

## CHAPTER III

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# VOTING

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Commission decision-making is done through voting at scheduled Commission meetings, through notational voting on prescribed vote sheets,<sup>12</sup> by affirming a notational vote at an Affirmation session, or by responding to action memoranda. Following the Commission vote (regardless of how conducted) and Commission review of the draft Staff Requirements Memorandum (SRM), the Office of the Secretary issues a final SRM. In the case of Affirmation votes, the Secretary circulates a draft Affirmation Statement that the Secretary will read at the affirmation session for Commission review and approval before the Affirmation Session and issues a final SRM immediately following the Affirmation Session. (See section below on "Closure Process").

A majority Commission position is needed for action.<sup>13</sup> On vote sheets supplied electronically by the Secretary, Commissioners vote "Approve," "Disapprove," "Abstain," or "Not Participating." The vote sheet also provides space for Commissioners to provide views and propose modifications for consideration by other Commissioners. The majority is determined by counting the "Approve" votes and the "Disapprove" votes. Non-responding Commissioners are recorded as "Not Participating" and are not included in the majority determination.

For meeting activities, a quorum is required for the transaction of business. The quorum is determined by including only the number of Commissioners participating who are voting to "Approve" or "Disapprove", or have chosen to "Abstain."

Under certain circumstances, a Commissioner may wish to recuse himself/herself from participation in a particular matter in order to avoid any actual or apparent conflict of interest. When this occurs, the determination of a quorum and the majority vote will be based upon the number of other Commissioners voting.<sup>14</sup> The recused Commissioner is not included for purposes of determining a quorum.

As a general matter, requests for Commission action will be denied if the Commission vote is 2-2 or there is a lack of quorum;<sup>15</sup> however, in those instances where the staff has

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<sup>12</sup> A sample vote sheet is in Appendix 3.

<sup>13</sup> The "Basis for Determining Voting Results" is described in Appendix 4.

<sup>14</sup> See Chapter IV, Format for Commission Meetings, Footnote 22.

<sup>15</sup> See Appendix 5, Resolution of 2-2 Votes.

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authority to act on a matter, but must first consult with the Commission before taking a proposed action, the staff may, at its discretion, proceed with its proposed action after it has been informed by the Secretary that the Commission has been unable to act on the staff's proposal either because of a lack of a quorum or an evenly divided vote.

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### VOTES AT COMMISSION MEETINGS

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If an opportunity for voting occurs at a Commission meeting, the Chairman may identify the need for a formal vote. If a majority of the Commission agrees to vote at the meeting, the Chairman may call for a vote and Commissioners may vote orally. At an Affirmation Session, the Secretary describes the item on which formal voting is to take place; reviews the outcome of the notational voting and any agreed-to modifications which have occurred on the issue, noting the position taken by the Commission; and asks the individual Commissioners to declare formally that they affirm the positions as described. Commissioners normally "affirm" their votes by declaring "aye" or "yes" in unison.<sup>16</sup> Separate, individual views of Commissioners on matters to be affirmed must be circulated to the other Commissioners no later than 3 business days before affirmation. Should a majority desire to make substantive changes to the matter to be affirmed or submit additional views in response to the views already submitted, and requires more than 3 business days to do so, a majority of the Commission may determine that "extraordinary circumstances" exist such that the Commission may cancel the announced meeting and reschedule it to a later date. (See Chapter IV, Commission Meetings, Development of a Commission Schedule, paragraph 5). The Commission may waive this 3-business-day rule if agreed to by a majority of the Commission.

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### VOTES ON SECY PAPERS

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Electronic vote sheets are prepared by the Secretary for each SECY voting paper. They are e-mailed to each Commissioner's office when the paper is issued and a signed original of each Commissioner's vote is returned to SECY by each office. Specific guidance for voting is as follows:

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<sup>16</sup> The Affirmation Statement will follow this template in describing the outcome of the notation voting: "The Commission, with Commissioner(s) [insert names(s)] [disapproving] [disapproving in part] [dissenting] [dissenting in part] [concurring] [concurring in part] [offering additional views] has voted to [approve] [disapprove] ...."

