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Court grants appeal to Hodges

Web posted Friday, June 21, 2002

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By **Matthew Boedy**
South Carolina Bureau

AIKEN - Although it is unlikely he will win, Gov. Jim Hodges on Thursday was granted an expedited hearing before the U.S. Court of Appeals.

The 4th Circuit Court, however, denied the governor's motion to stay U.S. District Court Judge Cameron Currie's ruling last week that gave the U.S. Department of Energy the go-ahead to begin shipping plutonium to Savannah River Site.

Thursday's ruling means shipments could begin Saturday - the day the DOE has said would be the earliest it would be ready to ship from its former nuclear facility near Rocky Flats, Colo.

Mr. Hodges had threatened to block the shipments but was ordered by Judge Currie to refrain.

"While I am disappointed the court is letting the Department of Energy ship plutonium into South Carolina this Saturday, I am encouraged by the court's decision to hear our case quickly. I look forward to our day in court," the governor said in a statement.

The DOE is expected to send 6 tons of plutonium from Rocky Flats and about 30 tons from other sites to SRS in the next 18 months.

Energy Secretary Spencer Abraham said in a statement that he looks forward to working with South Carolina's congressional delegation. Members of the delegation are sponsoring legislation that would fine the department if it didn't remove the plutonium by the specified dates.

Mr. Hodges sued the DOE after he and Mr. Abraham couldn't agree on a plan to take the plutonium from the state. The DOE has pledged to build a facility to convert the plutonium for use in nuclear power plants, but the pledge has not yet become policy.

Mr. Hodges has said he fears that the agency won't keep its promise, thereby leaving the plutonium in the state indefinitely.

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