

Group A

FOIA/PA NO: 2015-0008A

RECORDS ALREADY PUBLICLY AVAILABLE

ARMED SECURITY PERSONNEL FIREARMS BACKGROUND CHECK

Estimated burden per response to comply with this mandatory collection request: 60 minutes. NRC uses the information to verify that security personnel protecting NRC-regulated entities are not prohibited from receiving, possessing, transporting, importing, or using covered weapons as part of the performance of their official duties. Forward comments regarding the burden estimate to the Information Services Branch (1-5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, or by e-mail to infocollects.resource@nrc.gov, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-10202, (3150-0204), Office of Management and Budget, Washington, DC 20503. If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

NICS Transaction Number (NTN)

Warning: Security personnel protecting NRC designated facilities, radioactive material, or other property are not authorized to receive, possess, transport, import, or use firearms pursuant to § 161A. of The Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2201a, if prohibited under Federal or State law. The information you provide will be used to verify that you are not prohibited under Federal or State law from receiving, possessing, transporting, importing, or using any firearms. Prepare in original only. Must be completed personally by individual. All entries must be in ink. Please type or print all information. Read the Important Notices, Instructions, and Definitions on this form.

1. Individual's Full Name (Last, First, Middle) (If no middle name state "NMN")

2. Other Previously Used Names (e.g. Maiden) (Last, First, or Middle)

3. Current Residence Address (Cannot be a post office box) (U.S. Postal abbreviations are acceptable) (See Instruction 3)

Number and Street Address	City	County	State	Zip Code
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4. Current Duty Station Location(s). (Use U.S. Postal abbreviations for the State or Territory) (See Instruction 4)

5. Place of Birth U.S. City/State - or - Foreign Country	6. Height Ft. In.	7. Weight lb.	8. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	9. Birth Date Month Day Year
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10. Social Security Number	11. Unique Personal Identification Number (UPIN), if applicable (See Instruction 5)
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12. Race (Ethnicity) (Check one or more boxes) (See Instruction 6)

<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Black or African American	<input type="checkbox"/> Native Hawaiian or Other Pacific Islander
<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> Asian	<input type="checkbox"/> White

13. What is your country of citizenship? (List/check more than one, if applicable)

<input type="checkbox"/> United States of America	<input type="checkbox"/> Other (specify) _____
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14. If you are not a citizen of the United States, what is your U.S. issued alien number or admission number?

15. If you are a nonimmigrant alien, what exception do you fall under as described in Important Notice 3, Exception 2?
(Specify the documentation showing an exemption to the nonimmigrant alien prohibition)

I certify that the answers above are true and correct. I have read and understand the Important Notices, Instructions, and Definitions for this form. I understand that making any false oral or written statement is a crime punishable as a felony.

16. Security Personnel's Signature	17. Certification Date
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Important Notices

- 1. Purpose of the Form:** The information and certification on this form are designed to support a verification that security personnel protecting U.S. Nuclear Regulatory Commission (NRC) designated facilities, radioactive material, or other property are not prohibited from receiving, possessing, transporting, or using firearms as part of the performance of their official duties under § 161A. of the Atomic Energy Act of 1954, as amended (AEA), 42 U.S.C. § 2201a. Submission of this form is mandatory for security personnel of licensees and certificate holders who apply to the NRC for Section 161A. authority. Failure to submit this form will result in the individual being denied access to firearms as part of their official security duties at NRC-regulated entities.

Evaluation of the information contained in this form will permit the NRC to verify that individuals who are prohibited from possessing or receiving any firearms under Federal or State law do not possess or receive firearms (including enhanced weapons) as part of their current or proposed official duties as security personnel. This determination is required of all security personnel protecting NRC designated facilities, radioactive material, or other property.

