

suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by OPM or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with OPM's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

[FR Doc. 2015-30309 Filed 11-27-15; 8:45 am]

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## OFFICE OF PERSONNEL MANAGEMENT

### Post-DOMA Survivor Annuitant Federal Employees Health Benefit Waiver Criteria

**AGENCY:** U.S. Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** The U.S. Office of Personnel Management (OPM) has updated its Waiver Policy on the official OPM Web site<sup>1</sup> to post the additional criteria OPM will consider when reviewing certain requests for waiver of the Federal Employees Health Benefit (FEHB) Program enrollment eligibility requirements. The updates to the Waiver Policy detail the criteria OPM will consider when reviewing waiver requests from individuals who are receiving a monthly survivor annuity as the surviving same-sex spouse of a Federal employee or annuitant who died on or before June 26, 2013. After an individual who is receiving a monthly annuity as the surviving same-sex spouse of a deceased Federal employee or annuitant is granted a waiver pursuant to section 8905(b) of title 5, U.S. Code, and the applicable procedures, the FEHB enrollment will be effective the first day of the first pay period that begins after the date on which that OPM granted the waiver. The individual may not be enrolled in FEHB retroactively, unless there is clear administrative error.

**FOR FURTHER INFORMATION CONTACT:** Chelsea Ruediger, [chelsea.ruediger@opm.gov](mailto:chelsea.ruediger@opm.gov), (202) 606-0004.

**SUPPLEMENTARY INFORMATION:** Following the Supreme Court's June 26, 2013 decision in *United States v. Windsor*,

same-sex spouses became eligible family members under a Federal Employees Health Benefits (FEHB) Program enrollment. Because existing same-sex marriages were not recognized by the Federal government before the *Windsor* decision, all legal same-sex marriages that predated the *Windsor* decision were treated as new marriages. FEHB enrollees, which included Federal employees and annuitants, had 60 days from June 26, 2013 until August 26, 2013 to submit a request to change their FEHB eligibility enrollment from self-only to self and family, to provide FEHB coverage to their same-sex spouse. See *OPM Benefits Administration Letter 13-203 issued July 17, 2013*. <https://www.opm.gov/retirement-services/publications-forms/benefits-administration-letters/2013/13-203.pdf>. However, Federal employees and annuitants who died on or before the date of the *Windsor* decision, June 26, 2013, did not have an option to elect FEHB coverage for their same-sex spouse.

In the ordinary course for a surviving spouse to be enrolled in FEHB after the death of the Federal employee or annuitant, the deceased Federal employee or annuitant must have been enrolled in Self and Family FEHB coverage that covered the surviving spouse at the time of death and the surviving spouse must be entitled to a monthly annuity as the survivor of a deceased Federal employee or annuitant. This means, absent a waiver of the FEHB eligibility requirements codified at 5 U.S.C. 8905(b)(2), individuals who are now receiving a survivor annuity as the surviving same-sex spouse of a deceased employee or annuitant who died on or before June 26, 2013, are not eligible for FEHB enrollment.

This notice outlines the updates to the OPM FEHB Eligibility Waiver Policy and identifies the criteria OPM will consider when reviewing waiver requests from individuals who are receiving a monthly survivor annuity benefit as the surviving same-sex spouse of a Federal employee or annuitant who died on or before June 26, 2013. It also prescribes the requirements and enrollment effective dates for these certain survivor annuitants to receive FEHB coverage.

### Waiver Statute and Implementing Regulations

Section 8905(b) of title 5, U.S. Code allows OPM to waive certain FEHB eligibility requirements for an individual if OPM:

“determines that, due to exceptional circumstances, it would be against equity and

good conscience not to allow such individual to be enrolled as an annuitant<sup>2</sup> in a health benefits plan under [chapter 89].”

The implementing regulation, promulgated at 5 CFR 890.108, requires the annuitant to provide OPM with evidence of the following in order to be granted a waiver for FEHB enrollment:

- (1) The individual intended to have FEHB coverage as an annuitant (retiree);
- (2) The circumstances that prevented the individual from meeting the requirements of 5 U.S.C. 8905(b) were beyond the individual's control; and
- (3) The individual acted reasonably to protect his or her right to continue coverage into retirement.

OPM does not want to penalize an individual who is receiving a survivor annuity as a same-sex spouse and who was not covered by a FEHB Self and Family plan before his/her spouse's death because prior to June 26, 2013, the provisions of the Defense of Marriage Act (DOMA) prevented OPM from recognizing the same-sex marriage. Therefore, we believe it would be against equity and good conscience not to grant a waiver request submitted by such individual. OPM will consider the criteria in 5 CFR 890.108 satisfied given the circumstances presented in the scope of this notice, provided that the appropriate documentation of marriage and death is submitted.

OPM will accept the following to meet the requirements above:

1. Proof of a legally valid same-sex marriage performed prior to June 26, 2013, to the deceased annuitant,
2. Proof that the deceased annuitant died on or before June 26, 2013, and
3. Proof that the deceased annuitant was enrolled in FEHB at death.

