UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

COMMISSIONERS:

Nunzio J. Palladino
Victor Gilinsky
John F. Ahearne
Thomas M. Roberts
James K. Asselstine

In the Matter of

SOUTHERN CALIFORNIA EDISON COMPANY, et al.

(San Onofre Nuclear Generating Station, Units 2 and 3)

Docket Nos. 50-361 OL
50-362 OL

CORRECTED

MEMORANDUM AND ORDER

(CLI-82-35)

On May 14, 1982, the Licensing Board issued its decision in the operating license proceeding for San Onofre Units 2 and 3, retaining jurisdiction over the question of the adequacy of emergency medical services arrangements by the offsite response organizations. While the Licensing Board found that the applicants had not met the requirements of 10 CFR 50.47(b)(12) regarding arrangements for medical services for members of the public, it determined that these deficiencies did not preclude full power operations for six months provided the deficiencies are remedied. LBP-82-39, 15 NRC 1163.

Subsequently, the Commission directed certification of two questions on the interpretation of 10 CFR 50.47(b)(12), CLI-82-27, 16 NRC ___, (September 24, 1982). The Licensing Board has now requested further guidance from the Commission on whether to continue with the hearings it has scheduled in light of the pendency of the certified questions. Specifically, the Licensing Board certified the following question to the Commission:

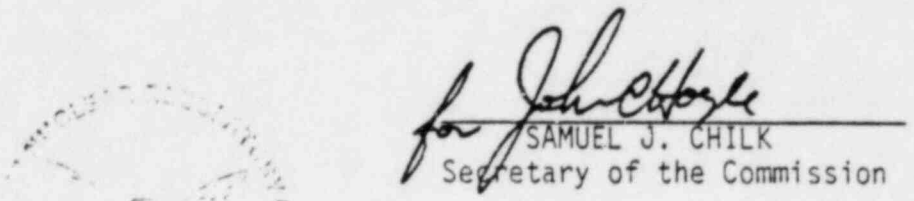
> Does the Commission wish the Licensing Board to continue the proceeding initiated by the Board's Order of October 1, 1982, with a view toward the Commission's considering the record and the Licensing Board's findings in its decision of the certified questions? Alternatively, does the Commission wish the Licensing Board to terminate or suspend its proceeding until after the Commission decides the certified questions, in order to avoid the possible waste of resources?

In its order directing certification, the Commission specified that the license condition imposed by the Licensing Board would remain in effect pending the Commission's consideration of the issue. The Commission has reviewed the Licensing Board's October 1, 1982 order and believes further evidentiary proceedings would not be fruitful at this time. Accordingly, the Board should suspend its proceeding until further order of the Commission. The Board's license conditions shall otherwise remain in effect.

Commissioners Gilinsky and Asselstine dissent from this decision.

It is so ORDERED.

For the Commission*



SAMUEL J. CHILK
Secretary of the Commission

Dated at Washington, D.C.,

this 19th day of November, 1982

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* Commissioner Roberts was not present when this Order was approved. Had Commissioner Roberts been present at the meeting he would have voted with the majority. To enable the Commission to proceed with this case without delay, Commissioner Asselstine, who was a member of the minority on the question up for decision, did not participate in the formal vote.