



DEPARTMENT OF ENERGY

10 CFR Part 1008

[DOE-HQ-2022-0024]

RIN 1903-AA13

Social Security Number Fraud Prevention Act

AGENCY: U.S. Department of Energy.

ACTION: Notice of proposed rulemaking and request for public comment.

SUMMARY: The Department of Energy (DOE or Department) proposes to revise its regulations regarding records maintained on individuals under the Privacy Act. The revisions would clarify and update procedural requirements pertaining to the inclusion of a Social Security Number (SSN) on documents that the Department sends by mail. These revisions are necessary to implement the SSN Fraud Prevention Act of 2017's restriction on the inclusion of SSNs on documents sent by mail by the Federal Government. Additionally, the Department proposes to maintain a publicly available list authorizing certain designated documents to include SSNs if: inclusion is necessary; and the documents are requested by individuals outside DOE or other Federal agencies. This Notice of Proposed Rulemaking (NPR) seeks comment on this proposal.

DATES: To be assured of consideration, written comments on this proposed rulemaking must be received at one of the addresses provided in the **ADDRESSES** section, on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

Comments received following the aforementioned date will be considered if it is practical to do so. Please refer to section IV (Public Participation – Submission of Comments) for additional information on the comment period.

ADDRESSES: You may submit comments identified by docket number DOE-HQ-2022-0024, as follows:

Federal eRulemaking Portal: www.regulations.gov. Enter the docket ID number in the “Enter Keyword or ID” field and click on “Search.” On the next Web page, click on “Submit a Comment” action and follow the instructions in the portal.

Mail/Hand delivery/Courier [For paper, disk, or CD-ROM submissions] to: Ken Hunt, U.S. Department of Energy, 1000 Independence Avenue SW, Office 8H-085, Washington, DC 20585.

Comments received, including any personal information, will be posted without change to *www.regulations.gov*.

Docket: The docket, which includes *Federal Register* notices, comments, and other supporting documents/materials, is available for review at *www.regulations.gov*. All documents in the docket are listed in the *www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available. The *www.regulations.gov* web page contains instructions on how to access all documents, including public comments, in the docket. See section IV of this document for further information on how to submit comments through *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Mr. Kyle David, U.S. Department of Energy, 1000 Independence Avenue SW, Office 8H-085, Washington, DC, 20585; facsimile: (202) 586-8151; email: *kyle.david@hq.doe.gov*, telephone: (240) 686-9485.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Authority and Background

A. Authority

B. Background

II. Discussion

III. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866, 13563, and 14094

B. Review Under the Regulatory Flexibility Act

C. Review Under the Paperwork Reduction Act of 1995

D. Review Under the National Environmental Policy Act of 1969

- E. Review Under Executive Order 12988
- F. Review Under Executive Order 13132
- G. Review Under Executive Order 13175
- H. Review Under the Unfunded Mandates Reform Act of 1995
- I. Review Under Executive Order 12360
- J. Review Under Executive Order 13211
- K. Review Under the Treasury and General Government Appropriations Act, 1999
- L. Review Under the Treasury and General Government Appropriations Act, 2001
- IV. Public Participation - Submission of Comments
- V. Approval by the Office of the Secretary of Energy

I. Authority and Background

A. Authority

DOE has broad authority to regulate the agency's collection, use, processing, maintenance, storage, and disclosure of SSNs pursuant to the following authorities: 42 U.S.C. 7101 *et seq.*, 50 U.S.C. 2401 *et seq.*, 5 U.S.C. 1104, 5 U.S.C. 293, 5 U.S.C. 552, 5 U.S.C. 552a, 42 U.S.C. 7254, 5 U.S.C. 301, and 42 U.S.C. 405 note.

B. Background

The SSN Fraud Prevention Act of 2017 (the Act) (Pub L. 115-59; 42 U.S.C. 405 note), enacted on September 15, 2017, prohibits Federal agencies from including individuals' full SSN on documents transmitted by physical mail unless the head of the agency determines that the inclusion of the full SSN on the document is necessary (section 2(a), Pub. L. 115-59). The Act requires agency heads to issue regulations specifying the circumstances under which inclusion of a full SSN on a document sent by mail is necessary. The Act specifies that these regulations be issued no later than five years after the date of enactment, include instructions for the partial redaction of SSNs where feasible, and require that SSNs not be visible on the outside of any package sent by mail (section 2(b), Pub. L. 115-59). This proposed rule would revise 10 CFR 1008.22 (Use and Collection of Social Security Numbers) consistent with these requirements in the Act. The proposed revisions would clarify the procedural requirements pertaining to the inclusion of full SSNs on documents that DOE sends by mail.

