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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE ALJ IVAN W. SMITH IN SUPPORT OF IVAN W SMITH.

IN THE MATTER OF  
METROPOLITAN EDISON CO ET AL  
(TMI #1)

DOCKET NO 50-289 *SP*  
( Restart Remand of Management)

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INTERVENOR'S RESPONSE TO COMMONWEALTH OF PA, TMIA, AND UES MOTIONS TO DISQUALIFY.

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FEBRUARY 1, 1985.

Marvin + Lewis  
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Dear Judge Smith,

I am writing this as a letter as it is easier for me to write this way.

I am not arguing that you may well be biased and prejudiced. I am arguing that you are probably the best chance that we have to get a fair hearing. The Board Panel has many judges on it with very strong history of bias and unfair treatment of intervenors. I am not arguing that all your actions were proper and unbiased. In fact, I really feel that many of your actions were biased and improper. My problem is that I really do not see any of your replacements from the ASLB Panel to be any less biased than you and they would most probably be much more biased than you have been.

I respectfully request that you fight the petition for recusal on the grounds that your actions are at least as fair as any other Board member or panel ~~xxxx~~ member and probable much more fair than most other members of the existing panels.

~~xxxx~~Also you appointed ALJ Mullhollen to a Special Panel in the Hearing. He was a very fair and open ALJ or Special Master. Your appointing a good Special Master, who you disagreed with in the final decision, at least shows that you were trying to be fair.

Also allowing me in, as an intervenor at the Board's discretion on a contention that both the Staff and the Licensee agreed to conform to, shows that you were extending yourself to be fair.

There were many instances where I admit you weren't fair. Nonetheless, you are as fair as any judge appointed by the NRC and probably much fairer. Please don't let them kick you out. We will wind up with somebody like Helen Hoyt or Brenner, your former law clerk.

Respectfully submitted,

*M. I. Lewis 1/31/25*

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