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Title: 10 CFR 2.206 Petition Review Board
RE: T. Saporito and Drones

Docket Number: (n/a)

Location: Teleconference

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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10 CFR 2.206 PETITION REVIEW BOARD (PRB)

CONFERENCE CALL

RE

DRONES

+ + + + +

TUESDAY

OCTOBER 20, 2015

+ + + + +

The conference call was held, Mirela Gavrilas, Chairperson of the Petition Review Board, presiding.

PETITIONER: THOMAS SAPORITO

PETITION REVIEW BOARD MEMBERS

MIRELA GAVRILAS (Chairperson), Deputy
Director, Division of Policy and
Rulemaking, NRR

MERRILEE J. BANIC, Petition Manager for 2.206
petitions

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DAVID M. FURST, Senior Enforcement Specialist,
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Manager, Division of Fuel Cycle Safety
and Environmental Review

ALEXA R. SIERACKI, Project Manager, Rulemaking
and Project Management Branch, NMSS

BALWANT K. SINGAL, Project Manager, NRR

SHELDON D. STUCHELL, Branch Chief, 2.206
Process, NRR

SHEIBA TAFAZZOLI, General Engineer, NMSS

RAYNARD WHARTON, Senior Project Manager, NMSS

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1

P R O C E E D I N G S

2

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11:01 a.m.

4

MS. BANIC: Welcome to the

5

teleconference on the Petition from Thomas Saporito.

6

This is Lee Banic, the NRC Petition Manager for the

7

Petition.

8

We are here today to allow the

9

Petitioner, Thomas Saporito, to address the Petition

10

Review Board regarding the 2.206 petition dated July

11

30, 2015.

12

As part of the Petition Review Board's

13

or PRB's review of this petition, Mr. Saporito has

14

requested this opportunity to address the PRB. This

15

meeting is scheduled from 11:00 to 12:00 a.m.

16

Eastern time.

17

The meeting is being recorded by the NRC

18

Operation's Center. And will be transcribed by a

19

Court Reporter.

20

The transcript will become the

21

supplement to the petition. The transcript will

22

also be made publically available.

23

I'd like to open this meeting with

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1 introductions. The PRB Chair is Mirela Gavrilas.
2 I'd like the rest of the Petition Review Board to
3 introduce themselves.

4 As we go around the room, please be sure
5 to state your name, your position and the office
6 that you work for within the NRC for the record.
7 I'll start off.

8 My name is Merrilee Banic. I'm the
9 Petition Manager and the 2.206 Petition Coordinator
10 for the Office of Nuclear Reactor Regulation.

11 MR. RYDER: I'm Chris Ryder. I'm a
12 Licensing Project Manager in the Division of Fuel
13 Cycle Safety and Environmental Review.

14 MS. SIERACKI: I'm Alexa Sieracki. I'm
15 a Project Manager from the Rulemaking and Project
16 Management Branch. I'm in NMSS.

17 MR. SINGAL: Balwant Singal. I'm a
18 Project Manager from NRR.

19 MR. FURST: I'm Dave Furst. I'm a
20 Senior Enforcement Specialist, the Office of
21 Enforcement.

22 MS. MENSAH: I'm Tanya Mensah, Division
23 of Policy and Rulemaking, Senior Project Manager.

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1 MR. CARPENTER: I'm Rob Carpenter. I'm
2 the Advisor from the Office of General Counsel.

3 CHAIRPERSON GAVRILAS: Mirela Gavrilas.
4 Deputy Director for Policy and Rulemaking and NRR.

5 MS. TAFAZZOLI: Sheiba Tafazzoli.
6 General Engineer from NMSS.

7 MR. STUCHELL: And I'm Sheldon Stuchell,
8 the Branch Chief for 2.206 process here in NRR.

9 MS. BANIC: We've completed
10 introductions at the NRC Headquarters. Are there
11 any -- are there any NRC participants from
12 Headquarters that are on the phone?

13 MR. WHARTON: Yes. My name is Ray
14 Wharton. I'm a Senior Project Manager in NMSS.

15 MS. PEARSON: Laura Pearson and Dennis
16 Allston from NSIR.

17 MS. BANIC: Are there any others from
18 Headquarters?

19 (No response)

20 MS. BANIC: Are there any NRC
21 participants from the regional office on the phone?

22 (No response)

23 MS. BANIC: In view of the number of

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1 licensees on the phone, instead of each of you
2 introducing yourselves now, I would like each of you
3 to email your name, position and organization to me.
4 Likewise for members of the public.

