

JUL 10 1981

MEMORANDUM FOR: Suzanne L. Bachrach
 Analysis and Planning Branch
 Office of Management and Program Analysis

FROM: John H. Corley, Director
 Division of Facilities and
 Operations Support, ADM

SUBJECT: CHANGES - NRC APPENDIX 0270, TELECOMMUNICATIONS HANDEOOK

Enclosed is a revised page II-5 to NRC Appendix 0270 which reflects the following changes:

1. Para. 4.b. incorporates the pen-and-ink changes requested in TN 0200-21, March 12, 1981.
2. Para. 4.b.(2) deletes reference to "Temporary Regulation F-491 and Supplement 1" and inserts "101-37" which contains current information.
3. Para. 4.b.(3) is a new paragraph to implement provisions of the Federal Communications Commission Memorandum Opinion and Order, released May 18, 1981, exempting the recording of conversations to and from the NRC Operations Center.
4. Para. 4.b.(4) and (5) have been renumbered.

Please coordinate the new paragraph 4.b.(3) with the Offices of Inspection and Enforcement, Executive Legal Director, Inspector and Auditor; and the Division of Security.

We appreciate your assistance in arranging for and distributing this replacement page.

Original Signed by:
 John H. Corley

John H. Corley, Director
 Division of Facilities and
 Operations Support, ADM

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Enclosure:
 as stated

File: reading FOS, TB
 subject 0210

bcc: TFleming

OFFICE	FOS:TB	FOS:TB	FOS:TB	FOS:TB	FOS:D
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DATE	7/8/81	7/9/81	7/9/81	7/9/81	7/10/81

or residence telephone number. The unofficial use of government-provided telephone service for personal calls (except in an emergency) is prohibited by law (Section 641, Title 18, U.S.C.). Such abuse may also result in administrative disciplinary action under the provisions of NRC 4171.

4. Monitoring or Recording of Wire or Oral Conversations.

- a. The monitoring or recording of wire or oral communications without the consent of at least one party to the conversation (non-consensual) is prohibited by the Omnibus Crime Control and Safe Streets Act of 1968, as amended (18 U.S.C. 2510 et. seq.), except under circumstances specified therein. Because none of these circumstances apply to NRC activities, nonconsensual monitoring or recording by NRC personnel is prohibited.
- b. The Attorney General requires Federal agencies to promulgate rules concerning the permissibility of consensual monitoring of wire and oral communications. (See Memorandum to the Heads and Inspectors General of Executive Departments and Agencies, Re: Procedures for Lawful, Warrantless Interceptions of Verbal Communications.) Generally, NRC policy prohibits NRC personnel from monitoring or recording wire or oral communications without the specific knowledge and consent of all parties to the conversation. This prohibition includes the use of extension phones and speakerphones. Exceptions are permitted only:
 - (1) Under conditions cited in the Attorney General's memorandum and NRC Appendix 2101, Part XIII, "Prohibition on Wiretapping and Eavesdropping Devices."
 - (2) Under conditions cited in Federal Property Management Regulation ~~(Temporary Regulation F-491 and Supplement 101-37)~~. This exception requires prior written approval of the Executive Director for Operations. Requests for approval shall be concurred in by the Director, Office of Administration. A copy of each request and approval shall be provided the Director, Division of Security, the Inspector and Auditor, and the Chief, Telecommunications Branch. FOS. Reevaluation of each need is required every two years. Details and necessary assistance may be obtained from the Telecommunications Branch.
 - (3) Under the provisions of Federal Communications Commission Memorandum Opinion and Order "In the Matter of Use of Recording Devices in Connection with Telephone Service," Docket No. 20840, released May 18, 1981, the recording of conversations to and from the NRC Operations Center is specifically exempted from the requirements of all party consent and automatic tone ("beep tone") warnings. Calls to and from the NRC Operations Center will be recorded without prior consent of all parties or the imposition of "beep tone."
 - (4) When a telephone conversation is directly related to an authorized investigation being conducted by the Office of Inspector and Auditor, Office of Inspection and Enforcement, or the Division of Security. Such monitoring by an extension phone is permissible only with the knowledge and consent of at least one party to the conversation. Recording of such conversations is not permitted.
 - (5) In exigent circumstances, where one party to a telephone conversation is threatening the safety of persons or property, the other party to the conversation may authorize