activities, structures, systems, and components that are in the scope of the QA program.

The license states that the QA program continues to comply with 10 CFR 50, Appendix B, and incorporates the guidance of ANSI N18.7 and the ANSI N45.2 series where applicable for plant conditions. The licensee has stated that it continues to meet these ANSI standards and regulatory guides with exceptions as noted in the existing QA program as judged to appropriately reflect BRP's decommissioning status.

The staff has reviewed that changes to the scope of the BRP QA program and finds these changes to be acceptable based on the transfer of spent fuel to the ISFSI and the current decommissioned status of the plant.

3.2.2 Quality Organization and Responsibility Changes

The Quality responsible organizations at BRP under the proposed QA program have been considerably simplified. The following organizational units no longer have any Quality related responsibilities:

- The Equipment Services Department
- The Plant Operations Department Records Keeping Functions
- The Manager, Electrical Systems
- The Corporate Records Administrator
- The Manager, Production Support

The licensee has transferred Quality related records keeping responsibility to the Site General Manager. The licensee states that the other organizations listed above no longer have quality related functions based on the transfer of spent fuel to the ISFSI, the current decommissioned status of the plant, and the lack of any safety related SSCs.

The licensee has also removed reference to the Quality activities related to the "Certified Fuel Handler." The Certified Fuel Handler position is no longer relevant to the decommissioning facility because all fuel has been removed from the spent fuel pool and placed into an ISFSI.

The structure of the BRP Quality Assurance organization has been streamlined to the extent that all individuals in the organization report directly to the QA lead. In addition, the licensee has changed the title of the organization responsible for Quality Assurance from the "Nuclear Performance Assessment Department" to the "Quality Assurance Organization." The licensee notes that the revised QA program does not decrease the responsibility, authority, qualifications, and independence of the organization or the individuals responsible for the Quality program oversight.

The staff finds the proposed QA program organization changes, the reassignment of some duties, and elimination of quality positions and responsibilities that are not applicable based on the current status of the decommissioned plant, are consistent with 10 CFR Part 50,

Appendix B, and ANSI N18.7. The changes provide sufficient authority and organizational freedom, including sufficient independence from cost and schedule when opposed to safety considerations. Therefore, the changes are acceptable.

3.2.3 Changes in Commitments to Regulatory Guides and Standards

- (a) The licensee has removed the commitment to use of Regulatory Guide 1.29, "Seismic Design Classification," and Regulatory Guide 1.26, "Quality Group Classifications and Standards for Water, Steam, and Radioactive-Waste-Containing Components of Nuclear Power Plants," based on the lack of continued applicability of these regulatory guides to any safety related SSCs on the decommissioning site. Since RG 1.26 and RG 1.29 are no longer useful in determining the quality or seismic criteria for the ISFSI important-to-safety SSCs and support equipment, the licensee has committed to apply the quality classification and criteria of the ISFSI dry cask storage system and canister Safety Analysis Reports (WSNF-220 and WSNF-223) to determine those items and activities whose function is important to the safe operation of the ISFSI.

Based on the transfer of spent fuel to the ISFSI, the current decommissioned status of the plant, and the lack of any safety related SSCs, the staff agrees that Regulatory Guides 1.26 and 1.29 are no longer applicable. The licensee's use of the quality and seismic criteria in the ISFSI related SARs is appropriate and acceptable.

- (b) The licensee has removed the reference to 10 CFR 50.55a Codes and Standards and related commitments for in-service testing and inspection of pumps and valves since there are no longer any safety related SSCs and because this regulation is not applicable to ISFSIs. The licensee has replaced the reference to this regulation with 10 CFR 72 Subpart F, General Design Criteria (for ISFSIs).

The staff agrees that 10 CFR 50.55a is no longer applicable for the reason cited by the licensee and finds the change acceptable.

- (c) The licensee has removed the commitment to use Branch Technical Position ASB 9.5-1, "Guidelines for Fire Protection for Nuclear Power Plants." The licensee notes that the fire protection requirements for facilities undergoing decommissioning are addressed in 10 CFR 50.48(f). The licensee considers that there are sufficient controls in place to assure adequate fire protection in the licensee's fire protection plan without commitment to the guidance of ASB 9.5-1.