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### 1. Action Dates

- a. The Commission's goal is that Commission action on the majority of the papers be completed within 18 business days.
- b. Commissioners are expected to complete voting within the first 10 business days on the recommendation of a paper in most cases. After evaluation of the action required, the Office of the Secretary will, in some cases, set a shorter or longer time frame for Commission response; e.g., the substance of the paper, and/or a scheduled Commission meeting may require that a longer time frame for Commission response be set. The Office of the Secretary will poll the Commission if there is a need to set a shorter time frame for Commission response. (Commission-level offices may comment on the recommendation within the first 5 business days.) Commissioners are urged to vote early, and to request any necessary extensions of time as early as possible, particularly if they are expected to be out of town or unavailable to vote by the end of the 10 business day voting period.
- c. With respect to Adjudicatory SECY papers, Commissioners are expected to vote no later than ten business days after the issuance of the paper. When a majority of the Commission has voted, a request for extension of time to vote beyond the 10 business day voting period or a request to delay the affirmation of the vote on a matter shall be granted only by a majority of the Commission.
- d. SECY will poll the Commission on scheduling the affirmation of a paper as soon as a majority position on the paper has been established. The Commission should strive to schedule affirmation at the earliest opportunity giving at least 7 days public notice (unless a majority of the Commission agrees to short notice) following either the establishment of a majority position of the Commission, or direction from a majority of the Commission that affirmation should be scheduled.
- e. Extensions of voting time are normally limited to 5 business days. (See section on "Continuances and Extensions of Time" in this chapter for a more complete discussion of extensions.)
- f. At the completion of voting, SECY will draft an SRM that reflects the majority position of the Commission and forward it to the Commission for review.
- g. In urgent cases, when a majority of the Commission has weighed in and agreed, Commission action should not be held for a Commissioner who is unavailable. SECY would note that the Commissioner was unavailable in the Commission Voting Record (CVR). That Commissioner could then create

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a vote and place it on the record once he/she returned so that his/her opinion on the topic would be known.

- h. Three (3) business days are allowed for circulation and review of the Secretary's SRM by the Commission.
- i. Commissioner requests for extensions of review time on an SRM will be granted up to 2 business days, unless a majority of the Commission objects.
- j. If Commissioners propose modifications to the SRM, SECY will poll the other Commissioners and determine a majority position with regard to inclusion of the changes. Subsequent revisions on an SRM will normally be circulated for a 2-business-day review period with no more than a 2-business-day extension on each version, unless a majority of the Commission objects to the extension.
- k. SECY shall promptly transmit to the Commissioners any comments on a draft SRM that a Commission-level or staff office transmits to SECY.
- l. Absent an objection from a majority of the Commission, extensions on the due date will be granted for voting papers (up to 5 days) and SRMs (up to 2 days), and the extensions will apply to all Commissioners, without requiring subsequent requests from each Commissioner office.
- m. SECY may issue an SRM when a majority view exists and all extensions have expired. The SRM should be issued by noontime of the next business day after SECY notifies all Commissioner offices that an SRM will be issued.
- n. In instances where SECY polls the Commission, a Commissioner shall have two (2) business days to respond or request an extension of time once a majority position has been established in response to polling. If a Commissioner does not respond or request an extension of time within this two-day period, the action subject to the polling will proceed according to the Commission majority's decision. An extension of time of up to 2 days will be granted unless a majority of the Commission objects. Further extensions must be approved by the majority of the Commission.

### 2. Submission of Votes to the Secretary

- a. Commissioners select the appropriate expression of their position and mark the vote sheet accordingly ("Approved," "Disapproved," "Abstain," or "Not Participating").

