

Device Tracking (DAA-0173-2021-0021).

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2021-25022 Filed 11-16-21; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Tuesday, December 7, 2021.

PLACE: Virtual.

STATUS: The one item may be viewed by the public through webcast only.

MATTER TO BE CONSIDERED:

67694 Marine Accident Report—Hazardous Liquid Pipeline Strike and Subsequent Explosion and Fire Aboard Dredging Vessel *Waymon Boyd*, EPIC Marine Terminal, Corpus Christi Ship Channel, Corpus Christi, Texas, August 21, 2020.

CONTACT PERSON FOR MORE INFORMATION:

Candi Bing at (202) 590-8384 or by email at bingc@ntsb.gov.

Media Information Contact: Jennifer Gabris by email at jennifer.gabris@ntsb.gov or at (202) 314-6100.

This meeting will take place virtually. The public may view it through a live or archived webcast by accessing a link under “Webcast of Events” on the NTSB home page at www.ntsb.gov.

There may be changes to this event due to the evolving situation concerning the novel coronavirus (COVID-19). Schedule updates, including weather-related cancellations, are also available at www.ntsb.gov.

The National Transportation Safety Board is holding this meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b).

Dated: Monday, November 15, 2021.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2021-25158 Filed 11-15-21; 4:15 pm]

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OFFICE OF PERSONNEL MANAGEMENT

Civil Service Retirement System and Federal Employees’ Retirement System; Notice to Same-Sex Spouses of Deceased Federal Employees or Annuitants Whose Marriages Lasted Less Than Nine Months

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: To establish entitlement to a survivor annuity or basic employee death benefit (“BEDB”) under the Civil Service Retirement System (CSRS) and the Federal Employees’ Retirement System (FERS), a “widow” or “widower” must have been married to a federal employee or annuitant for at least 9 months immediately before the employee or annuitant’s death. Same-sex spouses of deceased federal employees or annuitants whose spouse died prior to the time the 9-month marriage requirement could be satisfied may have been prevented or frustrated from satisfying this eligibility requirement as a result of provisions enacted under the Defense of Marriage Act (DOMA) or state laws prohibiting same sex marriages, now understood to have been unconstitutional. Therefore, this notice provides information about when, and under what circumstances, OPM will deem the 9-month marriage requirement satisfied, notwithstanding the actual duration of the marriage, to provide affected applicants with benefits they could have obtained had they been permitted to marry earlier in their states of residence.

DATES: If a same-sex surviving spouse of a deceased federal employee or annuitant is unable to show that the couple was married for at least 9-months immediately before the death of the employee or annuitant, and the marriage occurred *before, on, or within one year after* the Supreme Court issued *Windsor* on June 26, 2013 (or occurred *within one year after* the Supreme Court issued *Obergefell* on June 26, 2015, in circumstances where the couple resided in a jurisdiction that prohibited same-sex marriage at any time after the issuance of *Windsor*), OPM will deem the 9-month marriage requirement satisfied for purposes of establishing entitlement to survivor annuity benefits and/or a BEDB.

FOR FURTHER INFORMATION CONTACT:

Alison Pastor, (202) 606-0299.

SUPPLEMENTARY INFORMATION: On June 26, 2013, the U.S. Supreme Court issued *United States v. Windsor*,¹ where it struck down section 3 of Defense of Marriage Act (DOMA), 1 U.S.C. 7 (1996), as unconstitutional inasmuch as it required the Federal Government to treat same-sex marriages differently from opposite-sex marriages for purposes of determining entitlement to federal benefits. The *Windsor* decision, however, did not address whether state laws prohibiting the legal recognition of

same-sex marriages were similarly unconstitutional. As a result, there was a period after *Windsor* where some jurisdictions allowed for the legal recognition of same-sex marriages and some did not. Thereafter, the U.S. Supreme Court issued *United States v. Obergefell* on June 26, 2015² striking down state laws that prohibited the legal recognition of same-sex marriages as unconstitutional.

After the U.S. Supreme Court issued *Windsor*, OPM published two **Federal Register** notices. The first notice, 78 FR 47018 (Aug. 2, 2013), informed affected annuitants that they had an extended opportunity, until June 26, 2015—or two years after *Windsor* was issued—to elect a survivor annuity for a same-sex spouse if the couple had married prior to *Windsor* and the annuitant had been prevented by section 3 of DOMA from making a timely election. The second notice, 79 FR 57589 (Sept. 25, 2014), informed same-sex surviving spouses of deceased federal employees or annuitants who died before *Windsor*, that they may apply for survivor benefits or re-apply (if previously denied benefits as a result of DOMA) so that OPM may process their applications in accordance with the *Windsor* decision. In both these notices, OPM indicated that for purposes of determining entitlement to federal retirement benefits, OPM would recognize same-sex marriages legally entered into, whether or not the affected individual’s domicile would legally recognize that marriage.

Thus, consistent with OPM’s prior **Federal Register** notices and consistent with the holdings in *Windsor* and *Obergefell*, OPM is providing this notice to affected same-sex surviving spouses of deceased Federal employees or annuitants regarding when and under what circumstances OPM will deem the 9-month marriage requirement satisfied under 5 U.S.C. 8341(a), 8441(1)–(2) for purposes of determining an applicant’s entitlement to survivor annuity benefits and/or (if applicable) to a BEDB:

If an applicant for survivor annuity benefits and/or a BEDB can show—

- The applicant was in a same-sex marriage with a deceased employee or annuitant; *and*
- But for the 9-month marriage requirement under 5 U.S.C. 8341(a) and 8441(1)–(2), the applicant would be eligible for survivor annuity benefits (and/or a BEDB, if applicable); *and*
- The applicant was married to the deceased employee or annuitant prior to the Supreme Court issuing *Windsor* on June 26, 2013; *or*

¹ See 570 U.S. 744 (2013).