II. Discussion

Pursuant to the Act, an agency may not include a SSN on a document sent by mail unless the Secretary determines that inclusion of the SSN on the document is necessary. DOE usage of SSNs is necessary in instances when it is required by law, or fulfills a compelling business need. The proposed regulatory text would revise 10 CFR 1008.22 to establish the process by which Departmental Elements may request a Secretarial waiver of the prohibition on inclusion of SSNs. The proposed text provides for a Secretarial waiver for pre-approved items listed on DOE's "Un-redacted SSN Mailed Documents Listing" (USMDL). This is a list of categories of documents which the Secretary of Energy, or the Secretary's authorized designee, has determined to be pre-approved for the inclusion of a full SSN in a mailed document. The justification for this determination is that the identified forms are necessary to fulfill a compelling DOE business need or mission function. DOE developed this list of pre-approved forms and documents based on responses to annual DOE data calls to assess which documents (1) contain a full SSN, (2) contain a full SSN that cannot be redacted, and (3) must be transmitted through physical mail and include a full SSN. Documents listed on the USMDL include those related to payroll, human resources, taxes, security, badging, and Privacy Act and Freedom of Information Act requests. DOE proposes that forms and documents included on the USMDL will not require a separate Secretarial waiver to be transmitted by physical mail.

The proposed rule provides that forms and documents not listed on the USMDL that contain a full SSN and must be transmitted through physical mail to fulfill a compelling DOE business need will require a Secretarial waiver in accordance with these regulations. Pursuant to "Department of Energy Designation Order No. 00-17.00A to the Chief Information Officer," section 1.3, the Chief Information Officer (CIO), as Senior Agency Official for Privacy (SAOP), has the authority to implement "information privacy protection, including compliance with Federal laws, regulations, and policies that relate to information privacy and the Privacy Act." Pursuant to this authority, for circumstances where a transmitting DOE Element anticipates the

sending of a particular form or document will be a one-time occurrence, and under conditions where such transmission is an urgent matter, the Element may request a conditional, one-time Secretarial waiver from the DOE SAOP. Similarly, pursuant Designation Order No. 00-17.00A section 1.3, for circumstances where the transmitting element anticipates a regular and frequent transmission of a particular form or document, the proposed rule provides that the Element may request that the relevant form or document be added to the USMDL from the DOE SAOP.

A request by a current or former DOE employee or contractor, through an internal system, to have a document or form containing that individual's SSN mailed to the individual will not require a waiver under the proposed rule.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866, 13563, and 14094

Executive Order ("E.O.") 12866, "Regulatory Planning and Review," 58 FR 51735 (Oct. 4, 1993), as supplemented and reaffirmed by E.O. 13563, "Improving Regulation and Regulatory Review," 76 FR 3821 (Jan. 21, 2011) and amended by E.O. 14094, "Modernizing Regulatory Review," 88 FR 21879 (April 11, 2023), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

DOE emphasizes as well that E.O. 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs (OIRA) has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. For the reasons stated in the preamble, this proposed regulatory action is consistent with these principles.

Section 6(a) of E.O. 12866 requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this proposed regulatory action is not a “significant regulatory action” within the scope of E.O. 12866. Accordingly, this action is not subject to review under E.O. 12866 by OIRA of the Office of Management and Budget (OMB).

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires that an agency prepare an initial regulatory flexibility analysis for any regulation for which a general notice of proposed rulemaking is required, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities (5 U.S.C. 605(b)). As required by Executive Order 13272, *Proper Consideration of Small Entities in Agency Rulemaking*, 67 FR 53461 (Aug. 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel’s website (<https://energy.gov/gc/office-general-counsel>).

DOE reviewed this proposed rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. DOE certifies that the proposed rule, if adopted, would not have significant economic impact on a substantial number of small entities. The factual basis for this certification is set forth below.

This proposed rule would update DOE’s policies and procedures concerning the transmission by physical mail of documents containing full SSNs for necessary business purposes. This

proposed rule would apply only to activities conducted by DOE's federal employees and contractors, who would be responsible for implementing the rule requirements. DOE does not expect there to be any potential economic impact of this proposed rule on small businesses. Small businesses, therefore, should not be adversely impacted by the requirements in this proposed rule. For these reasons, DOE certifies that this proposed rule, if promulgated, would not have a significant economic impact on a substantial number of small entities, and therefore, no regulatory flexibility analysis has been prepared.

