

§ 96.130

Vessel engaged on a foreign voyage means a vessel to which this part applies that is—

- (1) Arriving at a place under the jurisdiction of the United States from a place in a foreign country;
- (2) Making a voyage between places outside the United States; or
- (3) Departing from a place under the jurisdiction of the United States for a place in a foreign country.

§ 96.130 Incorporation by reference.

(a) The Director of the Federal Register approves certain material that is incorporated by reference into this subpart under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of the change in the FEDERAL REGISTER and the material must be available to the public. You may inspect all material at the U.S. Coast Guard, Office of Design and Engineering Standards (CG-521), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, or at the National Archives and Records Administration (NARA), and receive it from the source listed in paragraph (b) of this section. For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) The material approved for incorporation by reference in this subpart and the sections affected are as follows:

American National Standards Institute (ANSI)—
11 West 42nd St., New York, NY 10036.

ANSI/ASQC Q9001-1994, Quality Systems—
Model for Quality Assurance in Design,
Development, Production, Installation,
and Servicing, 1994—96.430

International Maritime Organization IMO—4
Albert Embankment, London, SE1 7SR,
United Kingdom.

Resolution A.741(18), International Man-
agement Code for the Safe Operation of
Ships and for Pollution Prevention, No-
vember 4, 1993—96.220, 96.370

Resolution A.788 (19), Guidelines on Imple-
mentation of the International Safety
Management (ISM) Code by Administra-
tions, November 23, 1995—96.320, 96.440

Resolution A.739(18), Guidelines for the Au-
thorization of Organizations Acting on

33 CFR Ch. I (7-1-10 Edition)

Behalf of the Administration, November
4, 1993—96.440

[CGD 95-073, 62 FR 67506, Dec. 24, 1997, as
amended at 69 FR 18803, Apr. 9, 2004]

Subpart B—Company and Vessel Safety Management Systems

§ 96.200 Purpose.

This subpart establishes the minimum standards that the safety management system of a company and its U.S. flag vessel(s) must meet for certification to comply with the requirements of 46 U.S.C. 3201-3205 and Chapter IX of SOLAS, 1974. It also permits companies with U.S. flag vessels that are not required to comply with this part to voluntarily develop safety management systems which can be certificated to standards consistent with Chapter IX of SOLAS.

§ 96.210 Who does this subpart apply to?

(a) This subpart applies—

(1) To a responsible person who owns or operates a U.S. vessel(s) engaged on a foreign voyage which meet the conditions of paragraph (a)(2) of this section;

(2) To all U.S. vessels engaged on a foreign voyage that are—

(i) A vessel transporting more than 12 passengers; or

(ii) A tanker, a bulk freight vessel, a freight vessel or a self-propelled mobile offshore drilling unit (MODU) of 500 gross tons or more; and

(3) To all foreign vessels engaged on a foreign voyage, bound for ports or places under the jurisdiction of the U.S., and subject to Chapter IX of SOLAS.

(b) This subpart does not apply to—

(1) A barge;

(2) A recreational vessel not engaged in commercial service;

(3) A fishing vessel;

(4) A vessel operating only on the Great Lakes or its tributary and connecting waters; or

(5) A public vessel, which includes a U.S. vessel of the National Defense Reserve Fleet owned by the U.S. Maritime Administration and operated in non-commercial service.

(c) Any responsible person and their company who owns and operates a U.S. flag vessel(s) which does not meet the