Individuals must submit requests for waiver of the FEHB enrollment eligibility requirements under 5 U.S.C. 8905(b) to OPM in writing. These waiver requests should be mailed to: Office of Personnel Management, Retirement Programs, Attn: Retirement Eligibility Services—HB Waiver Request, 1900 E Street NW., Room 2416, Washington, DC 20415.

In addition, the individual who is seeking a waiver of the FEHB eligibility requirements must have already been adjudicated eligible for a survivor annuity before he or she may seek a waiver under 5 U.S.C. 8905(b).

### Enrollment Effective Date

After an individual who is receiving a survivor annuity as a same-sex spouse

<sup>2</sup> For purposes of the Federal Employees Health Benefits program, “annuitant” has been defined to include, *inter alia*, a member of a family who receives an immediate annuity as the survivor of an employee. 5 U.S.C. 8901(3)(B).

<sup>1</sup> See: <https://www.opm.gov/healthcare-insurance/healthcare/reference-materials/reference/annuitants-and-compensations/#current>.

is granted a waiver pursuant to 5 U.S.C. 8905(b) and the procedures described above, the FEHB enrollment will be effective the first day of the first pay period that begins after the date on which that OPM granted the waiver. The survivor annuitant may not be enrolled in FEHB retroactively, unless there is clear administrative error.

U.S. Office of Personnel Management.

**Beth F. Cobert,**  
*Acting Director.*

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## POSTAL REGULATORY COMMISSION

[Docket Nos. MC2016-17 and CP2016-23;  
Order No. 2834]

### New Postal Product

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing concerning the addition of Priority Mail Contract 153 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* December 1, 2015.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

### SUPPLEMENTARY INFORMATION:

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#### I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*, the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 153 to the competitive product list.<sup>1</sup>

The Postal Service contemporaneously filed a redacted

contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. Request, Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

#### II. Notice of Commission Action

The Commission establishes Docket Nos. MC2016-17 and CP2016-23 to consider the Request pertaining to the proposed Priority Mail Contract 153 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than December 1, 2015. The public portions of these filings can be accessed via the Commission's Web site (<http://www.prc.gov>).

The Commission appoints Curtis E. Kidd to serve as Public Representative in these dockets.

#### III. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket Nos. MC2016-17 and CP2016-23 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Curtis E. Kidd is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than December 1, 2015.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Stacy L. Ruble,**  
*Secretary.*

[FR Doc. 2015-30225 Filed 11-27-15; 8:45 am]

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## OFFICE OF SCIENCE AND TECHNOLOGY POLICY

### Public Input on the Triennial Update to the USGCRP Strategic Plan

**ACTION:** Request for public comment.

**SUMMARY:** The U.S. Global Change Research Program is three years into the

implementation of its National Global Change Research Plan 2012-2021 (<http://www.globalchange.gov/strategic-plan>) hereafter called the Strategic Plan. That decadal Strategic Plan remains the continuing blueprint for USGCRP, with its strategic directions guiding the Program. There are areas, however, where the landscape has changed by virtue of significant progress, changing scientific or societal urgencies, or challenges. This Triennial Update to the Strategic Plan (hereafter simply "Update") addresses these areas and their implications for USGCRP. In accordance with the Global Change Research Act of 1990 (Sec 104, P.L. 101-606), this public comment period invites the public to provide comments and feedback on the Update.

**DATES:** Public comments will be accepted through January 30, 2016.

**ADDRESSES:** Comments from the public may be submitted by any of the following methods:

- Electronically via <http://www.globalchange.gov/notices>. Instructions for submitting comments are on the Web site.

- If you are unable to submit electronically, comments may be submitted by mail to Attn: Benjamin DeAngelo, U.S. Global Change Research Program, 1800 G Street NW., Suite 9100, Washington, DC 20006. Information submitted by postal mail should allow ample time for processing.

*Instructions:* Response to this Request for Public Comment is voluntary. Mailed comments should be less than 10 pages. Responses to this Request for Public Comment may be posted without change online. OSTP therefore requests that no business proprietary information, copyrighted information, or personally identifiable information be submitted in response to this Request for Public Comment. Please note that the U.S. Government will not pay for response preparation, or for the use of any information contained in the response.

**FOR FURTHER INFORMATION CONTACT:** Benjamin DeAngelo, (202) 419-3474, [bdeangelo@usgcrp.gov](mailto:bdeangelo@usgcrp.gov), U.S. Global Change Research Program.

**SUPPLEMENTARY INFORMATION:** Background information, additional details, and instructions for submitting comments can be found at [www.globalchange.gov/notices](http://www.globalchange.gov/notices). For more information about the Strategic

<sup>1</sup> Request of the United States Postal Service to Add Priority Mail Contract 153 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, November 20, 2015 (Request).