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- b. Commissioners may also use the vote sheet to propose revisions to any course of action discussed in the paper, to propose a course of action not discussed in the paper, or to record comments on the issue.
- c. Commissioners' staff fill out the electronic vote sheet, attach any comments, mark the sheet with /RA/ to denote that the Commissioner has signed, and e-mail to SECY and other Commissioner offices by responding to the e-mail from SECY which forwarded the blank vote sheet. SECY will then forward the electronic vote to OGC, EDO, CFO, and Commission-level offices as appropriate. In the case of hand written remarks or edits in the vote, the edits should be digitally scanned and electronically distributed with the electronic vote, if possible. If not possible, the original and 9 hard copies should be provided to SECY for distribution. Similarly, votes containing Classified or Safeguards Information cannot be transmitted electronically and hard copies need to be delivered to SECY for further distribution to the other Commissioners and appropriate offices.
- d. Commissioners' staff forward the original signed paper copies of completed votes to the Secretary as soon as they are available and promptly enter the vote in the Commission's on-line automated vote tracking system maintained by SECY.
- e. Further distribution of vote sheets within the staff is permissible upon issuance of the vote, but distribution outside the agency is permissible only after the final collegial decision is recorded by the Secretary in an SRM to the action office and the votes have been released to the public. For votes that are not made publicly available, specific permission of each Commissioner is required prior to distribution of his or her own vote outside the NRC. Staff actions are not to be based upon individual Commissioner votes; the staff's actions are controlled by a majority vote of the Commission as directed in the SRM when issued. SECY shall promptly transmit to the Commission any comments that a Commission-level or staff office submits to SECY. Nothing in this section precludes a Commissioner from releasing his/her own vote outside of the agency at any time, as long as the vote does not contain Classified, Safeguards Information, or other sensitive information.
- f. If a Commissioner proposes modifications to the course of action recommended in the paper, or proposes revisions to a document on which voting is taking place, other Commissioners may indicate in their vote their agreement/disagreement with the proposed changes. SECY transmits all votes/comments to other Commissioners and determines, through the SRM process and discussions with Commissioner offices, whether individual modifications to the initial proposal receive support by a majority of the Commission.

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- g. The Office of the Secretary will handle the release of the SRM and CVR, which includes individual Commissioner votes, as a unit, based upon the releasability of the SECY paper. As a matter of collegiality, a Commissioner should inform SECY and his or her fellow Commissioners promptly if he or she makes a decision to release his or her vote prior to release of the SRM and CVR by SECY. SECY will then inform appropriate staff offices.

### 3. **Recording of Commissioner Votes While Away from the Office**

The following are the methods for recording Commissioner votes while a Commissioner is away from the office:

- A Commissioner votes either through telephone or e-mail contact with his or her staff. A Commissioner's Assistant forwards to SECY the Commissioner's completed vote sheet. (This continues to allow the Commission's action to be taken and the SRM drafted on the issue without delay.) Upon the Commissioner's return, he or she should sign and date on that date an additional vote sheet and forward it to SECY. The additional vote sheet should note the date of the original vote. SECY will use this vote sheet for placement in the official record, and, if appropriate, release it to the public in the CVR.
- a Commissioner faxes the signed vote to his or her office from the off-site location for processing and forwarding to SECY, or
- uses an overnight mail service to transmit the vote to his or her office for processing and forwarding to SECY.

SECY will ensure that no delay is incurred while waiting for the actual Commissioner-signed vote sheet in the issuance and public release of SRMs and the CVRs. If a Commissioner-signed vote sheet is not available at the normal time of public release of an SRM and the CVR, SECY will include a note in the CVR stating that the missing Commissioner-signed vote sheet will be added to the CVR when it is available.

### 4. **Handling of Separate Views<sup>17</sup> on Commission Documents Published in the Federal Register**

Individual Commissioner requests for his or her separate views to be appended to the end of a Federal Register notice being issued by the Commission should be

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<sup>17</sup> Separate views may include, for example, dissents, concurrences, or additional views.

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provided in the Commissioner's response to the draft SRM. The request will be noted in the SRM and the other Commissioners will be afforded the opportunity to consider the separate views. Commissioners may consider submitting responding individual views or majority views also be included in or appended to the Federal Register notice.

