



COMDTINST 5402.1
16 JUNE 1996

COMMANDANT INSTRUCTION 5402.1

Subj: DELEGATION OF AUTHORITY UNDER ABANDONED BARGE ACT

- Ref: (a) Abandoned Barge Act of 1992, Pub. L. No. 102-587, 106 Stat. 5081, 46 U.S.C. Chapter 47 and 12301(b)
(b) Delegations to the Commandant of the Coast Guard, 61 Fed. Reg. 3331 (1996) (to be codified at 49 C.F.R. 1.46(zz))
(c) Abandoned Vessels, COMDTINST M16465.43

1. PURPOSE. To redelegate authority to carry out certain functions in the enforcement of reference (a).
2. ACTION. Area and District Commanders, Commanders of Maintenance and Logistics Commands, Hearing Officers, Commanding Officers of Marine Safety Offices and Captains of the Port shall comply with the requirements of this instruction and ensure that all personnel involved with response to abandoned barges are familiar with this instruction.
3. DIRECTIVES AFFECTED. This instruction augments guidance in references (a), (b), and (c)
4. DISCUSSION.
 - a. Reference (a) ("the Act") prohibits abandonment of barges, provides a civil penalty for abandonment, authorizes removal, and requires the numbering of barges. In reference (b), the Secretary of Transportation delegated to the Commandant of the Coast Guard the

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authority contained in 46 U.S.C. Chapter 47 concerning abandoned barges and 46 U.S.C. 12301(b) concerning the numbering of undocumented barges. The authority vested in me as Commandant is redelegated as detailed below. Any actions or duties required or authorized by the Act not otherwise specifically delegated by me, or specifically retained by me, are delegated to the Chief, Marine Safety and Environmental Protection. All authority delegated by this letter may be redelegated.

- b. The authority to carry out functions arising under 46 U.S.C. 12301(b) regarding the numbering of barges is not delegated and is specifically retained by me.
- c. The Chief, Marine Safety and Environmental Protection is delegated the authority to approve removal actions under 46 U.S.C. 4704.
- d. Each Hearing Officer is delegated the authority to assess civil penalties under 46 U.S.C. 4703.
- e. Each Captain of the Port is delegated the authority to carry out the following functions with respect to barges abandoned within his/her assigned zone:
 - (1) To make the determination that a barge is abandoned within the meaning of the Act.
 - (2) To accept notification that a barge is not abandoned pursuant to 46 U.S.C. 4702(a)(3).
 - (3) To carry out the notification procedures of 46 U.S.C. 4704(a)(1).
- f. The Coast Guard Head of Contracting Activity is delegated the authority to solicit bids and award contracts for removal pursuant to 46 U.S.C. 4704(c). This delegation includes the authority to subject the contract to the condition specified in 46 U.S.C. 4704(c)(2)(A) and to accept and approve the plan for removal required by 46 U.S.C. 4704(c)(2)(B). This contracting authority will be redelegated to the appropriate contracting activity.
- g. These delegations supersede existing delegations to the extent they conflict. Regulation changes reflecting these delegations will be made at a later time. Detailed guidance on carrying out responsibilities associated with these delegations is contained in reference (c).

/s/ ROBERT E. KRAMEK
Admiral, U.S. Coast Guard
Commandant