5 It's not required from members of the
6 public to introduce themselves. But if any of you
7 wish to, please also email me.

8 My email is Merrilee.Banic@NRC.gov.
9 That's spelled M-E-R-R-I-L-E-E.B-A-N-I-C@N-R-C.gov.

10 I'd like to emphasize that we each need
11 to speak clearly and loudly to make sure that the
12 Court Reporter can accurately transcribe this
13 meeting. If you do have something you would like to
14 say, please state your name for the record.

15 Licensees will have an opportunity to
16 ask the petitioner questions after his presentation.
17 For those dialing into the meeting, please remember
18 to mute your phone to minimize any background noise
19 or distractions.

20 If you do not have a mute button, this
21 can be done by pressing the keys star six. To
22 unmute, press the keys star six again.

23 At this time I'll turn it over to the

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1 PRB Chairman, Mirela Gavrilas.

2 CHAIRPERSON GAVRILAS: Thank you.
3 Welcome to this meeting regarding the 2.206 petition
4 submitted by Mr. Saporito.

5 I'd like to first share some background
6 on our process. Section 2.206 of Title 10 of the
7 Code of Federal Regulations describes the petition
8 process, the primary mechanism for the public to
9 request enforcement action by the NRC in a public
10 process.

11 This process permits anyone to petition
12 NRC to take enforcement type action related to NRC
13 licensees or licensed activities. Depending on the
14 result of its evaluation, NRC could modify, suspend,
15 or revoke an NRC issued license or take any other
16 appropriate enforcement action to resolve a problem.

17 The NRC's staff guidance for the
18 disposition of 2.206 petition requests is in
19 Management Directive 8.11, which is publically
20 available.

21 The purpose of today's meeting is to
22 give the petitioner an opportunity to provide any
23 additional explanation or support for the petition

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1 before the Petition Review Board's initial
2 consideration and recommendation.

3 This meeting is not a hearing. Nor is
4 it an opportunity for the petitioner to question or
5 examine the PRB on the merits or the issues
6 presented in the petition request.

7 No decision regarding the merits of this
8 petition will be made at this meeting. Following
9 this meeting, the Petition Review Board will conduct
10 its internal deliberations. The outcome of this
11 internal meeting will be discussed with the
12 petitioner.

13 The Petition Review Board typically
14 consists of a Chairman, usually a Manager at the
15 Senior Executive Service level at the NRC. It has a
16 Petition Manager and a PRB Coordinator.

17 Other members of the Board are
18 determined by the NRC staff based on the content of
19 the information in the petition request. The
20 members have already introduced themselves.

21 As described in our process, the NRC
22 staff may ask clarifying questions in order to
23 better understand the petitioner's presentation and

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1 to reach a reasoned decision whether to accept or
2 reject the petitioner's request for review under the
3 2.2016 process.

4 Also, as described in our process, the
5 licensees have been invited to participate in
6 today's meeting to ensure that they understand the
7 concerns about their facility or activities.

8 While the licensees may also ask
9 questions to clarify the issues raised by the
10 petitioner, I want to stress that the licensees are
11 not part of the PRB's decision-making process.
12 Licensees will have an opportunity to ask the
13 petitioner questions after his presentation.

14 I would like to summarize the scope of
15 the petition under consideration and the NRC
16 activities to date.

17 On July 30, 2015, during the transcribed
18 teleconference supplementing a petition on fracking,
19 you [the petitioner] requested enforcement action be
20 taken to require licensees to respond on how they
21 could prevent drone attacks.

22 The petition applies to licensees of
23 operating reactors and facilities that may not be

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1 currently operating, but continue to store nuclear
2 fuels at their site.

3 On September 8, 2015, the petition
4 manager for fracking, Perry Buckberg, informed you
5 by email that the PRB decided that your request
6 would be treated as a separate petition. Merrilee
7 Banic was assigned as petition manager for the drone
8 issue.

