

## Chairman Jackson's Comments on COMNJD-99-003

I disapprove of the recommendations by Commissioner Diaz because these concerns already have been addressed by the staff in the final revision to [SECY 99-133](#) dated May 17, 1999. The recommendation for further ACRS review is not warranted because the specific ACRS concerns have already been evaluated and resolved by the staff as noted in the ACRS letters. If there are any residual concerns on these matters, I am confident that the staff can readily address them in developing guidance before the effective date of the final rule.

The recommendation for an OGC backfit review is likewise not warranted because: (1) the original backfit analysis has always bounded all considered versions of the assessment scope, and (2) the current backfit and regulatory analysis was recently revised prior to submittal of [SECY 99-133](#).

While I share Commissioner Diaz's desire for an open and scrutable process, I would note that stakeholder input has been vigorously solicited throughout this rulemaking. The public Commission meeting on May 5, 1999, merely is the most recent opportunity for stakeholder concerns to be raised and considered. I do not believe that another public meeting is needed because no new issues have arisen since the May 5 meeting and the existing issues have been fully vetted during the rulemaking.

Consequently, I do not believe that the analyses and meeting recommended by Commissioner Diaz are needed and see no reason to link disposition of COMNJD-99-003 with the Commission decision on the final maintenance rule proposed by the staff in [SECY 99-133](#).