

DOCKET NUMBER
 PROPOSED RULE **PR-50**
(45 FR 75167)

JUL 14 1980



Dr. Donald F. Knuth, President
 KMC, Inc.
 1747 Pennsylvania Avenue, NW.
 Washington, DC 20006

Dear Dr. Knuth:

On February 14, 1980, you filed with the Commission, on behalf of KMC, Inc., and 17 utilities, a letter of comment on the NRC proposal to provide an interim upgrade of emergency planning regulations (44 FR 75167; December 19, 1979). Your letter includes, as an enclosure, a petition for rulemaking which you state is filed in accordance with 10 CFR 2.802. Your petition asks the NRC to set aside for separate rulemaking the portion of the proposed interim emergency planning rule related to the requirement that all persons within 10 miles of a nuclear power facility be alerted within 15 minutes after local and State officials have been notified by the licensee that an accident has occurred. It also requests that NRC conduct a rulemaking hearing to insure adequate consideration of all viewpoints regarding the issue.

Since the purpose of publishing proposed regulations is to seek public comment (see 5 U.S.C. 553 (b) and (c)), use of the Commission's §2.802 petition procedure to recommend changes to proposed rules is redundant. Therefore, your letter and the petition which accompanied it have been treated as comments on the proposed rule.

Extensive public comment has been received on the proposed interim emergency planning rule. The points raised in your petition, as well as other comments from the public, have received careful consideration by the NRC staff in the development of the proposed final rule.

Sincerely,

(Signed) William J. Dircks

William J. Dircks
 Acting Executive Director for
 Operations

R&P RDG S.J.S. Parry
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 JCawley MJamgochian
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 DJDonoghue **EDORF**
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