

They will also become a matter of public record.

Lori Parker,

NASA PRA Clearance Officer.

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA-21-0018; NARA-2022-009]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on *regulations.gov* for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

DATES: NARA must receive responses on the schedules listed in this notice by January 3, 2022.

ADDRESSES: You may submit comments by the following method:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. On the website, enter either of the numbers cited at the top of this notice into the search field. This will bring you to the docket for this notice, in which we have posted the records schedules open for comment. Each schedule has a ‘comment’ button so you can comment on that specific schedule.

Due to COVID-19 building closures, we are currently temporarily not accepting comments by mail. However, if you are unable to comment via *regulations.gov*, you may contact request.schedule@nara.gov for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on. You can find the control number for each schedule in parentheses at the end of each schedule’s entry in the list at the end of this notice.

FOR FURTHER INFORMATION CONTACT: Kimberly Keravuori, Regulatory and External Policy Program Manager, by

email at regulation_comments@nara.gov. For information about records schedules, contact Records Management Operations by email at request.schedule@nara.gov or by phone at 301-837-1799.

SUPPLEMENTARY INFORMATION:

Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule.

We have uploaded the records schedules and accompanying appraisal memoranda to the *regulations.gov* docket for this notice as “other” documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information or cannot otherwise use the *regulations.gov* portal, you may contact request.schedule@nara.gov for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we will post on *regulations.gov* a “Consolidated Reply” summarizing the comments, responding to them, and noting any changes we have made to the proposed records schedule. We will then send the schedule for final approval by the Archivist of the United States. You may elect at *regulations.gov* to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a

question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at <https://www.archives.gov/records-mgmt/rcs>, after the Archivist approves them. The RCS contains all schedules approved since 1973.

Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA’s approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The Archivist grants this approval only after thorough consideration of the records’ administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government’s activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist’s consideration process.

Schedules Pending

1. Department of the Treasury, Bureau of Engraving and Printing, Banknote Manufacturing Printing Equipment Information System (DAA-0318-2021-0010).

2. Federal Communications Commission, Public Safety and Homeland Security Bureau, Mobile

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]

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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).