9 On September 25, 2015, the petition
10 manager, Merrilee Banic, offered you an opportunity
11 to address the PRB prior to its internal meeting, to
12 make the initial recommendation to accept or reject
13 the petition for review. You accepted the
14 opportunity on the same day.

15 On October 18, 2015, you supplemented
16 your petition by email and stated that you would
17 refer to the supplement during the teleconference.

18 As a reminder for phone participants,
19 please identify yourself if you make any remarks as
20 this will help us in the preparation of the meeting
21 transcript that will be made publically available.

22 Since this is a public meeting, I would
23 like to remind the PRB members, the licensees, the

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1 petitioner and other meeting participants of the
2 need to refrain from discussing any NRC sensitive or
3 proprietary information during today's meeting.

4 Mr. Saporito, I'll turn it over to you
5 to allow you the opportunity to provide any
6 information you believe the PRB should consider as
7 part of this petition. You have about 40 minutes
8 for your presentation.

9 Please go ahead.

10 PETITIONER SAPORITO: All right. All
11 right, thank you, Ms. Chairman. My name for the
12 record is Thomas Saporito. I'm the petitioner in
13 this matter.

14 This enforcement petition as
15 supplemented on October 15 of this year, requests
16 specific enforcement -- escalating enforcement
17 action on the part of the NRC.

18 And specifically for the record, I am
19 requesting, one, that the NRC take escalating
20 enforcement action against the above captioned
21 licensees in the petition and issue a confirmatory
22 Order to the licensees requiring the licensees to
23 take their nuclear reactors and/or nuclear

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1 facilities to a cold shutdown mode of operation
2 until such time as the following criteria can be
3 accomplished.

4 Number one, the licensees complete an
5 independent assessment to fully understand and
6 correct the potential and/or realized security
7 threat posed by outside organizations and/or
8 individuals related to the operation of drones to
9 attack the licensee's nuclear facility.

10 And two, the licensee completes a
11 comprehensive evaluation of their nuclear program as
12 it relates to any potential and/or realized security
13 threat posed by outside organizations and/or
14 individuals related to the operation of drones to
15 attack the licensee's nuclear facility.

16 And three, the licensee identifies and
17 implements measures to correct any deficiencies in
18 its security plan related to any potential and/or
19 realized security threat posed by outside
20 organizations or individuals related to the
21 operation of drones to attack the licensee's nuclear
22 facility.

23 And finally, four, that the licensee

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1 complete an updated and approved physical security
2 plan to the NRC, which documents actions and
3 measures in writing to be taken against any
4 potential and/or realized security threat posed by
5 outside organizations and/or individuals related to
6 the operation of drones to attack the licensee's
7 nuclear facilities.

8 The facts that constitute the basis of
9 this request for enforcement action on the part of
10 the NRC relate primarily to drones. Since the
11 development and the retail sale of various drone
12 aircraft devices, there have been serious violations
13 committed by one or more individuals in the
14 unauthorized operation of drones in areas strictly
15 prohibited by law.

16 Notably drones have crashed on or near
17 the White House lawn. Moreover, various drones have
18 interfered with wildfire fighting efforts. And
19 interfered with commercial aircraft operations.

20 On at least one occasion, a college
21 engineering student mounted a handgun to a drone
22 and was able to remotely discharge several rounds
23 from the gun while the drone was airborne.

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1 These are all very serious events. And
2 the situation with drones in my opinion has gotten
3 out of hand and is not being controlled by any
4 entity or agency of any State or Federal government.

5 Now recently yesterday, the Department
6 of Transportation Secretary announced that the
7 government is going to start requiring drone owners
8 to register their device.

9 But that's only going to give law
10 enforcement the opportunity to trace back who owns
11 the drone. It's not going to affect a bad guy
12 willing to do harm to Americans and American
13 facilities in this country.

14 The NRC has authority, NRC regulations
15 and requirements at 10 CFR 37.43, states in part
16 that (a) a security plan by each licensee identified
17 in this section, shall develop a written security
18 plan. The fire engine is driving by here.

19 A licensee shall develop a written
20 security plan specific to its facilities and
21 operations. The purpose of the security plan is to
22 establish the licensee's overall strategy to ensure
23 that the integrity -- integrated and effective

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1 functioning of the security program required by this
2 subpart.

