
Resources Available for Nuclear Power Plant Emergencies Under the Price-Anderson Act and the Robert T. Stafford Disaster Relief and Emergency Assistance Act

U.S. Nuclear Regulatory Commission

Office for Analysis and Evaluation of Operational Data



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and the Robert T. Stafford
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Assistance Act

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ABSTRACT

Through a series of TABLETOP exercises and other events that involved participation by State and Federal organizations, the need was identified for further explanation of financial and other related resources available to individuals and State and local governments in a major emergency at a nuclear power plant. A group with representatives from the Nuclear Regulatory Commission, the Federal Emergency Management Agency, and the American Nuclear Insurers/Mutual Atomic Energy Liability Underwriters was established to work toward this end. This report is the result of that effort. This document is not meant to modify, undermine, or replace any other planning document (e.g., the Federal Radiological Emergency Response Plan or the Federal Response Plan). Its purpose is to clarify issues that have surfaced regarding resources available under the Price-Anderson and Stafford Acts.

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FEDERAL LEGISLATION

Price-Anderson Act

Originally enacted in 1957 as an amendment to the Atomic Energy Act of 1954 and most recently revised and extended by the Price-Anderson Amendments Act of 1988 (Public Law 100-408), the Price-Anderson Act consists of several of the definitions in Section 11 and all of Section 170 of the Atomic Energy Act of 1954, as amended. (42 U.S.C. sec. 2014 and sec. 2210)

- Nuclear power reactor licensees are required by the Nuclear Regulatory Commission (NRC) to have and maintain financial protection (i.e., liability insurance and Federal Government indemnity) to enable them to respond to public liability claims (e.g., personal injury and property damage) that might result from a nuclear incident associated with the construction and operation of the nuclear power reactor.
- A 1966 amendment to the Price-Anderson Act requires that in the event of a major nuclear incident, the licensee of the nuclear power reactor at which an incident occurs must waive certain defenses (e.g., contributory negligence and assumption of risk) that would otherwise be available to the licensee in a suit for damages. The effect of these waivers is to impose strict liability on the power reactor licensee and enable an injured claimant to more easily recover compensatory damages to which the claimant may be entitled.
- On August 20, 1988, the President signed legislation modifying the Price-Anderson Act and extending it to August 1, 2002. The amount of funds available to satisfy public liability claims was substantially increased to approximately \$7.3 billion per nuclear incident.

Stafford Act

Passed as the Disaster Relief Act of 1974 (Public Law 93-288), and amended in 1988, the law was retitled the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended by Public Law 100-707). (42 U.S.C. sec. 5122)

- Originally written to address natural disasters, Title V of the 1988 amendment expands the act to include technological disasters.
- Executive Orders 12148 and 12673 delegate the Presidential responsibilities of this act to the Federal Emergency Management Agency (FEMA).
- 44 CFR Part 206 addresses FEMA's implementation of the Stafford Act.

DEFINITION OF TERMS

Price-Anderson Act¹

- "Nuclear Incident" means any occurrence, including an extraordinary nuclear occurrence, within the United States, causing within or outside the United States, bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material.
- "Public Liability" means any legal liability arising out of or resulting from a nuclear incident or precautionary evacuation (including all reasonable additional costs incurred by a State or a political subdivision of a State in the course of responding to a nuclear incident or precautionary evacuation).
- "Precautionary Evacuation" means an evacuation of the public within a specified area near a nuclear facility, or the transportation route in the case of an accident involving transportation of source material, special nuclear material, byproduct material, high-level radioactive waste, spent nuclear fuel, or transuranic waste to or from a production or utilization facility, if the evacuation is
 - (1) the result of any event that is not classified as a nuclear incident but that poses imminent danger of bodily injury or property damage from the radiological properties of source material, special nuclear material, byproduct material, high-level radioactive waste, spent nuclear fuel, or transuranic waste, and causes an evacuation; and
 - (2) initiated by an official of a State or political subdivision of a State, who is authorized by State law to initiate such an evacuation and who reasonably determined that such an evacuation was necessary to protect the public health and safety.

Stafford Act²

- "Emergency" means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.

¹These definitions are extracted from the Price-Anderson Act (42 U.S.C. sec. 2014) which should be consulted directly for additional information on the definitions given here as well as additional definitions that may apply.

²Sec. 102(1), page 1 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended by Public Law 100-707 (42 U.S.C. 5122).

- "Major Disaster" means any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought) or, regardless of cause, any fire, flood, or explosion in any part of the United States which, as determined by the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under this act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

INITIATING FEDERAL RESPONSE

Price-Anderson Act

The only prerequisite for application of the Price-Anderson Act is the occurrence of a "nuclear incident" at a nuclear power reactor (or in connection with the transportation of licensed radioactive material to or from such a reactor) or the proper initiation of a precautionary evacuation by an authorized official. Implementation of the Price-Anderson Act provisions does not require a Stafford Act declaration or a determination of an "extraordinary nuclear occurrence."

