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GOVERNMENT ACCOUNTABILITY PROJECT

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Nunzio Palladino, Chairman
Thomas Roberts, Commissioner
James Asselstine, Commissioner
Frederick Bernthal, Commissioner
Lando Zech, Commissioner
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Commissioners:

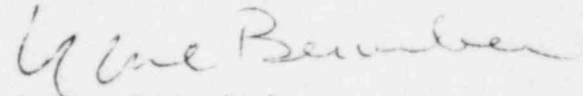
Yesterday, in accordance with the Commission's order, Three Mile Island Alert filed its Appeal of Judge Ivan W. Smith's Order Denying Motions to Disqualify Him. I noted that page 23 was inadvertently omitted. Enclosed please find page 23.

On page 32 of the Appeal, TMIA stated, "TMIA representative Louise Bradford has represented TMIA since the main hearings, beginning in January 1981 . . . and participated in most of the hearings on training issues." I wish to clarify that I mean by participation that Ms. Bradford attended the main hearings on training and actively represented TMIA in both the reopened and the remanded training hearings.

On page 48, the citations which appear in the third paragraph should be placed at the end of the first sentence of that paragraph.

I regret any inconvenience this may have caused you.

Sincerely yours,



Lynne Bernabei
Attorney for Three Mile Island Alert

cc: Service List

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Second, Judge Smith admits that he learned of Floyd's conviction and inferred that Floyd had been publicly humiliated and his career damaged outside the restart proceeding. Memorandum and Order at 23. Yet he mysteriously terms this fact "a quibble--an irrelevant one at that." Id. at 22.

Clearly, Judge Smith's statements about Floyd's motivation for cheating and his conclusions about the injuries Floyd has suffered from his conviction are derived from sources outside the restart proceedings. Since Judge Smith's letter was based on extrajudicial sources, and demonstrates bias in favor of Licensee and prejudgment of the training issue, it requires his removal.