



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

MAR - 2 2005

Mr. Brian D. Brownell
U.S. Nuclear Regulatory Commission
Mail Stop - T-6E48
Infrastructure Operation Branch
Information Technology Infrastructure Division
Office of the Chief Information Officer
Washington, DC 20515

Dear Mr. Brownell,

Under the Fiscal Year 2005 Appropriations Act, Public Law 108-477, 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. This letter informs you of your agency's obligation to reimburse NTIA for the costs of providing spectrum services to your agency. Your agency's costs are based on a prorated share of the NTIA costs for fiscal year 2005 based on your agency's spectrum use (i.e., number of frequency assignments). For fiscal year 2005, your agency will be charged based on your share of assignments as of October 1, 2004 (see Enclosure 1).

Please sign the enclosed Memorandum of Understanding (Enclosure 2) and return one copy by March 15, 2005, after which you will be billed by NTIA. If the agreement is not signed and received by March 15, 2005, NTIA must comply with the law and cease authorizing spectrum or providing any other spectrum support to your agency. Further, the law prohibits your agency from using spectrum until payment is received, which would result in suspension of your agency's operations that use radiocommunications.

If you have any questions, please contact Brian Baker at (202) 482-9135 or Nancy Vernon, at (202) 482-1057.

Sincerely,

Fredrick Wentland
Associate Administrator
Office of Spectrum Management

Enclosures (2):

1. Agency Prorated Costs
2. Memorandum of Understanding

cc.:

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

I. Purpose. The purpose of this MOU is to establish that the National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce 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 United States 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.

IV. 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, 2004, Pub. L. No. 108-199, 118 Stat. 3, 67-68 (2004), 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 2005, Pub. L. No. 108-309 (2004); and
- (3.) Subsequent public laws making appropriations for fiscal year 2005 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.

VI. 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, 2004 through September 30, 2005 in fiscal year 2005, Agency's cost for services under this agreement is \$1,187. This amount represents the annual cost of services for FY 2005.

Your 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:
(Important: The MOU is not complete unless all your agency budget information below is provided.)

Agency ALC: _____

Agency Appropriation Code: _____

DUNS Number: 883894040

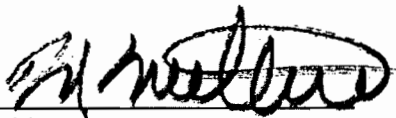
Agreement/MIPR Number: _____

VI. Period and Term of Agreement. This MOU will be effective from October 1, 2004 and continue in full force and effect through September 30, 2005. This agreement is subject to the availability of appropriated funds.

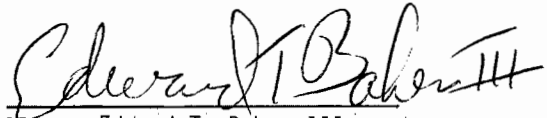
VII. Approvals:

FOR NTIA:

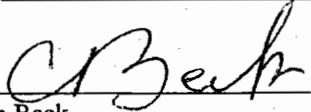
FOR AGENCY:



Fredrick R. Wentland
Associate Administrator
Office of Spectrum Management
Date: _____



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: 3/2/05

Agency Budget Officer

Date: _____