C. Review Under the Paperwork Reduction Act of 1995

This proposed rule does not impose a collection of information requirement subject to review and approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

D. Review Under the National Environmental Policy Act of 1969

Pursuant to the National Environmental Policy Act of 1969 (NEPA), DOE has analyzed this proposed action in accordance with NEPA and DOE's NEPA implementing regulations (10 CFR part 1021). DOE's regulations include a categorical exclusion (CX) for rulemakings interpreting or amending an existing rule or regulation that does not change the environmental effect of the rule or regulation being amended. 10 CFR part 1021, subpart D, appendix A5. DOE has determined that this proposed rule is covered under the CX found in DOE's NEPA regulations at paragraph A.5 of appendix A to subpart D, 10 CFR part 1021, because it is an amendment to an existing regulation that does not change the environmental effect of the amended regulation and, therefore, meets the requirements for the application of this CX. *See* 10 CFR 1021.410.

Therefore, DOE has determined that this proposed rule is not a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA and does not require an Environmental Assessment or an Environmental Impact Statement.

E. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, Section 3(a) of Executive Order 12988, "Civil Justice Reform," 61 FR 4729 (February 7, 1996),

imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for the affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; (6) specifies whether administrative proceedings are to be required before parties may file suit in court and, if so, describes those proceedings and requires the exhaustion of administrative remedies; and (7) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of the standards. DOE has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of Executive Order 12988.

F. Review Under Executive Order 13132

Executive Order 13132, “Federalism,” 64 FR 43255 (August 10, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. The Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the

intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this proposed rule and has tentatively determined that it would not preempt State law and would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. No further action is required by Executive Order 13132.

G. Review Under Executive Order 13175

Under Executive Order 13175 (65 FR 67249, November 6, 2000) on “Consultation and Coordination with Indian Tribal Governments,” DOE may not issue a discretionary rule that has “Tribal” implications and imposes substantial direct compliance costs on Indian Tribal governments. DOE has determined that the proposed rule would not have such effects and concluded that Executive Order 13175 does not apply to this proposed rule.

H. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act (UMRA) of 1995 (Pub. L. 104-4) requires each Federal agency to assess the effects of a Federal regulatory action on State, local, and Tribal governments, and the private sector. (Pub. L. 104-4, sec. 201 *et seq.* (codified at 2 U.S.C. 1531 *et seq.*)). For a proposed regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed “significant Federal intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for

intergovernmental consultation under UMRA. (62 FR 12820) (This policy is also available at: www.energy.gov/gc/guidance-opinions under “Guidance & Opinions” (Rulemaking)). DOE examined the proposed rule according to UMRA and its statement of policy and has determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year. Accordingly, no further assessment or analysis is required under UMRA.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights” 53 FR 8859 (March 18, 1988), that this proposed regulation would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Executive Order 13211

Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” 66 FR 28355 (May 22, 2001) requires Federal agencies to prepare and submit to the OIRA, which is part of OMB, a Statement of Energy Effects for any proposed significant energy action. A “significant energy action” is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1)(i) is a significant regulatory action under Executive Order 12866, or any successor order; and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (2) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. This proposed regulatory action is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

K. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any proposed rule that may affect family well-being. This proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

L. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516) provides for Federal agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB.

OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). Pursuant to OMB Memorandum M–19–15,

Improving Implementation of the Information Quality Act (April 24, 2019), DOE published updated guidelines which are available at:

www.energy.gov/sites/prod/files/2019/12/f70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf.

DOE has reviewed this proposed rule and will ensure that information produced under this regulation remains consistent with the applicable OMB and DOE guidelines.

IV. Public Participation – Submission of Comments

DOE will accept comments, data, and information regarding this proposed rule before or no later than the date provided in the **DATES** section at the beginning of this proposed rule.

Interested individuals are invited to participate in this proceeding by submitting data, views, or arguments with respect to this proposed rule using the method described in the **ADDRESSES** section at the beginning of this proposed rule. To help the Department review the submitted comments, commenters are requested to reference the paragraph(s), (*e.g.*, §1008.22(d)), to which they refer, where possible.

1. *Submitting comments on www.regulations.gov.* The *www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable by DOE's Office of Privacy Management and Compliance staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment. However, your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through *www.regulations.gov* will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide

documents that are not secured, that are written in English, and that are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

2. *Confidential Business Information.* Pursuant to the provisions of 10 CFR 1004.11, anyone submitting information or data he or she believes to be confidential and exempt by law from public disclosure should submit two well-marked copies: one copy of the document marked “CONFIDENTIAL” including all the information believed to be confidential, and one copy of the document marked “NON-CONFIDENTIAL” with the information believed to be confidential deleted. Submit these documents via email. DOE will make its own determination as to the confidentiality of the information and treat it according to its determination.

