



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Telecommunications and**  
**Information Administration**  
Washington, D.C. 20230

Mr. Brian D. Brownell  
Nuclear Regulatory Commission  
US Nuclear Regulatory Commission Mail Stop - T-6E48  
Infrastructure Operation Branch  
Washington, DC 20555

Dear Mr. Brownell:

Under the Public Law 109-108, Science, State, Justice, Commerce, and Related Agencies Appropriations Act for fiscal year 2006, the Secretary of Commerce is required to charge Federal agencies for the cost of the National Telecommunications and Information Administration (NTIA) spectrum management operations and related services. Your agency failed to provide NTIA with the signed Memorandum of Understanding as requested by November 10, 2005. This letter serves as your second notice requesting the signed MOU. Enclosed you will find another copy of the MOU between NTIA and your agency. NTIA requests that you provide the signed MOU with completed budget information no later than December 23, 2005. Failure to complete and execute this MOU will result in NTIA discontinuing to process frequency assignments for your agency.

You should send the signed MOU to the following address:

U.S. Department of Commerce  
National Telecommunications & Information Administration  
Office of Spectrum Management  
Attn: Brian L. Baker, Financial Management Specialist  
1401 Constitution Avenue, NW, Room 4099  
Washington, DC 20230

Per the MOU, this letter serves as notice that your agency's revised total amount of reimbursement based on your agency's spectrum use and NTIA's enacted budget (see enclosure) is \$1,293.

If you have any questions, please contact Brian Baker at (202) 482-9135.

Sincerely,

Clifton Beck  
Budget Officer

Enclosures (2)

1. Revised Agency Prorated Costs
2. Memorandum of Understanding

cc:

## FY 2006 Revised Agency Prorated Reimbursement

November 28, 2005

FEDERAL AGENCY	Frequency Assignments (October 7, 2005)		FY 2006 Agency Prorated Reimbursement using FY 2006 Base Enacted Appropriation = \$6,835,000
	No. of Spectrum	Percent	\$27,340,000
Administrative Office U.S. Courts	575	0.2266%	\$61,964
Agency for International Development	1	0.0004%	\$108
Agriculture	13,622	5.3692%	\$1,467,953
Air Force	29,075	11.4602%	\$3,133,220
Architect of the Capitol	13	0.0051%	\$1,401
Army	35,340	13.9296%	\$3,808,358
Boardcasting Board of Governors	835	0.3291%	\$89,982
Coast Guard	17,256	6.8016%	\$1,859,565
Commerce (NOAA)	8,590	3.3858%	\$925,687
Consumer Products Safety Commission	1	0.0004%	\$108
Department of Education	17	0.0067%	\$1,832
Department of Energy	9,062	3.5719%	\$976,552
Department of Homeland Security	15,788	6.2230%	\$1,701,368
Environmental Protection Agency	419	0.1652%	\$45,153
Equal Employment Opportunity Commission	1	0.0004%	\$108
Federal Aviation Administration	36,815	14.5110%	\$3,967,309
Federal Communications Commission	592	0.2333%	\$63,796
Federal Deposit Insurance Corporation	6	0.0024%	\$647
Federal Reserve System	222	0.0875%	\$23,923
Federal Trade Commission	1	0.0004%	\$108
General Services Administration	98	0.0386%	\$10,561
Government Accounting Office	2	0.0008%	\$216
Government Printing Office	7	0.0028%	\$754
Health and Human Services	1,525	0.6011%	\$164,339
House of Representatives	18	0.0071%	\$1,940
Housing and Urban Development	50	0.0197%	\$5,388
Interior	15,182	5.9841%	\$1,636,064
International Boundary & Water Commission	152	0.0599%	\$16,380
International Trade Commission	1	0.0004%	\$108
Justice	26,806	10.5659%	\$2,888,705
Labor	177	0.0698%	\$19,074
Library of Congress	10	0.0039%	\$1,078
National Aeronautics & Space Administration	2,494	0.9830%	\$268,762
National Archives & Records Administration	5	0.0020%	\$539
National Endowment for the Arts	2	0.0008%	\$216

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November 28, 2005

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	<b>No. of Spectrum</b>	<b>Percent</b>	<b>\$27,340,000</b>
<b>National Gallery of Art</b>	10	0.0039%	\$1,078
National Labor Relations Board	1	0.0004%	\$108
<b>National Science Foundation</b>	81	0.0319%	\$8,729
<b>National Security Agency</b>	85	0.0335%	\$9,160
<b>Navy</b>	26,944	10.6203%	\$2,903,576
<b>Nuclear Regulatory Commission</b>	12	0.0047%	\$1,293
Office of Personnel Management	9	0.0035%	\$970
<b>Other</b>	488	0.1924%	\$52,589
Securities and Exchange Commission	2	0.0008%	\$216
Small Business Administration	5	0.0020%	\$539
<b>Smithsonian Institution</b>	68	0.0268%	\$7,328
<b>Social Security Administration</b>	45	0.0177%	\$4,849
<b>State</b>	508	0.2002%	\$54,744
<b>Supreme Court</b>	28	0.0110%	\$3,017
<b>Tennessee Valley Authority</b>	2,051	0.8084%	\$221,023
<b>Transportation</b>	384	0.1514%	\$41,381
<b>Treasury Department</b>	1,502	0.5920%	\$161,861
<b>U.S. Capitol Police</b>	36	0.0142%	\$3,879
U.S. Chem Safety & Hazard Investigation Bd	1	0.0004%	\$108
U.S. Court of International	2	0.0008%	\$216
U.S. Peace Corps	3	0.0012%	\$323
<b>U.S. Postal Service</b>	3,023	1.1915%	\$325,769
<b>U.S. Senate</b>	20	0.0079%	\$2,155
U.S. Trade and Development Agency	1	0.0004%	\$108
U.S. Trade Representative	1	0.0004%	\$108
<b>Veterans Administration</b>	3,634	1.4324%	\$391,612

