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S.C. Governor Loses Fight Against Plutonium; Federal Judge Orders Him Not to Interfere

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It was a brash pledge, the kind that easily could have defined a career.

Few really expected him to do it, but South Carolina Gov. Jim Hodges (D) kept saying he would -- kept insisting he would -- lie in the middle of the road to block U.S. government trucks from hauling plutonium into his state.

For a time, the pledge took on a life of its own, but today it died.

Hodges, who last week briefly sent state troopers to South Carolina's borders in search of plutonium haulers, declared an end to his plans for a blockade today after a federal judge sternly ordered him not to get in the way. Hodges's reluctant acquiescence clears a path for the U.S. Department of Energy to send 34 metric tons of plutonium from three obsolete nuclear weapons facilities to be reprocessed at the Savannah River nuclear power plant, 60 miles southwest of Columbia, S.C.

"It is a sad day for South Carolina when the governor . . . who has taken an oath to uphold the Constitution must be ordered by a court to obey it," U.S. District Judge Cameron Currie said during a court hearing today.

After Currie's ruling, Hodges vowed to appeal the decision to the U.S. Supreme Court, saying he is "not willing to let the federal government turn our state into the nation's nuclear dumping ground." But, knowing that trucks may begin the cross-country trip as soon as Saturday, Hodges also acknowledged that his fight has been lost, at least for now.

"The bureaucrats at the Department of Energy have prevailed," Hodges said at a news conference, according to a transcript of his remarks. "I don't apologize for our efforts, our suit, our blockade. I make no excuses."

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Energy Secretary Spencer Abraham praised the ruling today, saying: "America's national security and the security and safety of South Carolina citizens is well-served by ensuring the plutonium arrives safely, without interruption, at the Savannah River site."

The tense, year-long confrontation between Hodges and Abraham had threatened to jeopardize a complicated \$ 3.8 billion federal plan for the cross-country shipment of weapons-grade plutonium to South Carolina from obsolete nuclear weapons plants in Colorado, Texas and Washington state.

Hodges complained that the Energy Department changed the original plan for reprocessing the plutonium at the Savannah River site without the state's consent. He said he fears that if the government's new approach falls through, South Carolina will be stuck with piles of unwanted plutonium.

"The federal government broke its promises," Hodges said. "If you or I give our word and then violate it, we get in trouble. But these rules apparently don't apply to the federal government."

The squabble comes while Hodges, whose popularity has suffered during the economic downturn, is in the throes of a difficult reelection bid. He used campaign money to buy television advertisements urging residents to call the Energy Department to complain about the shipments. The tactic angered Energy Department officials, who accused him of breaking with tradition by politicizing a national security issue.

Hodges's pledge to block shipments by lying in the road appeared to play well with voters initially, but the appeal seemed to be waning, said Neal Thigpen, a political scientist at Francis Marion University.

"When the possibility became real that it might happen, then, I think perhaps, the snicker factor began to set in," Thigpen said. "Do you want to see the governor of your state lying in the road? It's not grown-up stuff."

The plutonium comes from obsolete nuclear weapons facilities in Rocky Flats, Colo., near Denver; the Pantex Plant near Amarillo, Tex.; and Hanford, Wash. The plutonium -- enough to make more than 4,200 nuclear weapons -- will be shipped from the plants to South Carolina for conversion into fuel that will be used to run nuclear generators.

The controversy over the shipments arises from a 1996 agreement in which the United States and Russia pledged to take equal amounts of plutonium from their nuclear stockpiles to keep it from falling into the wrong hands.

The Clinton administration provisionally planned to process the plutonium using two techniques: One would immobilize the plutonium by converting it into ceramic pellets; the other would convert the unwanted nuclear material into a mixed oxide fuel, or MOX, for use in two commercial nuclear reactors operated by Duke Energy Corp. in North Carolina and South Carolina.

Immobilization is a far cheaper, quicker and safer process than MOX, according to the Nuclear Control Institute and other environmental groups challenging the government's plan. But the Department of Energy announced in January that it was canceling the immobilization program and relying solely on the MOX process, explaining later that the changes were necessary because of "budgetary constraints" and Russian objections to the immobilization process.

"If you're going to have an international agreement you have to have a program that both countries can agree to," said Joe Davis, a department spokesman.

Critics charge that the department is taking a big chance by relying solely on the costly MOX program.

"DOE is trying to carry out this program in a haphazard and slipshod manner," said Edwin Lyman, president of the Nuclear Control Institute.

Hodges said he worried that the conversion program would never be fully funded by the government and that the chemically unstable plutonium would be kept indefinitely at the Savannah River site.

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Last February, Duke Energy filed a memorandum with the Nuclear Regulatory Commission acknowledging that "the future use of MOX fuel" at its two nuclear reactors "is not a certainty" and that "substantial uncertainties and contingencies continue to surround the program." Duke Energy later said that it still intends to ask the NRC for permission within the next two years to use the MOX fuel at the two power plants.

Abraham and other Energy Department officials say they have "gone the extra mile" in trying to address the governor's concern, including preparing a detailed agreement assuring that all plutonium sent to Savannah River would have "a clear path out of South Carolina."

Pianin reported from Washington.

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