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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

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The Honorable George W. Gekas  
United States House of Representatives  
Washington, D.C. 20515

Dear Congressmen Gekas:

Your letter of February 12, 1985 to the Commission has been referred to me for reply. You requested that Judge Ivan Smith be replaced as Chairman of the Atomic Safety and Licensing Board presiding over the Three Mile Island Unit 1 restart proceeding, because of a letter that Smith sent to United States District Court Judge Sylvia Rambo. You also requested that the Commission not make a decision on restart until the Ivan Smith question and all other matters related to TMI-1 restart are satisfactorily completed.

Three parties to the restart proceeding have filed motions with Judge Smith asking him to recuse himself from further participation in the restart proceeding because of his letter to Judge Rambo, and also because of statements he made during the course of the restart proceeding.

Under the Commission's regulations, 10 CFR 2.704 (enclosed), Judge Smith is given the opportunity to rule on these disqualification motions. Judge Smith denied these motions on February 20, 1985. The Commission has taken review of that decision, and will be ruling on the matter in the near future.

With regard to other matters related to restart, the attached order fully explains the Commission's decision that the Licensing Board should decide the training and mailgram issues, but that no further hearings are required in the restart proceeding. The Commission must now decide whether to

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await the Licensing Board's decision on training and the mailgram before deciding whether to authorize restart.

Sincerely,

A handwritten signature in cursive script, appearing to read "Herzel H. E. Plaine".

Herzel H. E. Plaine  
General Counsel

Enclosure:  
As stated

cc: The Honorable William F. Goodling  
Parties to TMI-1 Restart Proceeding