3 And then it goes on to describe various
4 minimum parts of the plant. But, item number three
5 under that subsection states that, a licensee shall
6 revise its security plan as necessary to ensure the
7 effective implementation of Commission requirements.

8 And then under subsection (b) of part
9 three, it states that the licensee shall develop and
10 maintain written procedures that document how the
11 requirements of this subpart and security plan will
12 be met.

13 And finally, subsection (c) of that
14 subpart, states that training -- each licensee shall
15 conduct training to ensure those individuals
16 implementing the security program possess and
17 maintain the knowledge, skills and abilities to
18 carry out their assigned duties and responsibilities
19 effectively.

20 So, there were three attachments that I
21 asked the Manager to forward. Attachment one, again
22 is the NRC regulations at 10 CFR 37.43. That's the
23 supporting document which I was quoting from in the

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1 petition here.

2 Attachment two is -- talks about a new
3 rifle. The title of the document is "A New Rifle
4 Shoots Drones out of the Sky without Firing a Single
5 Bullet."

6 And this particular device relies on
7 radio frequencies to disable the forward motion of
8 the drone. Apparently it -- this company, Battelle,
9 B-A-T-T-E-L-L-E, manufactures this. And it's a
10 device called the drone defender.

11 And it's portable. It's accurate. It's
12 rapid to use. It's a counter weapon to stop
13 suspicious or hostile drones in flight.

14 So it stops them apparently so the
15 batteries run dead. And then the device would drop
16 out of the sky. And there was a picture in there of
17 a security personnel aiming at a potential drone.

18 The further down, let's see on my third
19 attachment, I found a company, it's called -- they
20 manufacture an Anti-UAV Defense System. Or AUDES is
21 their abbreviation for it.

22 It was developed by a company in the
23 United Kingdom. And this again uses radio waves to

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1 take out the drones.

2 And this one will operate and take out a
3 drone from about five miles away. It's very
4 effective in stopping the drones.

5 October 9 I had mentioned in my
6 statement there about Washington, D.C. and drones
7 crashing there. And so this document on October 9,
8 two people operating a small drone near the
9 Washington Monument actually crashed the device on
10 the back lawn of the White House.

11 And it also states that commercial
12 drones have been used in attempts to smuggle
13 contraband goods like cell phones and weapons into
14 prisons. There's been national news to that effect.

15 And it also talks about the U.S. Federal
16 Aviation Administration. And they have rules that
17 it can't be flown within five miles of airports.
18 And they must remain below 400 feet.

19 Those rules are constantly being
20 violated on a daily basis. And the airline --
21 commercial airline pilots will attest to that.

22 And again, it talks about wildfire --
23 interference with wildfire fighting efforts. And

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1 the -- that's the extent of the exhibits. Or rather
2 the attachments in support.

3 So, this is -- in my mind, in my
4 opinion, this is a major security threat to all
5 commercial nuclear operating plants in the United
6 States due to the fact that, you know, a terrorist
7 organization or a homegrown recruited terrorist
8 person could actually fly one or more of these
9 devices above the security fence and into a
10 protected area of a nuclear power plant.

11 And these drones can carry payloads, you
12 know, several pounds. And they can travel quite
13 quickly.

14 So, if you had a payload of an explosive
15 payload, and you flew this device over the switch
16 yard, you could take off all the offsite power to a
17 nuclear facility. And then the licensee would have
18 to depend on their emergency diesel generators to
19 bring the unit to a safe shutdown mode of operation.

20 But even then, they would have to
21 maintain that emergency status for the duration of
22 repairs. Which could take months. And they would
23 have to keep bringing in diesel fuel for who knows

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1 how long.

2 Also, these drones, you know, I hate to
3 put all this stuff on the record, but, you know, you
4 could -- these drones could attack a nuclear plant
5 without even penetrating the airspace around a
6 nuclear plant.

7 They could go and take out the offsite
8 power from the grid supplying the switch gear to the
9 facility. That would have the same effect as taking
10 out the switch yard.

11 If you lose offsite power anywhere along
12 that point, you're into an emergency shut down
13 situation again. And you could have multiple drones
14 attack a nuclear facility.

15 And like I say, this one individual
16 mounted a gun. He was only -- in his early 20s I
17 think. He was an engineering student. And I saw
18 the video of it. It's on YouTube if anybody wants
19 to see it.

