1 August 2013

To: Interested Parties

Subject:

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<th>Standards Council Decision (Final):</th>
<th>D#13-10</th>
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<td>Standards Council Agenda Item:</td>
<td>SC#13-8-3-d</td>
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<td>Date of Decision:</td>
<td>31 July 2013</td>
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<td>NFPA 70®, National Electrical Code®, 2014 Edition</td>
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Dear Interested Parties:

At its meeting of July 29 – July 31, 2013, the Standards Council considered an appeal on the above referenced matter.

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

Sincerely,

[Signature]

Amy Beasley Cronin
Secretary, NFPA Standards Council

c: D. Berry, M. Brodoff, L. Fuller, M. Earley, W. Burke
   Members, NEC Code-Making Panel 6 (NEC-P06)
   Members, NEC Correlating Committee (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.*
SUMMARY OF ACTION (for convenience only; not part of official decision): The Standards Council voted to deny the appeal to accept Certified Amending Motion (CAM) 70-12 to reject Comment 6-37.

DECISION:
At its meeting of July 29 – July 31, 2013, the Standards Council considered an appeal from Travis Lindsey of Travis Lindsey Consulting Services Inc. The appeal requests that the 2014 edition of NFPA 70®, National Electrical Code® (NEC) be issued with rejection of Comment 6-37. Specifically, the appeal seeks to delete the proposed new Exception that reads as follows:

Exception: Type XHHW-2 insulated conductors shall not be subject to this ampacity adjustment.

As background, Code-Making Panel 6 (CMP-6) rejected Proposal 6-41 to add a new Exception to Section 310.15(B)(3)(c). Subsequently, CMP-6 Accepted in Principle Comment 6-37 to add the new Exception to Section 310.15(B)(3)(c). Certified Amending Motion (CAM) 70-12 which sought to Reject Comment 6-37 was made at the 2013 Association Technical Meeting (Tech Session). This amending motion was not supported by the NFPA membership in attendance, and failed on the floor.

The appeal requests that the Council overturn the action that was recommended by the codes and standards development process. This recommendation represents the consensus judgment of both the responsible Code-Making Panel and National Electrical Code Correlating Committee, a judgment that was also supported by votes of the NFPA membership. 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 standards development process. Accordingly, the Council has voted to deny the appeal. The effect of this action is that the new Exception added in Section 310.15(B)(3)(c) in the Panel Meeting Action of Comment 6-37 will not be deleted.