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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

BEFORE THE COMMISSION

In the Matter of )  
 )  
METROPOLITAN EDISON COMPANY )  
 )  
(Three Mile Island Nuclear )  
Station, Unit No. 1 )

Docket No. 50-289  
(Restart Remand  
on Management)

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LICENSEE'S RESPONSE TO COMMISSION ORDER DATED FEBRUARY 20, 1985

On February 20, 1985, Judge Ivan Smith denied motions by the Commonwealth of Pennsylvania, the Union of Concerned Scientists and Three Mile Island Alert seeking his disqualification in this proceeding. By Order of the same date the Commission took direct review of Judge Smith's decision and afforded the parties an opportunity to submit their views on the decision.

Licensee supports Judge Smith's decision. The reasons for support are fully set forth in Licensee's Response to Motions by the Commonwealth of Pennsylvania, UCS and TMIA to Disqualify Administrative Law Judge Ivan W. Smith, dated January 24, 1985. A copy of Licensee's Response is attached to this filing for the convenience of the Commission.

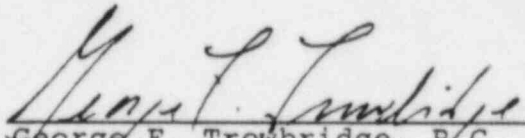
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In brief, we are convinced that disqualification of Judge Smith cannot be justified on legal grounds. We are also convinced that disqualification as a matter of Commission discretion would be a disservice not only to the TMI-1 restart proceeding but to the integrity of the Commission's adjudicatory process. In particular we refer the Commission to Section V of our January 24 Response entitled "Discretionary Commission Action."

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

  
George F. Trowbridge, P.C.  
Ernest L. Blake, Jr., P.C.

Dated: March 6, 1985