20 And he discharged this. This thing
21 didn't even blink. It did a bam, bam, bam, bam.
22 Just like you were holding it.

23 It would just take, you know, three or

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1 four or five of these into a nuclear plant, they fly
2 them in there and you could take out the entire
3 security force. We -- and never even set foot in
4 the place.

5 So, I think this is something the NRC
6 needs to ensure that its licensees upgrade their
7 security plans. Either -- and I put those
8 attachments in there, those RF devices as
9 suggestions on how they can protect the facility.

10 That's the latest state of the art
11 technology that I could find during my research.
12 But that's one method. You know, there -- you know,
13 other methods would be to have some kind of visual
14 surveillance devices mounted so many -- at certain
15 distances beyond the protected area of the nuclear
16 plant.

17 Because, you know, this world is getting
18 very dangerous. You have shootings going on at all
19 our colleges around the country now.

20 You know, the police department --
21 Homeland Security says that the police department
22 and military personnel are now targets of these
23 individuals who have been recruited over the

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1 internet and who are home based terrorists now.

2 So they're all around us. And this
3 stuff is getting worse and worse and worse. And I
4 think having these drones readily -- I mean, you can
5 go into Radio Shack -- well, Radio Shack's out of
6 business now I think. But you can go to any of
7 these toy -- Toys "R" Us or whatever, you can buy
8 them online through Amazon.

9 And you can get the drone of your
10 choice. And they can be modified. And they can be
11 beefed up. And you know, this is a -- this poses a
12 serious threat.

13 So, that's basically the extent of my
14 presentation. And I will answer any questions the
15 best I can if anyone has any.

16 CHAIRPERSON GAVRILAS: Thank you.

17 MS. BANIC: At this time, does the staff
18 her at Headquarters have any questions for Mr.
19 Saporito?

20 (No response)

21 MS. BANIC: Seeing none, do any
22 Headquarters staff on the phone have any questions
23 for Mr. Saporito?

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1 (No response)

2 MS. BANIC: Does any licensee from an
3 operating nuclear plant, have any questions?

4 (No response)

5 MS. BANIC: Does any licensee of a
6 nuclear power plant not currently operating, have
7 any questions?

8 (No response)

9 MS. BANIC: Hearing none, if there are
10 any members of the public on the phone, before I
11 conclude the meeting, members of the public may
12 provide comments regarding the petition. And ask
13 questions about the 2.206 petition process.

14 However, as stated at the opening, this
15 purpose of this meeting is not to provide an
16 opportunity for the petitioner or the public to
17 question or examine the PRB regarding the merits of
18 the petition.

19 (No response)

20 MS. BANIC: Mr. Saporito, thank you for
21 taking the time to provide the NRC staff with
22 clarifying information on your petition.

23 PETITIONER SAPORITO: All right. Thank

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1 you, Chairman.

2 MS. BANIC: You're welcome. Before we
3 close, does the Court Reporter need any additional
4 information for the transcript? I might add that I
5 can supply you any names or spellings of names that
6 you need by email.

7 COURT REPORTER: This is the Court
8 Reporter. I would appreciate an email with the -- a
9 listing of the participants.

10 But other than that I don't have any
11 questions.

12 MS. BANIC: I'll do that.

13 COURT REPORTER: All right. My email --
14 do you need my email address?

15 MS. BANIC: Okay. What -- tell me.

16 COURT REPORTER: It's
17 Twalter@nealrgross. com.

18 MS. BANIC: Thank you.

19 COURT REPORTER: Oh, you're welcome.

20 MS. BANIC: With that, this meeting is
21 concluded and we'll be terminating the phone
22 connection.

23 (Whereupon, the above-entitled matter

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1 went off the record at 11:25 a.m.)

2

3

4

NOTE TO TRANSCRIPT:

5

Participants on the conference line were:

6

Michael Priebe, STARS Alliance (Diablo Canyon, PG&E)

7

William Guthrie, PSEG

8

Shawn Kirven, Diablo Canyon

9

Gregory Hall, Department of Energy (DOE)

10

Anthony Clore, Nuclear Energy Institute (NEI)

11

John Seward, DOE, Idaho Operations

12

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