Stafford Act

- An accident at a nuclear power plant may result in an "Emergency" declaration under Title V of the Stafford Act. Assistance provided under an Emergency declaration will be subject to cost-sharing provisions of the Stafford Act.

NOTE: No insurance coverage is provided under the current utility insurance policy for expenses incurred by State and local governments and the utility may not be responsible for these costs unless State law provides that it is.

- An accident at a nuclear power plant does not fit the definition of a Major Disaster under the Stafford Act.
- The Federal Radiological Emergency Response Plan (FRERP) may be activated independently of or in conjunction with an Emergency declaration. However, Federal response assistance under the Federal Response Plan (FRP) can be provided only in conjunction with an Emergency or Major Disaster declaration.
- Specific details concerning resources that are available under an Emergency declaration are contained in this document.

INITIATING RESPONSE FROM ANI/MAELU AND FEMA

Notification

ANI/MAELU

ANI and MAELU are notified by the affected utility when an emergency condition is declared to be either Alert, Site Area, or General Emergency as defined by the NRC. They will begin monitoring events at the nuclear power plant to determine if temporary claims offices convenient to the public should be established.

FEMA

- FEMA is notified by the Nuclear Regulatory Commission upon a Notification of Unusual Event classification³ reported by the affected utility to the NRC Operations Center in Bethesda, Maryland.
- At the Site Area Emergency declaration by the utility, or the NRC entering the Initial Activation Mode⁴ for any other reason, FEMA will deploy a liaison to the NRC Operations Center who will act as the FEMA contact for updates and knowledge of FEMA operating procedures.

Activation

ANI/MAELU

- Upon notification of an event in progress that in ANI/MAELU's judgment may lead to a precautionary evacuation or may constitute a nuclear incident, ANI/MAELU will notify their member companies and begin preparations for deploying personnel to temporary claims locations. Activation is not dependent upon a Stafford Act "Emergency" or "Disaster" declaration.
- ANI/MAELU will arrange (with the assistance of the involved utility, member companies, and/or governmental officials) for securing temporary claims sites. The public will be promptly notified of these locations through the news media. If emergency funds are provided to the public, requests will be made to local banks to promptly negotiate ANI/MAELU checks which will be issued on the ANI/MAELU account with the Fleet Bank N.A., located in Hartford, Connecticut.

³See NUREG-0654 for definitions of emergency classification.

⁴See NUREG-0728, Rev. 2, for definitions of NRC response modes.

- Claims offices will be established within 24 to 48 hours. The claims offices will initially be established and staffed by ANI/MAELU personnel. As soon as they can be assembled, member company personnel will take over the operation, providing as many people as necessary for conducting an efficient claims handling operation.
- ANI/MAELU will also deploy a staff member to the Joint Information Center (JIC) to coordinate public information through the Emergency Broadcasting System (EBS) and the media on the locations of the claims offices and appropriate documentation and procedures for obtaining assistance.

FEMA

- At the point in the event where the resources of the FRERP are employed, or the State requires Federal resources to supplement the FRERP, the President may declare a Stafford Act (Title V) Emergency invoking the FRP.
- Upon activation of the FRERP, FEMA will designate a Senior FEMA Officer (SFO) to coordinate resource support for the State and local organizations.
- When a decision is made to establish and maintain a Federal presence on scene (normally at a Site Area Emergency declaration), the appropriate FEMA region will deploy a team to the area to work with State officials to identify a Disaster Field Office (DFO) location for Federal and State responders.
- The SFO will contact State representatives directly to establish the DFO.
- Based on the need for additional Federal response assistance not covered by the FRERP, FEMA may activate some or all of the emergency support functions using the structure of the FRP to address unmet needs.
- In the event of an Emergency declaration (or a Major Disaster declaration), the FEMA Director, on behalf of the President, will appoint a Federal Coordinating Officer (FCO) to coordinate Stafford Act and other nonradiological response activities.
 - (1) The immediate concern of the FCO is to make an initial appraisal of the types of relief most urgently needed. This information is based, in part, on data gathered during the preliminary damage assessment.
 - (2) The FCO coordinates the nonradiological efforts of Federal, State, local, and private relief organizations.

- (3) The FCO establishes the DFO, usually co-located with the Office of the State Coordinating Officer (SCO).
- (4) FEMA may establish a Disaster Application Center (DAC) to register, advise, and take applications for assistance from disaster victims. Mobile teams may also be deployed to assist persons without access to a DAC, and victims may also apply by calling a nationally published telephone number.

REQUESTING AN EMERGENCY DECLARATION

To request an Emergency declaration under the Stafford Act, the appropriate State official responsible for disaster operations should contact the FEMA Regional Director to:

- Survey the affected areas jointly with FEMA regional disaster specialists to determine the extent of private and public damage.
- Estimate the types and extent of Federal assistance required.
- Consult with the FEMA Regional Director on eligibility for assistance under the Stafford Act.
- Advise the FEMA Regional Director if the governor requests or intends to request a declaration by the President⁵.
- Provide the State request to FEMA (The FEMA Regional Director then forwards the State request to the Director of FEMA, who recommends a course of action to the President.)

