

**From:** Thomas Saporito <saprodani@gmail.com>  
**Sent:** Tuesday, January 05, 2016 10:12 AM  
**To:** Banic, Merrilee  
**Subject:** [External\_Sender] Re: Your 2.206 petition for multiple licensees concerning drones

Merrilee Banic:

This communication serves to acknowledge receipt of the recent NRC response to the "Drone" 2.206 Enforcement Petition. I **strongly disagree with the NRC's conclusion that the FAA has requisite responsibility to protect commercial nuclear power facilities from Drone attacks** - relieving the NRC of its duty to protect the health and safety of the public and the environment in this matter. Please schedule a follow-up meeting to enable further opportunity for me to address the NRC PRB in further support the petition.

Kind regards,  
Thomas Saporito

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On Tue, Jan 5, 2016 at 10:02 AM, Banic, Merrilee <[Merrilee.Banic@nrc.gov](mailto:Merrilee.Banic@nrc.gov)> wrote:

Dear Mr. Saporito,

Thank you for your petition for enforcement action to require licensees of all commercial nuclear power plants, including those that may not be currently operating but continue to store nuclear fuel, to assess drone (also known as unmanned aircraft system (UAS)) threats, and prevent drone attacks. The NRC appreciates your interest in this issue.

NRC staff continually reviews emerging threats to NRC-licensed facilities and makes prompt recommendations to the Commission when a specific attack mode is not addressed by the design basis threat (DBT) provisions. Specific emerging attack methods are evaluated for their

destructive capability, the consequences of the attack, and the interest demonstrated by domestic and international terrorist groups to use the method in an attack against NRC-licensed facilities. As a part of its analysis, NRC staff also studies the ability of a terrorist group to plan, organize, and successfully execute the specific attack against an NRC-licensed facility.

The concerns you raised were evaluated in rulemakings for the Design Basis Threat (DBT) – 10 CFR 73, “Physical Protection of Plants and Materials” (72 FR 12705; March 19, 2007) and the final rule for 10 CFR Parts 50, 52, 72, and 73 (74 FR 13926; March 27, 2009). The NRC determined that active protection against the airborne threat rests with other Federal government organizations. The Commission explicitly addressed security plan provisions noting that protection of NRC-licensed facilities against aircraft attacks is beyond the scope of a licensee’s obligation.

Therefore, the petition review board (PRB) recommends that the petition be rejected because the NRC has previously considered and addressed your concerns. Specifically, the NRC defers responsibility for regulating aircraft to the Federal Aviation Administration (FAA). 49 U.S.C. § 40103 requires the FAA to regulate aircraft operations, including those of unmanned aircraft systems (UASs), conducted in the national airspace to protect persons and property on the ground and to prevent collisions between aircraft and other aircraft or objects.

If you would like to request another opportunity to present this issue to the PRB, please inform us at your earliest convenience.

Thank you again,

Merrilee Banic

2.206 Petition Manager