- 2. Background Checks:** Section 161A. requires that security personnel receiving, possessing, transporting, or using a covered weapon shall be subject to a background check by the Attorney General, based on fingerprints and including a background check under section 103(b) of the Brady Handgun Violence Prevention Act (Brady Act), Public Law 103-159, 18 U.S.C. § 922(t), to determine whether the person is prohibited from possessing or receiving firearms under Federal or State law. The Brady Act provides for the submission of information to the Federal Bureau of Investigation's (FBI's) National Instant Criminal Background Check Systems (NICS) to verify that an individual is not prohibited under Federal or State law from possessing or receiving firearms.
- 3. Prohibited Persons:** Generally, 18 U.S.C. § 922 prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of firearms by anyone who: (1) has been convicted of a misdemeanor crime of domestic violence; (2) has been convicted of a felony, or any other crime; punishable by imprisonment for a term exceeding one year (*this does not include State misdemeanors punishable by imprisonment of two years or less*); (3) is a fugitive from justice; (4) is an unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug, or any controlled substance; (5) has been adjudicated mentally defective or has been committed to a mental institution; (6) has been discharged from the Armed Forces under dishonorable conditions; (7) has renounced his or her U.S. citizenship; (8) is an alien illegally in the United States or a nonimmigrant alien; or (9) is subject to certain restraining orders. Furthermore, § 922 prohibits the shipment, transportation, or receipt of firearms to anyone who is under an indictment or information in any court for a felony, or any other crime, punishable by imprisonment for a term exceeding one year.

Exception 1: A person who has been convicted of a felony, or any other crime, for which the judge could have imprisoned the person for more than one year, or has been convicted of a misdemeanor crime of domestic violence, is not prohibited from receiving, possessing, transporting, importing, or using covered weapons if: (1) under the law of the jurisdiction where the conviction occurred, the person has been pardoned, the conviction has been expunged or set aside, or the person has had certain civil rights (the right to vote, sit on a jury, and hold public office) restored AND (2) the person is not prohibited by the law of jurisdiction where the conviction occurred from receiving or possessing firearms. A person who has been

convicted of a misdemeanor crime of domestic violence also is not prohibited unless: (1) the individual was represented by a lawyer or gave up the right to a lawyer; and (2) if the person was entitled to a jury, was tried by a jury, or gave up the right to a jury trial.

Exception 2: A nonimmigrant alien is not prohibited from possessing or receiving a covered weapon as part of their official duties at NRC regulated facilities if the alien: (1) meets the exceptions of 18 U.S.C. § 922(y)(2)(B), (y)(2)(C), or (y)(2)(D); or (2) has received a waiver from the Attorney General of the United States (*See 18 U.S.C. § 922(y)(3) for additional information on waivers.*)

- 4. Restraining Order:** Under 18 U.S.C. § 922, firearms may not be possessed or received by persons subject to a court order that: (1) was issued after a hearing which the person received actual notice of and had an opportunity to participate in; (2) restrains such person from harassing, stalking, or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (3)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, anticipated use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.
- 5. NICS Responses:** The FBI will provide a "proceed," "delayed," or "denied" NICS response and a NICS transaction number to the NRC that will be forwarded to you via your submitting licensee or certificate holder.

Instructions to Security Personnel

- Individuals must personally complete this form and certify (*sign*) that the information on this form is true and correct.
- If the individual is a member of the Armed Forces on active duty and is receiving, possessing, transporting, or using covered weapons in the State where his or her permanent duty station is located, but does not reside at his or her permanent duty station, the security personnel must list his or her permanent duty station address in the response to question 4 and his or her residence address in response to question 3.
- Current Residence Address:** If you are a U.S. citizen with two States of residence, you should list your current residence address.
- Duty Station Location(s):** Enter the U.S. Postal abbreviation for the State or Territory for the duty station location. Multiple States or Territories may be entered for multiple duty stations. For personnel escorting shipments of radioactive material or other property, enter the State or Territory affected by the shipment or enter "CONUS."
- Unique Personal Identification Number (UPIN):** If you have a UPIN issued to you by the FBI's NICS Voluntary Appeal File (based upon previous firearms transactions or based upon previous firearms security background checks), you should enter the UPIN under question 11. Entry of a UPIN is voluntary. However, failure to provide your issued UPIN may result in a "delayed" or "denied" NICS response.
- Race (Ethnicity):** For any other race or ethnicity that does not fall within the indicated categories, please select the closest representation.

