



Amy Beasley Cronin
Secretary, Standards Council

9 August 2010

To: Interested Parties

Subject:

Standards Council Decision (Final):	D#10-7
Standards Council Agenda Item:	SC#10-8-1-i-1
Date of Decision*:	5 August 2010
NFPA 70 [®] , <i>National Electrical Code</i> [®] , 2011 edition	

Dear Interested Parties:

At its meeting of 3-5 August 2010, the Standards Council considered an appeal on the above referenced matter.

Attached is the final decision of the Standards Council on this matter.

Sincerely,

A handwritten signature in black ink that reads "Amy Beasley Cronin".

Amy Beasley Cronin
Secretary, NFPA Standards Council

c: D. Berry, M. Brodoff, L. Fuller, M. Earley, J. O'Connor
Members, NEC Code-Making Panel 15 (NEC-P15)
Members, TCC on National Electrical Code (NEC-AAC)
Members, NFPA Standards Council (AAD-AAA)
Individuals Providing Appeal Commentary

*NOTE: Participants in NFPA's codes and standards making process should know that limited review of this decision may be sought from the NFPA Board of Directors. For the rules describing the available review and the method for petitioning the Board for review, please consult section 1-7 of the NFPA Regulations Governing Committee Projects and the NFPA Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council. Notice of the intent to file such a petition must be submitted to the Clerk of the Board of Directors within 15 calendar days of the Date of Decision noted in the subject line of this letter.



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SUMMARY ACTION: *The Standards Council voted to deny the appeal to accept Comment 15-101. Comment 15-101 sought to add new text to Section 517.30(C)(3) to permit the use of listed MC cables in the emergency systems of hospitals.*

At its meeting of August 3-5, 2010, the Standards Council considered an appeal from Dave Mercier of Southwire Company, requesting that the 2011 edition of NFPA 70, *National Electrical Code*[®], be issued with the acceptance of Comment 15-101. Specifically, the appeal requests acceptance of a new requirement that permits listed metal clad (MC) cables to be used in the emergency systems of hospitals.

As background, the material was first submitted in the Annual 2007 cycle as Proposal 15-54 which was rejected. It was subsequently submitted as Comment 15-39 which was held for further study. In accordance with Section 4.4.6.2.2 of the *NFPA Regulations Governing Committee Projects*, the held comment was reconsidered as Proposal 15-78 during the Annual 2010 revision cycle. Panel 15 rejected Proposal 15-78. The material was again submitted as Comment 15-101 which was accepted in principle, thereby permitting the use of listed metal clad (MC) cables in the emergency systems of hospitals. A Certified Amending Motion (CAM 70-20) seeking rejection of Comment 15-101 was made at the 2010 Association Technical Meeting (Tech Session). The amending motion was supported by the NFPA membership in attendance, but failed to pass the subsequent balloting of both Panel 15 and the NEC Technical Correlating Committee. This means under NFPA rules, that the default recommendation of the codes and standard development process is that no change from the existing edition should occur, and the portion of the Report modified by the Association recommended amendment is returned to previous edition text.

The appeal requests that the Council overturn the action that was recommended by the codes and standards development process. On appeal, the Council accords great respect and deference to the NFPA codes and standards development process. In conducting its review, the Council will overturn the result recommended through that process, only where a clear and substantial basis for doing so is demonstrated. The Council has reviewed the entire record concerning this matter and has considered all the arguments put forth in this appeal. In the view of the Council, this appeal does not present any clear and substantial basis on which to overturn the results yielded by the NFPA codes and standards development process. Indeed, since a majority of Panel 15 voted in favor of the amending motion, it appears that the Panel may no longer support its original position favoring the proposed use of MC cable. In these circumstances, it is more than appropriate to return to previous edition text. Accordingly, the Council has voted to deny the appeal. The effect of this action is that the proposed new text of Section 517.30(C)(3) to permit the use of listed MC cables in the emergency systems of hospitals is not added.

Council Member Kerry Bell recused himself during the hearings, deliberations and vote on the issue.