

December 19, 2005

Catherine Wannamaker
U.S. Department of Justice
Environment and Natural
Resources Division
601 D Street, NW, Suite 8000
Washington, DC 20004

SUBJECT: *VIACOM, INC. V. UNITED STATES* (D.D.C.), CASE NO. 1:05-CV-468,
DOCUMENT SEARCH AND PRESERVATION

Dear Ms. Wannamaker:

Enclosed please find my discovery declaration on behalf of the U.S. Nuclear Regulatory Commission. If you have any questions about the declaration, please call Jared K. Heck in the Office of the General Counsel. His phone number is (301) 415-1623.

Sincerely,

/RA/

Mark Roberts
Senior Health Physicist

Enclosure: As Stated

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NAME	Roberts/MCR	Miller/MTM1					
DATE	12/19/05	12/20/05					

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

VIACOM, INC.,)	
)	
Plaintiff,)	No. 05CV00468 (ESH)
v.)	
)	
UNITED STATES,)	
)	
Defendants.)	

DECLARATION OF MARK ROBERTS

I, Mark Roberts, do hereby declare:

1. I am a Senior Health Physicist in the Division of Nuclear Materials Safety in Region I of the U.S. Nuclear Regulatory Commission (NRC) located in King of Prussia, Pennsylvania.

2. I am responsible for coordinating the search of NRC records for information responsive to the Court's order dated August 9, 2005, ("Discovery Order") which was directed to the United States in the above matter. I have reviewed the Discovery Order, and am aware of the subject matter of the underlying action, namely, that Viacom, Inc., seeks to recover response costs under CERCLA that it (or its predecessors-in-interest) incurred for the cleanup of the Bloomfield Facility, located in Bloomfield, New Jersey, from the United States.

3. I consulted the following agency components to determine which locations (including any computer databases and electronic mail) might contain potentially responsive documents: the Office of the General Counsel, the Office of Nuclear Material Safety and Safeguards, the Division of Nuclear Materials Safety in Region I, and NRC records custodians responsible for the maintenance of historical licensing files in NRC archives. Through that consultation, I identified the following potential locations of potentially responsive documents: the NRC's Agencywide Documents Access and Management System (ADAMS), the NRC's

Public Document Room (PDR), Region I docket files for the Bloomfield site, historical licensing files maintained in off-site NRC archives, and office files of individual NRC staff located in Region I who may have been involved in the regulation and oversight of Bloomfield. I requested the agency components responsible for those locations to search them for documents responsive to the Discovery Order.

4. Each agency component to which a search request was forwarded has responded either by providing responsive documents or by reporting that no responsive documents were found.

5. After exercising due diligence and engaging in a thorough and reasonable search of the records as stated above, I have concluded that, to the best of my knowledge, there are no records in the NRC's possession, custody or control relating to the allegations in the Complaint or that are potentially responsive to the Discovery Order other than the documents provided to counsel at the Department of Justice, documents located at the National Archives, and the documents identified in Attachment 1, which are available to the public in the NRC's Public Document Room and therefore have not been copied. The documents in Attachment 1 may be accessed by contacting the Public Document Room staff:

- Telephone: 1-800-397-4209 or 301-415-4737
- TDD (for the hearing impaired): 1-800-635-4512
- Facsimile: 301-415-3548 U.S.
- Mail: NRC, PDR, O1F13, Washington, DC 20555
- Onsite visit to the PDR: One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852 (opposite the White Flint Metro subway station on the Red Line)

One White Flint North is a secure building and visitors to the PDR Reading Room must obtain a visitor's badge at the guard station in the lobby. The PDR is open to the public from 7:45 a.m. until 4:15 p.m. Eastern Time. Telephone reference service is provided between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday except Federal holidays. Certain prohibited items cannot be brought into the PDR. Those items include food or drink; items which could cause property damage or personal injury; cameras, copying, imaging, or recording devices; firearms, explosives, or incendiary devices. Copying or imaging devices that are prohibited include scanners, CD-ROM writers, photocopy machines, or other devices that permit duplication of NRC documents.

6. With respect to the possible existence of historical records that may relate to the allegations in the Complaint, or that may be responsive to the discovery request and that have previously been transferred out of the agency's custody and control to the National Archives for storage and retention, I have not conducted any specific search of such archives records. However, to the extent such records may presently exist, public access to these records can be arranged by contacting the National Archives and Records Service, located at 7th and Pennsylvania Avenue, N.W., Washington, D.C. 20408.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 19, 2005.

/RA/
Mark Roberts
Senior Health Physicist
U.S. Nuclear Regulatory Commission