The staff agrees that by regulation and technical specification, the licensee is required to have a fire protection program for decommissioning which is different from the requirements of an operating nuclear power plant. Guidance for decommissioning fire protection is provided in Regulatory Guide 1.191, "Fire Protection Program for Nuclear Power Plants During Decommissioning and Permanent Shutdown." RG 1.191 does not recommend or endorse commitment to ASB 9.5-1, therefore, the staff finds the removal of the commitment to this Branch Technical Position from the BRP QA program acceptable.

3.2.4 Changes to the Safety Review Committees

In anticipation of the reduced quantities of important-to-safety and/or radiological items that will require safety reviews at the ISFSI and remaining decommissioning plant activities, the licensee has proposed significant changes to the safety review functions described in the QA program. The Safety Review Committee functions would be reduced to a Safety Reviewer. The oversight review committee (formerly name Restoration Safety Review Committee) would be renamed the Independent Safety Review Committee (ISRC). Changes to the safety review functions, quorum, qualifications, and responsibilities of the safety review personnel have been proposed that reflect the licensee's judgement on an adequate program based on the current plant status.

Specific changes related to the review committees are summarized below:

- The Safety Review Committee would no longer be a committee. Currently, the BRP safety review committee is composed of four members plus a chairman (five total members). The proposed change would not require a committee. Safety reviews would be conducted by a single safety reviewer assigned by the Site General Manager
- The background competency of a safety reviewer would not be required to meet ANSI N18.1, Sections 4.2 and 4.4. Instead, safety reviewers will be judged as competent and knowledgeable in the areas being reviewed and assigned in writing by the Site General Manager
- There would be no periodic meetings required since there would no longer be a committee. Safety reviews would be performed in a timely matter as necessary
- The BRP Restoration Safety Review Committee would be renamed the Independent Safety Review Committee (ISRC)
- The function of the ISRC would be shifted from nuclear power plant, early decommissioning, and spent fuel pool related concerns to focus on the current status of plant decommissioning activities and the ISFSI. Specifically, the function of the ISRC has been redirected to:
 - ISFSI Operations
 - Packaging of Spent Nuclear Fuel and Transportation
 - Engineering
 - Radiation Protection
 - Quality Assurance and Administrative Controls
- The background and experience of the ISRC member would not conform to ANSI N18.7, Section 4.3.1
- The ISRC size for interdisciplinary reviews would be reduced from four members plus chairman (five total members) to one member plus Chairman (two total members)
- Mandatory Committee meetings would be changed from twice yearly to annually

Based on the passive and simplistic nature of the ISFSI and the current status of decommissioning activities, the staff agrees that the functions, quorum, qualifications, and responsibilities of safety review committees (as described above) can be reduced without adverse impact to the quality of activities at BRP. Therefore, the staff finds the proposed changes to the safety review functions in the QA program acceptable.

3.2.5 Quality Program Audit Frequency Changes

The licensee has proposed changes to the audit frequency of various quality activities based on precedent established by previous NRC approvals of quality programs for decommissioning nuclear power plants. The licensee notes that the NRC has approved the proposed audit frequencies for specific plant conditions that were not as far along in the decommissioning process as BRP (e.g., previously approved for plants that still had the spent fuel still within the spent fuel pool). The changes proposed by the licensee are as follows:

- Change the audit of plant personnel performance, training, and qualifications, from once per 12 months to once per 24 months
- Change the audit of technical specifications (both those related to the Part 50 license and those related to the ISFSI) from once per 12 months to once per 24 months
- Change to audit frequency for the Site Security Plan from once per 12 months to the interval specified in the plan
- Change to audit frequency for the Site Emergency Plan from an audit once per 12 months to a partial audit once per 12 months with an audit of all elements of the Emergency Plan every 24 months
- Deleted the requirement for an off-site audit of the fire protection program once per 24 months and an audit by an outside qualified consultant once per 36 months

The licensee notes that the Site Security Plan is a NRC-approved document that has a separate audit frequency requirement within the plan. The licensee justified the deletion of the fire protection audits by off-site and outside auditors as not necessary as a quality related activity based on the current status of the plant and ISFSI. The licensee stated that these audits may continue to be performed but should not be required under the BRP QA program. The 24-month QA audit of the fire protection program will not be changed.