² See 576 U.S. 644 (2015).

• The applicant was married to the deceased employee or annuitant within one year from the date the Supreme Court issued *Windsor* on June 26, 2013; or

• The applicant was married to the deceased employee or annuitant within one year after the Supreme Court issued *Obergefell* on June 26, 2015, in circumstances where the couple resided in a jurisdiction that prohibited same-sex marriage at any time after *Windsor*—OPM will deem the 9-month marriage requirement satisfied for purposes of determining entitlement to survivor annuity benefits and/or a BEDB.

Additionally, if an affected applicant (as indicated above) was married to the deceased annuitant after retirement, and is additionally unable to show that the annuitant elected a survivor annuity benefit on the applicant's behalf within 2 years of marriage, as required by 5 U.S.C. 8341(b)(3), 8339(j)(5)(C) and (k)(2), 8416(b)–(c), and 8442(a)(2), the applicant may submit evidence to OPM showing that the annuitant intended to elect a survivor annuity for the applicant, and that but for the provisions under DOMA and/or state laws prohibiting same-sex marriage, the annuitant would have timely elected a survivor annuity on the applicant's behalf. OPM will consider any documentary evidence for this purpose, either in its own files or submitted by the applicant, that shows that the annuitant attempted to elect a survivor annuity for the applicant through correspondence with OPM.

Determinations regarding an affected applicant's corresponding entitlement to Federal Employees Health Benefits (FEHB) will be governed by the provisions under chapter 89 of title 5, United States Code; part 890 of title 5, Code of Federal Regulations; and the guidance OPM published in its **Federal Register** notice, Post-DOMA Survivor Annuitant Federal Health Benefit Waiver Criteria, 80 FR 74,817 (Nov. 30, 2015).

How To Apply for Benefits: If you are an affected same-sex spouse of a deceased federal employee or annuitant, you may submit an application for death benefits to OPM, Standard Form (SF) 2800 for CSRS and SF 3104 for FERS (or you may resubmit an application if OPM previously denied you survivor annuity benefits or a BEDB because you could not establish you had met the 9-month marriage requirement). You may download these application forms from OPM's website at <http://www.opm.gov/forms/standard-forms/>, and may submit your applications to this address: Office of Personnel Management, Attention:

DOMA–9MMR, P.O. Box 45, Boyers, PA 16017–0045. If, in the alternative, you would prefer OPM mail you an application for benefits or if you have questions regarding submitting your application, you may write OPM using the address provided above, or you may call OPM's Retirement Information Office at 1–888–767–6738 or may send an email to retire@opm.gov.

Office of Personnel Management.

Alexys Stanley,

Regulatory Affairs Analyst.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–93556; File No. SR–PEARL–2021–53]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX Pearl Options Fee Schedule To Increase the Monthly Fees for MIAX Express Network Full Service Ports

November 10, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² notice is hereby given that on November 1, 2021, MIAX PEARL, LLC (“MIAX Pearl” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Pearl Options Fee Schedule (the “Fee Schedule”) to amend the fees for the Exchange's MIAX Express Network Full Service (“MEO”)³ Ports.

The text of the proposed rule change is available on the Exchange's website at <http://www.miaxoptions.com/rule-filings/pearl/> at MIAX Pearl's principal office, and at the Commission's Public Reference Room.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ “MEO Interface” or “MEO” means a binary order interface for certain order types as set forth in Rule 516 into the MIAX Pearl System. See the Definitions Section of the Fee Schedule and Exchange Rule 100.

Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to increase the fees for its Full Service MEO Ports, Bulk and Single (the “Proposed Access Fees”), which allow Members⁴ to submit electronic orders in all products to the Exchange. The Exchange currently offers different types of MEO Ports depending on the services required by the Member, including a Full Service MEO Port—Bulk,⁵ a Full Service MEO Port—Single,⁶ and a Limited Service MEO Port.⁷ For one monthly price, a Member may be allocated two (2) Full-Service MEO Ports of either type per matching engine⁸ and may request Limited Service MEO Ports for which MIAX Pearl will assess Members Limited Service MEO Port fees per matching

⁴ “Member” means an individual or organization that is registered with the Exchange pursuant to Chapter II of Exchange Rules for purposes of trading on the Exchange as an “Electronic Exchange Member” or “Market Maker.” Members are deemed “members” under the Exchange Act. See the Definitions Section of the Fee Schedule and Exchange Rule 100.

⁵ “Full Service MEO Port—Bulk” means an MEO port that supports all MEO input message types and binary bulk order entry. See the Definitions Section of the Fee Schedule.

⁶ “Full Service MEO Port—Single” means an MEO port that supports all MEO input message types and binary order entry on a single order-by-order basis, but not bulk orders. See the Definitions Section of the Fee Schedule.

⁷ “Limited Service MEO Port” means an MEO port that supports all MEO input message types, but does not support bulk order entry and only supports limited order types, as specified by the Exchange via Regulatory Circular. See the Definitions Section of the Fee Schedule.

⁸ A “Matching Engine” is a part of the MIAX Pearl electronic system that processes options orders and trades on a symbol-by-symbol basis. Some Matching Engines will process option classes with multiple root symbols, and other Matching Engines may be dedicated to one single option root symbol. A particular root symbol may only be assigned to a single designated Matching Engine. A particular root symbol may not be assigned to multiple Matching Engines. See the Definitions Section of the Fee Schedule.