Including a separate view in response to an SRM will automatically generate a new version of the SRM. Commissioners will have 3 business days, as opposed to the usual 2 days, to respond to versions of SRMs that were generated as a result of the inclusion of separate views.

The SRM, CVR, and SECY paper (or COM) will be released in accordance with guidance noted in Chapter II, Decision Documents.

### 5. Handling of Separate Views in Commission Adjudicatory Decisions

Separate, additional views of Commissioners on adjudicatory orders subject to affirmation must be circulated to his/her fellow Commissioners no later than 3 business days before affirmation. Should a majority desire to make substantive changes to the order to be affirmed, or submit additional views in response to the additional views already submitted, and requires more than 3 business days to do so, a majority of the Commission may determine that "extraordinary circumstances" exist such that the Commission may cancel the announced meeting and reschedule it to a later date. The Commission may waive this 3-business-day rule if agreed to by a majority of the Commission.

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## COMMENTS ON DRAFT CONGRESSIONAL LETTERS AND PRESS RELEASES ASSOCIATED WITH DECISION DOCUMENTS

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1. Draft Congressional letters and Press Releases associated with a decision document on policy formulation, rulemaking, and adjudication require Commission approval. These drafts are forwarded separately from the associated SECY paper or action memoranda to SECY.
2. SECY attaches a cover sheet which indicates that the supplemental material is being forwarded in support of SECY/COMSECY-11-XXXX and circulates it with the associated SECY/COMSECY paper to the Commission for review and approval. In the case of a COM, any draft Congressional letters and Press releases are forwarded to SECY and provided to the Commission for its review and approval once voting on the related SRM has concluded.

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3. Commission comments are returned to SECY separately from votes on the associated SECY/COMSECY/COM paper. SECY provides any comments on Congressional letters and draft Press Releases to the Chairman, Commissioners, OGC, OCA, OPA, and originating office point of contact for the SECY/COMSECY paper.
4. Editorial comments to Congressional letters are incorporated by SECY. Substantive comments are considered by the Chairman. SECY provides support to finalize letters and provides the final letters to Program Offices and OCA as appropriate.
5. The Chairman reviews the comments on the draft Press Release and coordinates with OPA any changes to the Press Release. OPA finalizes the Press Release and publishes it.
6. Comments on Congressional letters or press releases that are supported by a majority of the Commission will be incorporated into the final version of the letter or press release by the Chairman.

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### **VOTES ON ACTION MEMORANDA (COMS AND COMSECYS)**

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1. When a Commissioner sends an action memorandum to his or her fellow Commissioners and requests their views or when the staff sends a memorandum requesting Commission views, it is forwarded to the Office of the Secretary with the notation: "SECY, please track."
2. SECY assigns a specific reply date of 10 business days or less depending upon the subject matter (or the date requested by the originator) and assigns a distinctive control and identification number (e.g. COMKLS-11-XXXX if Commission originated memorandum, or COMSECY-11-XXXX if originated by the staff, see Chapter II-Decision Documents, "Action Memoranda (COMs and COMSECYs)"). If the memorandum is related to a SECY paper, a projected response date will be assigned in conjunction with the date assigned to the SECY paper (including any approved extensions).
3. A copy of the memorandum is circulated to each Commissioner's office, and SECY tracks each Commissioner's response. If the memorandum is related to a SECY paper, the Secretary tracks the comments in conjunction with the SECY paper.
4. Commissioners respond on COMs and COMSECYs by electronic submission of the COM or COMSECY response sheet or may respond in writing by separate memorandum to SECY or by handwritten or typed comments directly on their copy (or photocopy) of the COM or COMSECY memorandum.