Because all spent fuel is in an ISFSI, the plant is well along in its decommissioning process, and based on precedent established by NRC approvals of similar audit frequencies for other decommissioning plants, the staff finds the proposed changes acceptable.

In a September 11, 2003 submittal to the staff, the licensee clarified that the proposed change to audit frequency of the plant and ISFSI technical specifications from a 12-month to a 24-month frequency was only a partial audit frequency. The current BRP QA program requires that all elements of the technical specifications should be audited within a 5- year inspection interval. The licensee has requested to extend that full element inspection interval to six years to coincide with the change of a partial technical specification audit every 24 months (i.e., approximately 1/3 of the elements would be audited every two years).

The staff has considered the merit of this change and does not agree with extending the full technical specification audit interval to six years. The staff notes that the technical specifications for the ISFSI and the decommissioning plant have been greatly simplified and substantially reduced from those of an operating plant licensee. The licensee should have no problem accomplishing an audit of all technical specification elements in the currently prescribed 5-year interval. In addition, the staff does not see a need to extend this interval from a burden reduction perspective. Furthermore, the staff is concerned that extending the interval may establish a precedent for other facilities without a basis besides convenience. Therefore, the staff does not approve the proposed use of a 6-year full element inspection interval for

technical specifications. The licensee should make no changes to the currently approved 5-year inspection frequency.

3.2.6 Use of Contractors to Perform Quality Activities

The licensee's currently approved QA program permits BRP to delegate QA responsibility to a specific contractor (Nuclear Management Company - NMC). The licensee has proposed to change the QA program to be more flexible on the use of a qualified independent contractor, agent, or consultant to which QA functions may be delegated. Should a quality function be delegated to a contractor, agent, or consultant, it is possible that NMC may not be the preferred source. The licensee will continue to exercise the same controls over any entity to which quality functions may be delegated as it currently would employ for oversight of NMC. The licensee will continue to retain overall responsibility for any delegated quality assurance activities.

The licensee's program describes sufficient control of the quality aspects of the contractors, agents, or consultants to ensure that the organization or individuals chosen for quality program implementations will be both qualified and independent from cost and schedule when opposed to safety considerations.

The staff finds that the essential elements of 10 CFR Part 50 Appendix B are retained without specifying the use of a specific contractor and, therefore, the licensee's proposed changes are acceptable.

3.2.7 Miscellaneous Changes to the Quality Program

- (a) ANSI N18.7, Section 5.3.5(3), recommends that a quality program have instructions included or referenced (in maintenance procedures), for returning equipment to its normal operating status. The licensee's proposed QA program changes the procedures for returning equipment back to a declared operable status after maintenance or repair. Currently, equipment at BRP is maintained by qualified individuals in the "maintenance department." Equipment lineups and operability declarations are accomplished by qualified individuals in the "operations department." The operations department verifies equipment operability through a second-level lineup verification.

The licensee is proposing to remove reference to "operations department" and "maintenance department" based on the simplifications in the on-site organizations. The licensee states that persons operating ISFSI equipment will be qualified to do so but not necessarily referred to as operators. Likewise, persons performing maintenance or repairs will not necessarily be referred to as repairmen or maintenance department personnel. Lineup verifications will continue to be performed when necessary to establish equipment operability. However, because of the simplicity of the passive ISFSI operations and associated equipment, the licensee proposed to eliminate performing second-level lineup verifications.

The staff finds that the proposed change to the procedure for returning equipment to operable status meets the intent of ANSI N18.7. Based on the simplicity and passive nature of the ISFSI, the current decommissioned status of the plant, and the lack of any safety related SSCs that would need second level verification lineups, the changes are acceptable.

