FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Office of the chair

Transmitted Via ROCIS portal

November 22, 2021

Mr. Howard Shelanski
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
727 17th Street, NW
Washington, DC 20503

Re: Emergency Justification Letter

Dear Mr. Shelanski:

The Federal Mine Safety and Health Review Commission (FMSHRC) is requesting emergency Office of Information and Regulatory Affairs (OIRA) review of attached documents for interpretation of compliance under the Paperwork Reduction Act. We also ask that (OIRA) approve to NOT publish a Federal Register notice regarding the Medical Request Form attached therewithin.

In accordance with government-wide policy that requires all Federal employees, as defined in 5 U.S.C. § 2105, to be vaccinated against COVID-19, with exceptions only as required by law. Our agency is currently conducting the requisite steps so our employees may seek a legal exception to the vaccination requirement due to a disability. Requests for "medical accommodation" or "medical exceptions" will be treated as requests for a disability accommodation and evaluated and decided under applicable Rehabilitation Act standards for reasonable accommodation absent undue hardship to the agency.

Before we are able to circulate request forms to requestors, the Safer Federal Workforce Task Force has directed us to seek emergency review from OIRA. The agency will keep confidential any medical information provided, subject to the applicable Rehabilitation Act standards.

If you have any questions pertaining to the agency's request form and PRA language, please contact the Senior Agency Officer for Privacy, Michael J. Chirico, at 202-434-9909, or at mchirco@fmshrc.gov .

Sincerely,

/s/ Michael J. Chirico

Michael J. Chirico,
Senior Agency Official for Privacy

Enclosures:
   Attachment A – The Form Elements
   Attachment B –Medical Request Form with FMSHRC Paperwork Reduction Act Language
   Attachment C – Supporting Statement A