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VETO–S. 1287
(PM 101)

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT MY APPROVAL S. 1287, NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2000

APRIL 26, 2000.—Ordered to be printed

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To the Senate of the United States:

I am returning herewith without my approval S. 1287, the "Nuclear Waste Policy Amendments Act of 2000."

The overriding goal of the Federal Government's high-level radioactive waste management policy is the establishment of a permanent, geologic repository. This policy not only addresses commercial spent nuclear fuel but also advances our non-proliferation efforts by providing an option for disposal of surplus plutonium from nuclear weapons stockpiles and an alternative to reprocessing. It supports our national defense by allowing continuing operation of our nuclear navy, and it is essential for the cleanup of the Department of Energy's nuclear weapons complex.

Since 1993, my Administration has been conducting a rigorous world-class scientific and technical program to evaluate the suitability of the Yucca Mountain, Nevada, site for use as a repository. The work being done at Yucca Mountain represents a significant scientific and technical undertaking, and public confidence in this first-of-a-kind effort is essential.

Unfortunately, the bill passed by the Congress will do nothing to advance the scientific program at Yucca Mountain or promote public confidence in the decision of whether or not to recommend the site for a repository in 2001. Instead, this bill could be a step backward in both respects. The bill would limit the Environmental Protection Agency's (EPA) authority to issue radiation standards that protect human health and the environment and would prohibit the issuance of EPA's final standards until June 2001. EPA's current intent is to issue final radiation standards this summer so that they will be in place well in advance of the Department of Energy's recommendation in 2001 on the suitability of the Yucca Mountain site.

There is no scientific reason to delay issuance of these final radiation standards beyond the last year of this Administration; in fact, waiting until next year to issue these standards could have the unintended effect of delaying a recommendation on whether or not to go forward with Yucca Mountain. The process for further review of the EPA standards laid out in the bill passed by the Congress would simply create duplicative and unnecessary layers of bureaucracy by requiring additional review by the Nuclear Regulatory Commission and the National Academy of Sciences, even though both have already provided detailed comments to the EPA. This burdensome process would add time, but would do nothing to advance the state of scientific knowledge about the Yucca Mountain site.

Finally, the bill passed by the Congress does little to minimize the potential for continued claims against the Federal Government for damages as a result of the delay in accepting spent fuel from utilities. In particular, the bill does not include authority to take

title to spent fuel at reactor sites, which my Administration believes would have offered a practical near-term solution to address the contractual obligation to utilities and minimize the potential for lengthy and costly proceedings against the Federal Government. Instead, the bill would impose substantial new requirements on the Department of Energy without establishing sufficient funding mechanisms to meet those obligations. In effect, these requirements would create new unfunded liabilities for the Department.

My Administration remains committed to resolving the complex and important issue of nuclear waste disposal in a timely and sensible manner consistent with sound science and protection of public health, safety, and the environment. We have made considerable progress in the scientific evaluation of the Yucca Mountain site and the Department of Energy is close to completing the work needed for a decision. It is critical that we develop the capability to permanently dispose of spent nuclear fuel and high-level radioactive waste, and I believe we are on a path to do that. Unfortunately, the bill passed by the Congress does not advance these basic goals.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 25, 2000.*

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