enforcement of the safety zone by Federal, State, and local agencies.

(e) Enforcement period. This section will be enforced from 8:30 p.m. through 10:30 p.m. on August 6, 2016, with a rain date on August 7, 2016.

Dated: July 19, 2016.

Richard J. Wester,
Captain, U.S. Coast Guard, Captain of the Port Hampton Roads.

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POSTAL SERVICE
39 CFR Part 230

Procedures Relating to the Disposition of Property Acquired by the United States Postal Service Office of Inspector General for Use as Evidence

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule establishes procedures for the disposition of abandoned property held by the United States Postal Service Office of Inspector General. The rule establishes procedures for determining the ownership of abandoned property, the advertisement of abandoned items with no apparent owner held by the Office of Inspector General, and the disposal of items declared abandoned.

DATES: Effective: August 2, 2016.

FOR FURTHER INFORMATION CONTACT:
Gladis Griffith, Office of General Counsel, (703) 248–4683.

SUPPLEMENTARY INFORMATION: On March 30, 2016, the Postal Service published a proposed rule to establish procedures for the disposition of abandoned property held by the United States Postal Service Office of Inspector General (81 FR 17637).

In the course of conducting official investigations, Special Agents of the United States Postal Service Office of Inspector General frequently recover property lost or stolen from the mail and obtain custody of property needed for use as evidence in proceedings to enforce various provisions of the United States Code. In most cases, such property is returned to the owner at the conclusion of the investigation or any resulting administrative or judicial proceedings. In some cases, however, the owners fail to claim property, and it therefore remains in the custody of the Office of Inspector General after it is no longer needed. The objective of the proposed rule was to establish a fair and uniform procedure to identify the owners of such property, afford them an opportunity to claim its return, and in the event a valid claim is not received, treat such property as abandoned and direct that it be sold or put to official use. Apparent owners would be notified of their right to claim property, and where no apparent owner is known and the value of the property in question exceeds $200, notice would be published on the Office of Inspector General’s Web site inviting the owner to submit a claim for its return.

No comments were received in response to the proposed rule. Upon further consideration, however, the Postal Service determined it would be appropriate to make non-substantive changes in proposed §§ 230.31 and 230.42 to clarify their meaning. Accordingly, in § 230.31, the definition of Ruling Official has been clarified; and in § 230.42, more specific instructions have been provided to special agents for the disposition and conversion of abandoned property.

List of Subjects in 39 CFR Part 230

Administrative practice and procedure, Claims, Law enforcement, Property (abandoned).

For the reasons stated in the preamble, the Postal Service amends 39 CFR part 230 as follows:

PART 230—OFFICE OF INSPECTOR GENERAL

§ 230.31 Definitions.

(a) Apparent. That which is clear, plain, and evident.

(b) Owner. The person recognized by the law as having ultimate control over and the right to use property.

(c) Claimant. A person who submits a claim for abandoned or other unclaimed property.

(d) Ruling official. The official who has the authority to grant or deny a claim for abandoned or other unclaimed property, typically the Executive Special Agent in Charge of the Area Field Office where the property is located, or a designee.

§ 230.32 Disposition of property of apparent owners where property is valued over $200.

Where an apparent owner of property subject to this subpart is known, and the estimated value of the property exceeds $200, the owner shall be notified by certified mail at his last known address. The written notice shall describe the property and the procedure for filing a claim for its return (see, §§ 230.36 and 230.39). Such claims must be filed within 30 days from the date the written notice is postmarked. If the apparent owner of the property fails to file a timely claim, the property is considered abandoned and must be disposed of as provided in § 230.36.

§ 230.33 Disposition of property of apparent owners where property is valued at $200 or less.

Where an apparent owner of property subject to this subpart is known, and the estimated value of the property is $200 or less, the Executive Special Agent in Charge, or a designee, should attempt to return the property to the owner. If successful, the Executive Special Agent in Charge shall request the owner sign a Hold Harmless Agreement. If not, the Executive Special Agent in Charge shall vest title in the Government.
§ 230.34 Disposition of property of unknown owners where property is valued over $200.

(a) Where no apparent owner of property subject to this subpart is known, except property described in § 230.36, and the estimated value of the property exceeds $200, the Executive Special Agent in Charge, or a designee, must publish notice providing the following information:

(1) A description of the property, including model or serial numbers, if known;
(2) A statement of the location where the property was found;
(3) The name, address, and telephone number of the Executive Special Agent in Charge who has custody of the property; and
(4) A statement inviting any person who believes he or she is fully entitled to the property to submit a claim for its return within 45 days, or any extension of time obtained from the Executive Special Agent in Charge who has custody of the property. Such claim must be submitted within 30 days from the date of first publication of the notice.

(b) The notice under paragraph (a) of this section must be published for three consecutive weeks on the Office of Inspector General’s Web site.

§ 230.35 Disposition of property of unknown owners where property is valued at $200 or less.

Where the owner of property subject to this subpart is unknown and the estimated value of the property is $200 or less, no notice is required, and the Executive Special Agent in Charge, or a designee, should vest title in the Government, subject to the rights of the owner to submit a valid claim as provided in § 230.38.

§ 230.36 Contraband and property subject to court order.

Claims submitted with respect to property subject to this subpart, possession of which is unlawful, must be denied, in writing, by certified mail, and the person submitting the claim must be accorded 45 days from the postmarked date to institute judicial proceedings to challenge the denial. If judicial proceedings are not instituted within 45 days, or any extension of time for good cause shown, the contraband property must be destroyed unless the Executive Special Agent in Charge, or a designee, determines that it should be placed in official use. However, before abandoned property may also be destroyed, sold, or placed into official use. However, before abandoned property can be shared with another agency, sold, or placed into official use, the Executive Special Agent in Charge must confer with the Office of Inspector General, Office of General Counsel. Abandoned property that is not shared with other agencies shall be converted into a monetary instrument and deposited into the Postal Service Fund established by 39 U.S.C. 2003. The Executive Special Agent in Charge of Headquarters Operations, or a designee, in consultation with the Office of General Counsel, shall determine which accounts within the Postal Service Fund will receive the proceeds of abandoned property.

Stanley F. Mires, Attorney, Federal Compliance.

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