- (b) ANSI N18.7 Section 3.4.2, recommends that on-site operating organizations include individuals knowledgeable in nuclear power plant operation, nuclear power plant mechanical, electrical, and electronic systems, nuclear engineering, chemistry and radiochemistry, radiation protection, and quality assurance. In the proposed change to the BRP QA program, the licensee has taken exception to committing to maintain individuals on staff with these qualifications. The licensee states that the need to maintain staff having the knowledge level specified in ANSI N18.7 has been determined to be unnecessary based on the passive nature of the ISFSI SSCs. Furthermore, the licensee believes that no problem would be so rapidly evolving that would disallow the ability to contract or retain persons knowledgeable in these areas that can be brought to bear against any difficulties - if needed.

The staff agrees that maintaining a cadre of individuals or staff specifically qualified in the disciplines required by section 3.4.2 of ANSI N18.7 is unnecessary considering the simplicity and passive nature of the ISFSI, the current decommissioned status of the plant, and the unlikelihood of any malfunction or event that would benefit from the immediate presence of staff on-site with the above qualifications. Since the licensee has committed to retain or contract to obtain expertise in these areas as needed, the staff finds the proposed changes acceptable.

3.2.8 Editorial Changes

In conjunction with the above changes, the licensee made a number of associated editorial changes. Editorial changes are permitted by 10 CFR 50.54(a)(3) and do not require NRC approval. Therefore, the licensee's editorial changes are acceptable.

3.2.9 Assessment of QA Program Against 10 CFR Part 72, Subpart G

The staff also reviewed and evaluated the proposed changes to revision 21 of BRP's QA Program with the intent to determine if the Consumers Energy Quality Assurance Program for BRP continues to comply with the requirements of 10 CFR Part 72, Subpart G.

- (a) Areas Reviewed:

- Organization
- QA Program
- Design Control
- Procurement Document Control
- Instructions, Procedures, and Drawings
- Document Control
- Control of Purchased Material, Equipment, and Services
- Identification and Control of Items
- Control of Special Processes
- Inspection
- Test Control
- Control of Measuring and Test Equipment
- Handling, Storage, and Shipping
- Inspection, Test, and Operating Status

Nonconforming Materials, Parts, or Components
Corrective Action
Quality Records
Audits

NUREG-1567 provides guidance for evaluating the licensee's Quality Program changes against the above 18 areas. Based on the staff's review of the Quality Program, the staff has determined that the proposed revision continues to meet the requirements of Subpart G of 10 CFR Part 72. While this evaluation has determined that the Quality Program is acceptable, continued proper implementation of the Quality Program Plan will be assessed during future NRC inspections.

(b) Evaluation Findings

The Quality Program describes requirements, procedures, and controls that, when properly implemented, complies with requirements of 10 CFR Part 72.

The structure of the organization and assignment of responsibility for each activity ensures that designated parties will perform the work to achieve and maintain specified quality requirements.

Conformance to established requirements will be verified by qualified personnel and groups not directly responsible for the activity being performed. These personnel and groups report through a management hierarchy which grants the necessary authority and organizational freedom and provide sufficient independence from economic and scheduling influences.

The Quality Program Plan is well-documented and provides adequate control over activities affecting quality, as well as structures, systems, and components important to safety, consistent with their relative importance to safety.

The Consumers Energy Quality Program Plan, Revision 21 is found to meet the requirements of 10 CFR Part 72, Subpart G, based on the review described above.

4.0 CONCLUSIONS

The proposed changes to the licensee's QA program as described above will continue to satisfy the criteria of Appendix B to 10 CFR Part 50 and Subpart G of 10 CFR Part 72 subject to the comment discussed in the evaluation section on audit frequency changes. The revision to the proposed BRP QA program (revision 21) as submitted in Consumer Energy letters dated April 15, 2003, and September 11, 2003, is acceptable provided the licensee does not change the total element inspection interval for technical specifications from five years to six years.

Principal Contributors: J Pearson
W Huffman

Date: October 20, 2003