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5. SECY transmits all responses to other Commissioners for information. (See section on "Closure Process" later in this chapter.)
6. After all Commissioner responses are received, SECY develops an SRM. For COMSECYs, an SRM is generated. For Commissioner-generated COMs, a memorandum reporting the outcome is addressed to the individual Commissioner initiating the COM and, an SRM is prepared if tasking or guidance to the staff is the result. When Commissioners' responses differ and there is not a majority position, SECY may meet with Commissioner assistants, the staff, OGC, and/or Commissioners to resolve differing points of view. If necessary, a Commission meeting may be scheduled to resolve the issue.
7. Normally, the Office of the Secretary will handle the release of the COM or COMSECY, the SRM, and individual Commissioner responses as a unit after Commission action has been completed, based upon the releasability of the COM or COMSECY paper. This procedure, however, does not preclude a Commissioner from withholding his or her response when the COM or COMSECY has been released or, in appropriate circumstances, releasing his or her response when the COM or COMSECY has been withheld. A Commissioner should inform SECY and their fellow Commissioners promptly if they make a release/withhold determination on their response that is different from the release/withhold determination made for a COM or COMSECY.

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## CONTINUANCES AND EXTENSIONS OF TIME<sup>18</sup>

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1. When a majority of the Commission has voted, SECY notifies the remaining Commissioners in writing of the majority action. The Commissioners who have not responded are advised that they have 3 additional business days to vote.<sup>19</sup> If there are more than 3 business days remaining of the original 10 business day voting period, their votes would not be due until the end of that period.
2. If a Commissioner is unable to meet an original due date, he or she may request an extension of time to vote on a SECY Notation or Affirmation paper or on a COM or

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<sup>18</sup> Appendix 6 contains procedures for assuring that the Commission will have sufficient voting time when its formal review time for adjudicatory actions is limited by NRC regulations.

<sup>19</sup> If a majority of Commissioners has not voted by the end of the 10 business day voting limit, no action can be taken. SECY may institute the closure process only after a majority of the Commission votes have been received.

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COMSECY. The Secretary will honor requests submitted within the 10 business day voting period and within the additional 3 business day period, if needed, when Commissioners who have not yet responded are advised that a majority of the Commission has voted. Extensions of voting time are normally limited to 5 business days. Any extension after the initial request will be granted unless a majority of the Commission objects.

3. When voting papers are issued, Commission-level offices are normally asked to provide any comments within 5 business days; if the Commission level office wishes to comment but cannot meet the 5 business day deadline, it should inform SECY in writing of the reason(s) for the delay and provide the approximate date that comments will be submitted. SECY will inform the Commissioners.
4. If a Commissioner has requested that additional information or analyses be received from the staff before voting, it is incumbent upon the staff to fulfill the request expeditiously to avoid delay in completing the voting process.
5. If a Commissioner requests and is granted an extension of voting time, all Commissioners who have not yet responded on a matter will be given the same amount of time.
6. With respect to Adjudicatory SECY papers, if a Commissioner requests an extension of the voting time beyond the 10 day voting period or requests a delay in the affirmation of the vote on a matter, such requests shall be granted only by a majority of the Commission.

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## **CLOSURE PROCESS**

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1. After at least a majority of the Commission has voted and all extensions of time have expired, SECY records the decision in an SRM.<sup>20</sup>
2. After voting is complete on a Commission decision document, SECY will circulate a draft SRM to the Commission for its review and approval. SECY will transmit the draft SRM via e-mail. SECY will incorporate only those decisions that are supported by a majority into the main body of the draft SRM. For those comments that are not supported by a majority of the Commission and do not conflict with the majority position, SECY will include them as "Additional Commissioner Comments" in an attachment to the main body of the draft SRM. Once voting is complete on the draft SRM, SECY will prepare a final SRM reflecting the decisions supported by a majority of the Commission. SECY shall consult with the applicable Commissioner

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<sup>20</sup> A sample SRM is located at Appendix 7.

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office if there are questions on how an individual Commissioner's decisions or comments should be incorporated into the SRM.