At the time the declaration of Emergency is issued, the President appoints a FEMA (or other Federal) official as the FCO.

Concurrently with the President's action, FEMA designates the kinds of assistance to be made available, and counties or other political subdivisions that are eligible to receive such assistance.

If the situation warrants, the President may independently declare an Emergency under Title V of the Stafford Act.

⁵This must be based upon a finding that the situation is of such severity and magnitude that effective response is beyond the capabilities of the State and affected local governments and that Federal assistance is necessary.

COORDINATION BETWEEN FEMA AND ANI/MAELU

All coordination between FEMA and ANI/MAELU in resolving areas of potential overlap relating to specific needs for financial assistance during an emergency will take place under the guidance of the Financial Management Annex section of the FRP and will occur at the DFO.

ASSISTANCE AVAILABLE TO INDIVIDUALS

Price-Anderson Act

The insurer will provide financial assistance for such reasonable additional living expenses as housing, food, and transportation for individuals evacuated (either as a precautionary measure or as a result of actual environmental contamination) because of a nuclear accident.

The insurer will provide financial assistance for future estimated additional living expenses; if not incurred, funds are to be returned to the insurer.

The insurer may cover loss of income for those who become unemployed because of the emergency evacuation. Income can be disbursed at the discretion of the individual and applied to mortgage and other necessary expenses.

For property damage or bodily injury as defined in the act, the insurer will

- pay the reasonable cost of either
- evaluate and reimburse for business losses that result from property damage
- provide for covered environmental cleanup costs as defined under property damage
- reimburse present real estate value, based on pre-accident assessment, where the property is deemed uninhabitable as a result of the nuclear accident

Stafford Act⁶

- Temporary housing, for up to 18 months, is authorized for disaster victims whose homes are uninhabitable.
- Home repair funds may be given to owner-occupants in lieu of other forms of temporary housing assistance.
- Temporary mortgage and rental payments are authorized.
- FEMA may provide assistance to applicants whose insurance needs may precede the ANI claims process, with the understanding that FEMA will be reimbursed once insurance funds are dispensed.

⁶There would be no duplication of monetary assistance provided under the Price-Anderson Act.

ASSISTANCE AVAILABLE TO STATE AND LOCAL GOVERNMENTS

Price-Anderson Act

There is no insurance coverage for costs incurred by State and local governments under the provisions of the utility insurance policy.

The utility may or may not be responsible for costs associated with legal liability arising out of or resulting from a nuclear incident or precautionary evacuation (including all reasonable costs incurred by a State, or political subdivision of a State, in the course of responding to a nuclear incident or precautionary evacuation) depending upon State law.

Stafford Act

Under an Emergency declaration, Federal agencies may provide resources, including personnel, equipment, supplies, facilities, as well as managerial, technical, and advisory services, to support State and local efforts to save lives, protect property, protect public health and safety, and lessen or avert the threat of a catastrophe.

Technical (nonradiological) and advisory services include

- performance of essential community services
- issuance of warnings of risks or hazards
- issuance and dissemination of public health and safety information
- provision of public health and safety measures
- management, control, and reduction of immediate threats to public health and safety
- coordination of all nontechnical disaster relief assistance (including voluntary) provided by Federal agencies, private organizations, and State and local governments

Other assistance includes

- emergency assistance through Federal agencies
- debris removal by
 - using resources of Federal agencies
 - making grants to State and local governments

- assistance in temporary housing
- assistance in the distribution of medicine, food, and other consumable supplies, and emergency assistance
- financial assistance for State and local governments for actions associated with response to the nuclear accident

CONTACTS FOR FURTHER INFORMATION

For further information, contact one of the following people:

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LIST OF ABBREVIATIONS

ANI	-	American Nuclear Insurers
AMS	-	Aerial Measurements System
CFR	-	Code of Federal Regulations
DAC	-	Disaster Application Center
DFO	-	Disaster Field Office
DCE	-	Department of Energy
EBS	-	Emergency Broadcasting System
EST	-	Emergency Support Team (FEMA Headquarters)
FCO	-	Federal Coordinating Officer
FEMA	-	Federal Emergency Management Agency
FRERP	-	Federal Radiological Emergency Response Plan
F ^r	-	Federal Response Plan
JIC	-	Joint Information Center
LFA	-	Lead Federal Agency
MAELU	-	Mutual Atomic Energy Liability Underwriters
NRC	-	Nuclear Regulatory Commission
SCO	-	State Coordinating Officer
SFO	-	Senior FEMA Officer
SLPS	-	State and Local Programs and Support (FEMA)
U.S.C.	-	U.S. Code

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