

**Attachment 04-7-1-a-4****Nisbet, Leona**

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**From:** Chase, Aaron [AChase@leviton.com]  
**Sent:** Monday, June 14, 2004 3:22 PM  
**To:** cgrant@nfpa.org  
**Cc:** lnisbet@nfpa.org  
**Subject:** Notification of Appealing Floor Action

Dear Mr. Grant,

In accordance with NFPA regulations I am officially filing an appeal against the floor action which reversed NFPA 70 Code Making Panel # 2 decision to reject comment 2-91. I do not support the position taken by the NFPA voting members on attendance to support the proponent's (Walter Smittle's request) to overturn the panel's position against AFCI expansion.

In accordance with the NFPA regulations I submit the following:

Aaron Chase  
Leviton Mfg. Co.  
59-25 Little Neck Pkwy.  
Little Neck N.Y. 11362

I am against the NFPA floor action to accept the comment 2-91 that was originally rejected by CMP # 2.

I believe the panel acted judiciously when rejecting the comment in support of AFCIs on all branch circuits in dwellings. First off, the technology that is being advocated by Mr. Smittle is not the type of protection that the panel wants to see adopted. This is based on the fact that this same panel has already accepted and created a panel position cc-200 which will specifically exclude this technology in favor of a combination type AFCI (which has been accepted for the 2005 NEC) with a 1-1-2008 effective date.

There was lengthy debate over these two types of technologies during the CMP # 2 meetings in San Diego and the panel clearly expressed that they will only want the combination type AFCI required on bedroom branch circuits. Until this is commercially available they did not think it was prudent to further proliferate the use of a less effective device.

Another concern that I have which has resulted in this appeal is that not only would this proliferate the use of the older technology it would then carry over to the new and yet to be made commercially available new technology. Again the panel expressed they wanted to move at a very careful and deliberate pace (at not seek any expansion at this time) until the newer technology has some significant field history.

Lastly, it is important to note that the product standard to evaluate AFCIs is still evolving and expansion of these products on the multitude of different loads the device would be subjected to needs to be further studied and addressed by the product standard.

In closing I am seeking relief against the acceptance of the floor action on 2-91. If this is not upheld by CMP # 2 on through an up to the Standards Council, I would like to then appeal this action at the July meeting of the Standards Council. Conversely, if the panel rejects the floor action and upholds their original position, myself or a designee of mine would be prepared to speak against an anticipated appeal by the proponent of the floor action at the Standards Council Meeting. At that time I will be prepared to provide additional supporting material.

Sincerely,  
Aaron Chase  
Sr. Director of Compliance Engineering, Codes & Standards

6/14/2004