3. In the case of an Affirmation action, the SRM is issued immediately after the formal vote has been taken at the Commission meeting scheduled for that purpose (see Chapter IV, "Affirmation Sessions", pages IV-5 and 6).
4. If the Commission is unable to reach a decision on an issue not delegated to the staff because of a 2-2 split vote, the Secretary's SRM will advise the staff that the proposed action is "not approved." The staff may resubmit the issue for Commission consideration when the reason for the inability to reach a decision has been removed or when new or additional information is provided to the Commission. In cases where the staff has authority to act but discretion requires it to first consult with the Commission before taking a proposed action (e.g., an enforcement matter), the SRM may advise the staff that it may proceed with its action even though the Commission has been unable to act either because of a lack of a quorum or an evenly-divided vote.
5. With the exception of SRMs on Affirmation items (see 10 below), draft SRMs are circulated to the Commission, OGC, EDO, CFO, and others as appropriate, for a 3 business day review period. Commissioner requests for extensions for review will be granted up to 2 business days unless a majority of the Commission objects. OGC, EDO, CFO, etc. are afforded an opportunity to review the draft SRM to ensure that the Commission decision is clear and understandable and that resource, schedular, and legal constraints are properly considered. SECY shall promptly transmit to the Commission any comments on a draft SRM that a Commission-level or staff office transmits to SECY. If Commissioners propose modifications to the draft SRM, SECY will issue a subsequent version for the purpose of establishing a majority position. In order to conclude the decision-making process in a timely manner, subsequent versions of SRMs will normally be circulated for a 2 business day review period or less with no more than a 2 business day extension granted on each version.
6. Absent an objection from the other Commission offices, extensions of 2 business days from the due date will be granted for SRMs, and the extensions will apply to all Commissioners, without requiring subsequent requests from each Commission office.
7. When the SRM is based upon unanimous approval, without amendment, SECY will issue the SRM without circulating it for Commission review.
8. When time is a major consideration, SECY will poll the Commission on waiving the normal review period. Waiver action will be determined by a majority of the Commission.

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9. After voting is complete on a Commission adjudicatory order, the Office of Commission Appellate Adjudication (OCAA) or OGC, as appropriate, will circulate a draft of the final order to the Commission for its review and approval. OCAA or OGC will submit the draft final order to SECY and the Commission Legal Assistants via e-mail. The draft final order will incorporate edits from the Commissioner votes that are clearly supported by a majority. If an edit does not have clear majority support, OCAA or OGC will mark it as such in the draft final order and request Commission views to establish a majority position. If a Commissioner wishes to make changes to the draft final order, including a request to incorporate additional views into the order, those changes should be identified in the Commissioner's response to OCAA or OGC.
10. The 3-business-day Commission review does not apply to SRMs on items requiring affirmation. Since these SRMs restate the Commission's formal position affirmed in a public Affirmation Session (see item 3 above), they are issued immediately following the affirmation.
11. After the Commission issues an SRM that has not been designated for public release, SECY will review the SRM, as well as the underlying SECY paper, COM or COMSECY, to determine whether the document must be released, in whole or in part, in accordance with the disclosure provisions of 5 U.S.C. 552 (a)(1) or (a)(2). The Office of the General Counsel, and NRC staff as appropriate, will participate in this review when requested by SECY. These shall include all instances where SECY believes the documents could fall within the purview of one of those subsections.
12. **Commission Voting Record (CVR)**

When the final SRM is issued, the Secretary will issue a CVR package (see Appendix 7), which will include:

- a. an indication of affirmative votes, negative votes, abstentions, non participation, and individual views of all Commissioners; and
- b. a copy of each Commissioner's vote sheet.

Copies of the CVR will be sent to OGC and the originating office, and publicly released when appropriate.

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## TRACKING OF REQUIREMENTS AND TASKS

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All requirements and tasks identified in SRMs are entered into the Commission Tracking

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System maintained by SECY. The system also tracks staff commitments made in Notation Vote and Information papers, staff memoranda to the Chairman and Commissioners and memoranda from the Chairman to staff. The Tracking System is a module of STARS (SECY Tracking and Reporting System) that enables SECY to provide the Commission and the action offices with pertinent status information to assist in focusing management attention and setting priorities for the completion of tasks on schedule.

