12 August 2013

To: Interested Parties

Subject:

<table>
<thead>
<tr>
<th>Standards Council Decision (Final):</th>
<th>D#13-15</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standards Council Agenda Item:</td>
<td>SC#13-8-5-b and 13-8-19-d</td>
</tr>
<tr>
<td>Date of Decision*:</td>
<td>31 July 2013</td>
</tr>
</tbody>
</table>

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,

Amy Beasley Cronin
Secretary, NFPA Standards Council

c: D. Berry, M. Brodoff, L. Fuller, S. Stanek, R. Bielen, M. Earley, W. Burke
Members, TC on Fixed Guideway Transit and Passenger Rail Systems (FKT-AAA)
Members, TC on Road Tunnel and Highway Fire Protection (ROA-AAA)
Members, National Electrical Code Correlating Committee (NEC-AAC)
Members, NEC Code-Making Panel 13 (NEC-P13)
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 Reject an Identifiable Part of Comment 130-165 (CAM 130-2).

DECISION:
At its meeting of July 29 – July 31, 2013, the Standards Council considered an appeal from Al Ramirez of Underwriters Laboratories LLC. The appeal requests that the Standards Council Reject an Identifiable Part of Comment 130-165 for the proposed 2014 edition of NFPA 130, Standard for Fixed Guideway Transit and Passenger Rail Systems. The Identifiable Parts are the revisions to Sections 12.5.1, 12.5.2, 12.5.3 and associated annex. Specifically, the appellant seeks to retain the title 12.5, Fire Resistive Cables from the Report on Comments (ROC) meetings, and return the remainder of Section 12.5 and associated annex to the Report on Proposals (ROP) text.

As background, the Technical Committee on Fixed Guideway Transit and Passenger Rail Systems (NFPA 130 TC) Accepted in Principle Proposal 130-209 to create a new Chapter 12 to consolidate all wire and cable requirements throughout the standard. Comment 130-65 further modified new Section 12.5 and associated annex material.

In June 2013, a Certified Amending Motion (CAM) 130-2 that sought to Reject an Identifiable Part of Comment 130-165 was made at the 2013 Association Technical Meeting (Tech Session). The motion failed. This means, by operation of NFPA rules, that the recommendation that comes to Council is that the changes made by the NFPA 130 TC during the revision process should stand, supplemented by any TIA issues concurrently with the new edition in accordance with the Regulations Governing Committee Projects (Regs) at Section 5.9.

In addition to the activities within the regular revision cycle described above, the NFPA 130 TC also, following its October/November 2012 Report on Comments (ROC) meeting, processed a Tentative Interim Amendment (TIA) No. 1080, which addressed the methods to meet the fire resistivity requirements. The TIA modified section 5.4.10, 6.3.3.2.10, 7.7.10 and associated annex material of the 2010 edition and modified section 12.5 associated annex of the proposed 2014 edition. The TIA passed the NFPA 130 TC on both technical merit and emergency nature. At its March 6-7, 2013 meeting, the Council voted to defer action on issuing the proposed TIA. The Council directed the NFPA 130 TC seek further input from the National Electrical Code® (NEC®) Correlating Committee and NEC Code-Making Panel 13 on whether the TIA, if issued, would cause any correlation issues with documents that report through the NEC Project. This input
was provided to the Council for their review during their July 2013 meeting. Also provided for the Council review were informational ballot results that showed the NFPA 130 TC was no longer in support of the issuance of proposed TIA 1080 for either the 2010 or 2014 editions. As no appeal supporting issuance of the TIA has been received, the TIA is considered withdrawn and will not be issued. Hence no action is necessary on the appeal of August Schaefer, as the action requested by the appellant is already recommended by NFPA standards development process.

As this appeal comes to the Council, therefore, it seek to have the Council reject the results of the regular revision cycle on the 2014 edition of NFPA 130. On appeal, the Council accords great respect and deference to the NFPA 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 standards development process. Accordingly, the Council has voted to deny the appeal. The effect of this action is that 2014 edition of NFPA 130 will be issued with the acceptance of Comment 130-65.

The denial of this appeal does not mean that consideration of the issue raised by the appeal should come to an end. The Council requests that the NFPA 502 Chair appoint and chair an intercommittee task group made up of members from the NFPA 130 TC, and include but not be limited to, members from the NEC Correlating Committee, NEC CMP-13 and from the technical committee responsible for NFPA 502, Standard for Road Tunnels, Bridges, and Other Limited Access Highways. As noted in a separate Decision (Standards Council Decision Number D#13-16; Standards Council Agenda Items SC#13-8-6-b and 13-8-20-d, July 2013), the issues concerning fire resistive cables in the occupancies covered by NFPA 130 also relate to the occupancies addressed in NFPA 502.

The task group should develop recommendations to appropriately coordinate and correlate the requirements for fire resistive cables. The Council recognizes that there may be considerations that are unique to the occupancies covered by NFPA 502 and NFPA 130, and the task group may take any such considerations into account as it studies the issues and makes recommendations. The Council further recognizes that fire resistive cables are a complicated issue and the technical information is still unfolding and will continue to evolve. The task group, therefore, is asked not only to correlate among the relevant NFPA standards, but also to review the still-unfolding technical issues and take these developments into account. The Council believes that this intercommittee task group provides the best means going forward for addressing ongoing issues in a manner that achieves correlation and consistency. These task group recommendations may include, as appropriate, TIAs or suggested text to be processed through the normal revision process.

Council Member Kerry Bell recused himself during the hearing, deliberation and vote on this issue.