Definitions

- 1. Under indictment or information or conviction in any court:** An indictment, information, or conviction in Federal, State, or local court.
- 2. Misdemeanor Crime of Domestic Violence:** A Federal, State, or local offense that is a misdemeanor under Federal or State law and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with, or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. The term includes all misdemeanors that have as an element the use or attempted use of physical force or the threatened use of a deadly weapon (e.g., assault and battery), if the offense is committed by one of the defined parties.
- 3. Intimate Partner:** An "intimate partner" of a person is: the spouse or former spouse of the person, the parent of a child of the person, or an individual who cohabitates or has cohabited with the person.
- 4. State of Residence:** The State in which an individual resides. An individual resides in a State if he or she is present in a State with the intention of making a home in that State. If an individual is a member of the Armed Forces on active duty, his or her State of residence also is the State in which his or her permanent duty station is located. An alien who is legally in the United States is a resident of a State only if the alien is residing in the State and has resided in the State continuously for at least 90 days immediately prior to the date of submission of this form.
- 5. Nonimmigrant Alien:** An alien in the United States in a nonimmigrant classification. The definition includes, in large part, persons traveling temporarily in the United States for business or pleasure, persons studying in the United States who maintain a residence abroad, and certain foreign workers. The definition does NOT include permanent resident aliens.
- 6. Unique Personal Identification Number (UPIN):** For individuals approved to have information maintained about them in FBI's NICS Voluntary Appeal File (VAF), NICS will provide them with a UPIN for their use in future firearms transactions or firearms background checks *under § 161A of the AEA*.
- 7. Covered Weapon:** Covered weapon means any handgun, rifle, shotgun, short-barreled shotgun, short-barreled rifle, semi-automatic assault weapon, machinegun, ammunition for any such weapon, or large capacity ammunition feeding device as specified under section 161A. The terms "handgun, rifle, shotgun, short-barreled shotgun, short-barreled rifle, semi-automatic assault weapon, machinegun, ammunition, and large capacity ammunition feeding device" have the same meaning provided for these terms in 18 U.S.C. § 921(a).

Privacy Act Information

Pursuant to 5 U.S.C. 552(e)(3), enacted into law by Section 3 of the Privacy Act of 1974 (Public Law 93-579), the following statement is furnished to individuals who supply information to the Nuclear Regulatory Commission (NRC) on NRC Form 754. This information is maintained in a system of records designated as NRC-39, described at 71 Federal Register 59642 (October 10, 2006), or the most recent Federal Register publication of the NRC's "Republication of Systems of Records Notices" that is available at the NRC Public Document Room, 11555 Rockville Pike, Rockville, Maryland or located in NRC's Agencywide Documents Access and Management System (ADAMS).

- 1. Authority:** 42 U.S.C. § 2201a.
- 2. Principal Purpose(s):** This form is used to perform a background check to verify that an individual is not prohibited from receiving, possessing, transporting, importing, or using covered weapons as part of the performance of their official duties.
- 3. Routine Use(s):** This information will be used to determine eligibility to receive, possess, transport, or import covered weapons. The information may also be disclosed to an appropriate Federal, State, local or Foreign agency in the event the information indicates a violation or potential violation of law and in the course of an administrative or judicial proceeding. In addition, this information may be transferred to an appropriate Federal, State, local and Foreign agency to the extent relevant and necessary for it to carry out its responsibilities under 161A. of the Atomic Energy Act of 1954, as amended. Information may also be disclosed, in the course of discovery under a protective order issued by a court of competent jurisdiction, and in presenting evidence, to a Congressional office to respond to their inquiry made at your request, or to NRC-paid experts, consultants, and others under contract with the NRC, on a need-to-know basis.
- 4. Whether Disclosure is Mandatory or Voluntary and Effect on Individual of Not Providing Information:** Disclosing this information is mandatory under section 161A of the Atomic Energy Act of 1954, as amended, for the security personnel of licensees and certificate holders who fall within the Commission-designated classes of facilities, radioactive material, and other property specified under 10 CFR 73.19(c). Provided, (1) these licensees or certificate holders have implemented a protective strategy that employs covered weapons, and (2) the individual's official duties require access to these covered weapons. Failure to submit a completed form will result in the individual being denied access to any covered weapons as part of their official security duties at NRC-regulated entities. The social security number is required to verify the individual's identity to facilitate the background check requirements.
- 5. System Manager(s) And Address:** Director, Division of Facilities and Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.