

that warrant a hearing. The party making objections that are part of a hearing request must:

- Include their name and address.
- Ensure that the request is sent or postmarked no later than April 10, 2003.
- Separately number each objection.
- Specify with particularity the grounds for each objection.
- Include a detailed summary of the evidence supporting each objection which they plan to offer at the requested hearing.

List of Subjects in 29 CFR Part 1910

Decompression chamber; Diving; Diving instruction; Occupational safety and health; Safety.

Authority and Signature

John Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, directed the preparation of this notice. Accordingly, the Agency issues the proposed amendment under the following authorities: Sections 4, 6, and 8 of the OSH Act of 1970 (29 U.S.C. 653, 655, 657), Secretary of Labor's Order No. 5–2002 (67 FR 65008), and 29 CFR part 1911.

Signed at Washington, DC on January 3, 2003.

John L. Henshaw,

Assistant Secretary of Labor.

XII. Proposed Amendment to Standard

For the reasons stated in the preamble, the Agency proposes to amend 29 CFR part 1910, subpart T as follows:

PART 1910—[AMENDED]

Subpart T—[AMENDED]

1. Revise the authority citation for subpart T of part 1910 to read as follows:

Authority: Sections 4, 6 and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); sec. 107, Contract Work Hours and Safety Standards Act (the Construction Safety Act) (40 U.S.C. 333); sec. 41, Longshore and Harbor Worker's Compensation Act (33 U.S.C. 941); Secretary of Labor's Order Nos. 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), or 5–2002 (67 FR 65008), as applicable; 29 CFR part 1911.

2. Add new paragraph (a)(3) to § 1910.401 to read as follows:

§ 1910.401 Scope and application.

* * * * *

(a) * * *

(3) *Alternative requirements for recreational diving instructors and*

diving guides. Employers of recreational diving instructors and diving guides may forego the decompression-chamber requirements specified by paragraphs (b)(2) and (c)(2)(iii) of § 1910.423 and paragraph (b)(1) of § 1910.426 when they meet all of the following conditions:

(i) The instructor or guide is engaging solely in recreational diving instruction or dive-guiding operations;

(ii) The instructor or guide is diving within the no-decompression limits in these operations;

(iii) The instructor or guide is using a nitrox breathing-gas mixture consisting of a high percentage of oxygen (more than 22% by volume) mixed with nitrogen;

(iv) The instructor or guide is using an open-circuit, semi-closed-circuit, or closed-circuit self-contained underwater breathing apparatus (SCUBA); and

(v) The employer of the instructor or guide is complying with all requirements of Appendix C of this subpart.

* * * * *

3. Add definitions for “Dive-guiding operations” and “Recreational diving instructors” in alphabetical order to § 1910.402 to read as follows:

§ 1910.402 Definitions.

* * * * *

Dive-guiding operations means leading small groups of trained sports divers, who use open-circuit, semi-closed-circuit, or closed-circuit SCUBA, to local undersea diving locations for recreational purposes.

* * * * *

Recreational diving instruction means training diving students in the use of recreational diving procedures and the safe operation of diving equipment, including open-circuit, semi-closed-circuit, or closed-circuit SCUBA during dives.

* * * * *

4. Add a new Appendix C to 29 CFR part 1910, subpart T to read as follows:

Appendix C to Subpart T of Part 1910—Alternative Conditions Under § 1910.401(a)(3) for Recreational Diving Instructors and Diving Guides (Mandatory)

Paragraph (a)(3) of § 1910.401 specifies that employers of recreational diving instructors and diving guides (hereafter, “divers”) who comply with all conditions in this Appendix C do not need to provide a decompression chamber for their recreational diving training and dive-guiding operations as required under § 1910.423(b)(2) or (c)(3), or § 1910.426 (b)(1).

1. Equipment Requirements for Rebreathers

(a) Employers must ensure that employees operate each rebreather (*i.e.*, semi-closed-circuit and closed-circuit self-contained underwater breathing apparatuses (hereafter, “SCUBAs”)) according to the rebreather manufacturer's instructions.

(b) Employers are to ensure that each rebreather has a counterlung that supplies a volume of breathing gas to their divers that is sufficient to sustain the divers' respiration rate, and that contains a baffle system that keeps moisture from entering the scrubber.

(c) Employers must place a moisture trap in the breathing loop of the rebreather, and ensure that:

(i) The rebreather manufacturer approves both the moisture trap and its location in the breathing loop; and

(ii) Employees use the moisture trap according to the rebreather manufacturer's instructions.

(d) Employers must ensure that each rebreather has a continuously functioning moisture sensor, and that:

(i) The moisture sensor connects to a visual (*e.g.*, digital, graphic, analog) or auditory (*e.g.*, voice, pure tone) alarm that is readily detectable by the divers under the diving conditions in which they operate and warns them of moisture in the breathing loop in sufficient time to terminate the dive and return safely to the surface; and

(ii) The divers use the moisture sensor according to the rebreather manufacturer's instructions.

(e) Employers are to ensure that each rebreather contains a continuously functioning CO₂ sensor in the breathing loop, and that:

(i) The rebreather manufacturer approves the location of the CO₂ sensor in the breathing loop;

(ii) The CO₂ sensor is integrated with an alarm that operates in a visual (*e.g.*, digital, graphic, analog) or auditory (*e.g.*, voice, pure tone) mode that is readily detectable by the divers under the diving conditions in which they operate; and

(iii) The CO₂ sensor remains continuously activated when the inhaled CO₂ level reaches and exceeds 0.005 ATA.

(f) Before each day's diving operations, and more often when necessary, employers must calibrate the CO₂ sensor according to the sensor manufacturer's instructions, and ensure that:

(i) The equipment and procedures used to perform this calibration are accurate to within 10% of a CO₂ concentration of 0.005 ATA or less;

(ii) They maintain this accuracy as required by the sensor manufacturer's instructions; and

(iii) The calibration of the CO₂ sensor is accurate to within 10% of a CO₂ concentration of 0.005 ATA or less.

(g) Employers must replace the CO₂ sensor when it fails to meet the accuracy requirements specified above in paragraph 1(f)(iii), and ensure that the replacement CO₂ sensor meets the accuracy requirements specified above in paragraph 1(f)(iii) before placing the rebreather in operation.

(h) As an alternative to using a continuously functioning CO₂ sensor,