It is DOE’s policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

3. *Campaign form letters.* Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters’ names compiled into one or more PDFs. This reduces comment processing and posting time.

V. Approval by the Office of the Secretary of Energy

The Secretary of Energy has approved publication of this notice of proposed rulemaking and request for public comment.

List of Subjects in 10 CFR Part 1008

Administration practice and procedure, Freedom of information, Privacy, Reporting and recordkeeping requirements.

Signing Authority

This document of the Department of Energy was signed on November 24, 2023, by Ann Dunkin, Senior Agency Official for Privacy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the *Federal Register*.

Signed in Washington, DC, on December 12, 2023.

Treena V. Garrett,
Federal Register Liaison Officer,
U.S. Department of Energy.

For the reasons set forth in the preamble, the Department of Energy proposes to amend part 1008 of chapter X of title 10 of the Code of Federal Regulations as set forth below:

PART 1008 – RECORDS MAINTAINED ON INDIVIDUALS (PRIVACY ACT)

1. The authority citation for part 1008 is revised to read as follows:

Authority: 42 U.S.C. 7101 *et seq.*; 50 U.S.C. 2401 *et seq.*; 5 U.S.C. 552; 5 U.S.C. 552a; 42 U.S.C. 7254; and 5 U.S.C. 301. Section 1008.22(c) also issued under 42 U.S.C. 405 note.

2. Amend § 1008.22 by adding paragraphs (c) through (e) to read as follows:

§ 1008.22 Use and collection of social security numbers.

* * * * *

(c) Pursuant to the Social Security Number Fraud and Prevention Act (Pub L. 115-59; 42 U.S.C. 405 note), Heads of Headquarters Divisions and Offices and heads of other DOE locations may not include a full Social Security number on a form or document transmitted by physical mail unless:

(1) The form or document belongs to a category of forms and documents listed on the Department’s “Unredacted SSN Mailed Documents Listing” (USMDL) as published on the Department’s website; or

(2) The Senior Agency Official for Privacy (SAOP) provides a one-time waiver for the form or document as provided by paragraph (d) of this section.

(d) The Heads of Headquarters Divisions and Offices and heads of other DOE locations who have a compelling business need to include a full social security number on a form or document that is transmitted by physical mail and which do not belong to a category of form or document listed on the USMDL may request a conditional, one-time Secretarial waiver as follows:

(1) The requesting Head of Departmental Element must prepare a memorandum for submission to the SAOP that:

(i) Identifies the document that requires transmission via physical mail;

(ii) Explains with specificity the reasons why a full social security number is required to be transmitted via physical mail on the document;

(iii) Provides with specificity details on why the social security number cannot be a partial social security number; and

(iv) Includes any other justification to support the Element's request, including any legal requirement that necessitates the Department sending a full social security number through physical mail for business or mission purposes.

(2) The Departmental Element must send the completed memorandum to the Chief Privacy Officer (CPO) for review.

(3) The CPO will review the request and forward its recommendation to the SAOP.

(4) The SAOP will review and approve or reject the Departmental Element's request.

(5) If the request is approved, the SAOP will issue a memorandum in response to the Head of the Departmental Element authorizing the conditional, one-time transmission of the document.

(e) Under circumstances where the transmitting Departmental Element anticipates a regular and frequent transmission through physical mail of a particular form or document containing social security numbers not already listed on the USDML, the Head of the Departmental Element may request that a new category relevant to the form or document be added to the USMDL in accordance with the procedures in paragraphs (e)(1) through (5) of this section:

(1) The requesting Departmental Element must prepare a memorandum for submission to the SAOP that:

(i) Identifies the document that requires transmission via physical mail;

(ii) Explains with specificity the reasons why a full social security number is required to be transmitted via physical mail on the form or document;

(iii) Provides with specificity details on why the social security number cannot be a partial social security number; and

(iv) Includes any other justification to support the Element's request, including any legal requirement that necessitates the Department sending a full social security number through physical mail for business or mission purposes.

(2) The Head of the Departmental Element must send the completed memorandum to the CPO for review.

(3) The CPO will review the request and forward its recommendation to the SAOP.

(4) The SAOP will review and approve or reject the Element's request.

(5) If the request is approved, the SAOP will issue a memorandum in response to the requestor stating the SAOP's determination and DOE will update the USDML and publish the updated USDML on the Department's website.