The Commission Tracking System is available online to Commissioner Offices at their request.

The SECY Tracking Officer provides the following periodic reports in hard copy:

- Weekly status report to the Commissioners' Executive Assistants of action items expected to be provided to the Commission
- Weekly status report to the Commissioners' Executive Assistants on overdue tasks and tasks with revised due dates
- Quarterly reports of open tasks for the Commissioners
- Annual review of timeliness of task closure to the Chairman

The Tracking System includes a feature to identify high-priority tasks for which due dates are particularly important. When a requirement needs to be expedited or is designated high-priority in an SRM it is coded to indicate that all due date extensions are subject to Commission review. For these high-priority tasks, the action office must notify the SECY Tracking Officer in writing, or by e-mail, at least 10 business days prior to the date due to the Commission, if that date will not be met, explaining the reason for the delay and providing a revised due date. The SECY Tracking Officer will poll the Commission to determine if the proposed revised date is acceptable.

For non-high-priority tasks, due date extensions will be accepted by SECY, provided that there is a reasonable explanation for the change and the revised due date is not more than 90 calendar days beyond the Commission requested due date, or the original due date confirmed by the staff if the Commission has not specified a due date.

The Commission will be notified by the SECY Tracking Officer of tasks for which requested extensions will alter the due date over 90 calendar days. The action office must notify the SECY Tracking Officer in writing or by e-mail, at least 10 business days prior to the current due date, explaining the reason for the delay and providing a revised due date. Upon responses from a majority of the Commission indicating no objection, SECY will extend the due date. Minority views will be provided to staff for information. If a majority of the Commission objects to a new due date, SECY will request the action office to re-evaluate the revised due date.

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### MOTIONS FOR RECONSIDERATION OF A DECISION

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Any Commissioner may request the Commission to reconsider a decision. Such requests are addressed to SECY in writing and contain a brief explanation of the reason for the request. The subject should be entitled "Request for Reconsideration". Except as noted below (3), such a request does not prevent the implementation of the decision or the Commission Order that recorded the initial decision.

1. SECY distributes the request to the other Commissioners with an attached vote sheet soliciting Commissioner votes within 5 business days.
2. If a majority of participating Commissioners vote to reconsider, SECY notifies the appropriate action office. The issue then is again presented to the Commission in the same format as the original vote, i.e., if the original decision was reached at a Commission meeting, another meeting will be scheduled for reconsideration. If a different resolution method is preferred, the Commissioners should so indicate on their response sheet. Selection of the resolution method will be determined by a majority of the Commission.
3. As a recommended best practice, a Commissioner should consider use of a COM as the appropriate vehicle for raising whether the earlier decision should be stayed pending Commission reconsideration of the matter. Alternatively, a Commissioner may request that SECY poll the Commission. If polling is used, the results will be addressed through the SRM process. Unless a majority supports a stay, the earlier decision remains in effect while the Commission reconsiders the matter. If a majority of the Commission supports a stay, SECY will notify the appropriate action office that the earlier Commission decision has been stayed pending reconsideration. In some instances this requires a letter or "withdrawal" order, which in turn may require a separate affirmation vote. Copies of these notifications are provided to all Commissioners and appropriate staff offices.

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### WITHDRAWAL OF PAPERS SUBMITTED TO THE COMMISSION

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A SECY paper or COMSECY will be returned to the staff without action if a majority of the Commissioners participating agree to that course of action. If the staff recommends withdrawal of a SECY paper or COMSECY, the staff must explain to the Commission the basis for its recommendation in writing. SECY will poll the Commission on a staff request to withdraw the paper or on a Commissioner's request to return the paper to the staff without Commission action. For COMs issued by a Commissioner or Commissioners, the initiating Commissioner may withdraw the COM at any time and inform SECY.