

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

JUL 14 1980



J. Michael McGarry, III, Esq.
 Debevoise and Liberman
 1200 17th Street, NW.
 Washington, DC 20036

Dear Mr. McGarry:

On March 17, 1980, your petition for rulemaking, submitted on behalf of Duke Power Company, Texas Utilities & Generating Company, and Washington Public Power Supply System, was filed with the Commission. The petition, which you state is filed in accordance with 10 CFR 2.802, asks that NRC modify the proposed interim emergency planning rule (44 FR 75167; December 19, 1979). Specifically, you request that the NRC defer promulgation of the final rule and redraft and republish proposed emergency plan regulations.

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, the petition has been treated as a comment 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
 Executive Director for
 Operations

R&P RDG
 R&P SUBJ GCunningham
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 JPhilips **EDORF**
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 PGNorry
 SJChilk ✓
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