**TOTALS** 253,704 100% \$27,340,000

HIGHLIGHTS IN **BOLD** = Agencies Charged

MEMORANDUM OF UNDERSTANDING (MOU)  
BETWEEN  
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION  
AND  
NUCLEAR REGULATORY COMMISSION

I. Purpose. The purpose of this MOU is to establish that the National Telecommunications and Information Administration (NTIA) will continue to perform its functions and activities as defined in the NTIA Organization Act, 47 U.S.C. 902, et seq., and further delineated in the NTIA "Report on Fee Plan for Federal Spectrum Management Services" of May 1996. NTIA will support the needs of the Nuclear Regulatory Commission (Agency) to satisfy its respective mission requiring radiocommunications, which require radio frequency spectrum domestically and internationally, now and in the future in exchange for the reimbursement specified in Section IV of this agreement.

II. Authority. This agreement is entered into under:

- (1.) The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002, Pub. L. No. 107-77, 115 Stat. 748, 772 (2001), which provides in pertinent part, that "hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information Administration Organization Act, 47 U.S.C. 902-903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum";
- (2.) The Consolidated Appropriations Act, 2005, Pub. L. No. 108-447, 118 Stat. 2876, 68-69 (2005), which provides in pertinent part, that "notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended", as continued by the resolution making continuing appropriations for fiscal year 2006, Pub. L. No. 109-77 (2005); and
- (3.) Subsequent public laws making appropriations for fiscal year 2006 for NTIA.

III. Statements of Mutual Interest and Mutual Benefits. Spectrum, a scarce, public resource used by the Federal agencies, is essential to U.S. domestic and international communications on a daily basis to provide critical and diverse public services. The NTIA, within the Department of Commerce, under delegated authority from the President, manages the Federal Government's use of spectrum.

The NTIA's spectrum management functions are designed to make effective, efficient, and prudent use of spectrum in the best interests of the nation. NTIA meets these objectives by assigning frequencies to Federal users, assessing interference concerns, assuring spectrum is available for future needs, and improving spectrum efficiency, while minimizing the costs of disrupting service to existing spectrum users.

IV. Reimbursement: The Agency agrees to reimburse NTIA via the Intergovernmental Payment and Collection (IPAC) system, or any other financial mechanism as mutually agreed, for support as delineated in the NTIA "Report on Fee Plan for Federal Spectrum Management Services."

For the period of October 1, 2005 through November 18, 2005 in fiscal year 2006, Agency's cost for services under this agreement is \$164. This amount is based on a partial-year continuing resolution level for the NTIA appropriation, and therefore, does not represent the annual cost of services for FY 2006. These fees are for those frequency assignments extracted from the GMF as of October 7, 2005.

If required by changes in the fiscal year 2006 appropriations for NTIA, NTIA shall adjust the cost for services amount contained in this MOU to cover the full cost of spectrum services in FY 2006. Agency agrees to pay this adjustment upon written notification by an authorized official of NTIA within 30 days of receipt of such notice.

V. Agency Budget Information:

Agency ALC: \_\_\_\_\_

Agency Appropriation Code: \_\_\_\_\_

DUNS Number: 883894040

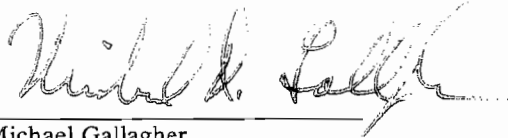
Agreement/MIPR Number: \_\_\_\_\_

VI. Period and Term of Agreement. This MOU will be effective from October 1, 2005 and continue in full force and effect through September 30, 2006. This agreement is subject to the availability of appropriated funds.

VII. Approvals:

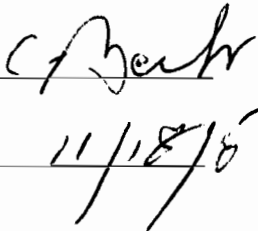
FOR NTIA:

FOR AGENCY:



Michael Gallagher  
Assistant Secretary for Communications  
and Information  
Date: NOV 1 2005

Name: Edward T. Baker III  
Title: Director, Office of Information Services  
U.S. Nuclear Regulatory Commission  
Date: 5-19-06



Clifton Beck  
Budget Officer  
Date: \_\_\_\_\_

Agency Budget Officer  
Date: \_\_\_\_\_