



Amy Beasley Cronin  
Secretary, Standards Council

28 September 2009

To: Interested Parties

Subject:

Standards Council Decision (Final):	<b>D#09-11</b>
Standards Council Agenda Item:	<b>SC#09-8-4-a-1</b>
Date of Decision:	6 August 2009
NFPA 52, <i>Vehicular Gaseous Fuel Systems Code</i> , 2010 edition	

Dear Interested Parties:

At its meeting of 4-6 August 2009, the Standards Council considered an appeal on the above referenced matter. On August 13, 2009 NFPA issued the Council's decision on the appeal in the form of a "Short Decision" which briefly stated the outcome of the appeal and which indicated that a full decision on the appeal would be issued in due course and sent to all interested parties as soon as it became available.

The Council's full decision is now available and is attached herewith.

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, P. May, J. Moreau-Correia  
Members, TC on Vehicular Alternative Fuel Systems (VAF-AAA)  
Members, TC on Industrial and Medical Gases (IMG-AAA)  
Members, NFPA Standards Council (AAD-AAA)  
Individuals Providing Appeal Commentary



Standards Council Decision (Final):	<b>D#09-11</b>
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At its meeting of 4-6 August 2009, the Standards Council considered an appeal from Larry Fluer of Fluer, Inc., requesting that the Council accept Comment 52-34 to the 2010 edition of NFPA 52, *Vehicular Gaseous Fuel Systems Code* (formerly NFPA 52, *Vehicular Fuel Systems Code*). Specifically, the appeal requests the replacement of existing Table 9.3.1.3, *Separation Distances for Outdoor Gaseous Hydrogen Systems* with the corresponding extracted table (55:10.3.2.2.1) from NFPA 55, *Compressed Gases and Cryogenic Liquids Code* (formerly NFPA 55, *Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationary Containers, Cylinders, and Tanks*) and accompanying material as shown in Comment 52-34 to support the Table.

As background, Proposal 52-80 recommended that NFPA 52, Table 9.3.1.3, *Separation Distances for Outdoor Gaseous Hydrogen Systems* be replaced with the equivalent table that was concurrently being developed by the Technical Committee on Industrial and Medical Gases (IMG) for NFPA 55. The Proposal was accepted by the Technical Committee on Vehicular Alternative Fuel Systems (NFPA 52 TC). Subsequently, Comment 52-34 was submitted that recommended the extraction of the NFPA 55 Table. Although the Comment passed during the meeting, it was subsequently rejected by the TC. A Certified Amending Motion (CAM 52-1) seeking acceptance of Comment 52-34 was made at the 2009 Association Technical Meeting (Tech Session). The amending motion was supported by the NFPA membership, but failed to pass the subsequent balloting of the TC by the requisite two-thirds affirmative vote.

When a recommended amendment is not approved by the TC, under NFPA rules, the default recommendation of the codes and standards 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. In this case, therefore, the default recommendation to the Council is that Table 9.3.1.3 shall remain unchanged from the previous edition of NFPA 52.

The appeal requests that the Standards Council overturn the action that was recommended by the NFPA codes and standards development process. On appeal, the Standards 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. In this case, the Council has found such a basis in the Council's authority to assign jurisdictional scopes among technical committee projects so as to

maximize coordination and avoid overlap and conflict among NFPA codes and standards. Accordingly, after reviewing and considering all the information available to it, the Council voted to uphold this appeal.

The assignment of jurisdictional scopes among technical committee projects is the direct responsibility of the Standards Council. See, generally, *NFPA Regulations Governing Committee Projects* at Section 3.1. In the case of the scopes of NFPA 55 and NFPA 52, the Council has previously, after careful review and on request of the Chair of the TC on Industrial and Medical Gases (the NFPA 55 TC), given clear jurisdictional scopes designed to avoid the conflict that has developed here. Specifically, in a March 21-22, 2006 decision, the Council (Council Minute Item 06-3-14) delineated the scopes of the NFPA 55 and NFPA 52 TC's such that the jurisdiction over requirements from the source valve to the vehicle were placed within the scope of the NFPA 52 TC. It was clarified, however, that requirements for hydrogen storage up to the source valve were to be within the scope of the NFPA 55 TC. Moreover, the Council modified the NFPA 52 TC scope to expressly require the TC to "...coordinate its documents...with the Industrial and Medical Gases Committee [i.e., the NFPA 55 TC] with respect to storage of bulk compressed or liquefied hydrogen systems within its scope."

It is clear that, according to the scopes assigned to the respective TC's by the Council as clarified in its March 2006 decision (Council Minute Item 06-3-14) the content of the table concerning separation distances of bulk gaseous hydrogen storage is within the jurisdiction of the NFPA 55 TC. It is, moreover, apparent that the NFPA 52 TC has not coordinated with the NFPA 55 TC on this issue, and that retaining the existing NFPA 52, Table 9.3.1.3 and its separation distances for hydrogen would conflict with the corresponding Table in NFPA 55. The Council notes, additionally, that the Table developed for NFPA 55 appears to have been the result of a rigorous process involving a joint task group of the NFPA 2 and NFPA 55 Technical Committees supported by recent research. The inclusion of this table in NFPA 55, moreover, was supported by the vote of the NFPA membership on the Certified Amending Motion seeking the acceptance of Comment 52-34.

Accordingly, the Council has voted to uphold the appeal. The effect of this action is the replacement of existing Table 9.3.1.3, *Separation Distances for Outdoor Gaseous Hydrogen Systems* with the extracted table from NFPA 55 (Table 10.3.2.2.1) and accompanying material to support the Table as shown in Comment 52-34.