



Savannah River Site Watch

Savannah River Site Watch

<https://srswatch.org/>

Columbia, South Carolina

Media Advisory

July 13, 2020

Contact: Tom Clements, Director, SRS Watch, tel. 803-834-3084, cell 803-240-7268

Stand By for Historic Guilty Plea: SCE&G Official Responsible for Nuclear Reactor Construction Debacle to Plead Guilty to Fraud in Federal Court in Columbia, South Carolina on July 14, 2020; Other Officials, Attorneys Likely to be Charged as Part of “Conspiracy to Defraud” for \$11+ Billion Wasted

Photo Opportunity: A few Individuals will Held Eye-Catching Signs at the Entrance to the Court Declaring the Guilt of Stephen Byrne, Former SCANA Chief Operating Officer

Columbia, SC – In a historic court proceeding, a former official responsible for the SCE&G nuclear reactor construction debacle will plead guilty to a conspiracy involving the failed project, which began in 2008 and was terminated in July 2017, after a waste of over \$11 billion by SCE&G and Santee Cooper. The project, which unjustly saddled customers with the costs, led to the bankruptcy of SCE&G and helped kill the future of construction of large nuclear power reactors in the United States.

The guilty plea will be entered by Mr. Stephen Byrne, former Chief Operating Officer of SCANA, the parent of South Carolina Electric and Gas (now taken over by Dominion Energy) at 10:00 a.m. on Tuesday, July 14 at the federal courthouse located at 901 Richland St, Columbia, SC 29201 in downtown Columbia.

Mr. Byrne has agreed to plead guilty to the felony of “CONSPIRACY TO DEFRAUD THE UNITED STATES in violation of 18:371 and 18:1343 and forfeiture allegations.” He has already signed a plea agreement with attorneys for the United States, which stipulates what he must do for the agreed deal. In court on July 14, the judge will likely affirm the plea agreement and possibly modify it as she chooses.

According to the court postings in the docket, the “plea agreement” (posted below in “notes”) will be immediately followed by a bond hearing:

NOTICE OF HEARING as to Stephen Andrew Byrne Plea Hearing set for 7/14/2020 10:00 AM in Columbia # 2, Matthew J. Perry Court House, 901 Richland St, Columbia before Honorable Mary Geiger Lewis. (mdea) (Entered: 06/23/2020) – (Time subject to change but still scheduled as of 9:15 a.m. on July 13. We will check again on July 13 & early July 14.)

NOTICE OF RESCHEDULED HEARING *CHANGE IN JUDGE AND LOCATION ONLY as to Stephen Andrew Byrne Bond hearing set for 7/14/2020 at 11:00am cancelled and rescheduled to: Bond Hearing set for 7/14/2020 11:00 AM in Columbia # 8, Matthew J. Perry Court House, 901 Richland St, Columbia before Magistrate Judge Shiva V Hodges. (jpet,) (Entered: 07/02/2020)**

In plea agreement, dated May 21, 2020, Byrne waives the right to indictment and arraignment and admits to have knowingly engaging with others in fraudulent acts concerning construction of two Westinghouse AP100 reactors (aerial photos from September 2019 linked below in “notes”). Byrne agrees that he could face five years in prison. The federal attorney stipulates that not more than \$1 million in payment from Byrne though the court could fine him more. To assure that Byrne will follow the terms of the plea agreement, sentencing will occur at a later date.

The project was formally opposed before the PSC by Friends of the Earth in 2008 and 2009, by the Sierra Club several times between 2010-2016 and by Friends of the Earth and the Sierra Club in 2017 and 2018. From the start, the groups fought for investment in alternative energy and efficiency rather than a questionable nuclear project and, in parallel, for protection of ratepayers. Staff from Savannah River Site Watch played a key role along the way.

Mr. Byrne agreed in the plea agreement to be “fully truthful” about “criminal activities about which he has knowledge” and to provide documentation and testify at the trail of others. An “information” document issued along with the plea agreement - linked in “notes” below - reveals the federal attorney believes others were involved in the conspiracy and cover-up about problems with the failing nuclear project and made “false and misleading statements” about it. SCE&G took advantage of the unjust Baseload Review Act, by which the SC legislature allowed SCE&G to pass all costs and risks to ratepayers, which were inadequately reviewed by a SC Public Service Commission biased toward SCE&G and against ratepayers.

“The plea by Stephan Byrne for his role in the VC Summer reactor construction boondoggle will be historic as officials responsible for such failed projects rarely get caught and never confess to their crimes,” said Tom Clements, director Savannah River Site Watch and main intervenor at the start and finish of the project. “Byrne, who should serve prison time, must fully reveal the criminal role of others in the conspiracy that has been so disastrous for ratepayers, including former CEO Kevin Marsh and former CFO Jimmy Addison,” added Clements.

The information document implies that other individuals are being investigated, which could mean that Kevin Marsh, former SCANA CEO and Jimmy Addison, former CFO, will be facing criminal charges. The document also states that other SCANA executives, employees and “the lawyers who advised them” may have been involved in the conspiracy. The lawyers who represented SCE&G include:

Chad Burgess, Director & Deputy General Counsel, Dominion Energy Southeast Services, Inc.
<https://dms.psc.sc.gov/Attachments/Matter/800734dc-77c4-434e-a993-a7a2397f8211>
<https://dms.psc.sc.gov/Attachments/Matter/aeac7365-cad5-4e10-863c-addace13d6f7>

Matthew Gissendanner, Assistant General Counsel, Dominion Energy Southeast Services, Inc.
<https://dms.psc.sc.gov/Attachments/Matter/e931fc48-4310-4825-b0a6-b277ca5cd958>

Belton Zeigler, Womble, Bond, Dickinson, LLC
<https://dms.psc.sc.gov/Attachments/Matter/4270fdb2-2b83-42f0-b8d6-56118ded11e5>

Mitch Willoughby, Willoughby & Hoefer, P.A.
<https://dms.psc.sc.gov/Attachments/Matter/2df1d87e-9e3f-44d7-a1aa-621e9fc577c8>

###

Notes:

Photo of sign to be held up by Tom Clements outside federal court house on July 14, 2020:

<https://srswatch.org/wp-content/uploads/2020/07/Byrne-guilty-poster-for-July-14-2020-768x1024.jpg>

“Plea Agreement” between Stephen Byrne, federal attorney & SC attorney general, concerning fraud in SCE&G nuclear reactor construction debacle, June 8, 2020, federal case number 3:20-cr-00335:

<https://srswatch.org/wp-content/uploads/2020/07/Byrne-court-plea-June-8-2020.pdf>

“Information” by federal attorney on criminal charges against Stephen Byrne, charged with fraud in SCE&G nuclear reactor construction debacle, June 8, 2020, federal case number 3:20-cr-00335:

<https://srswatch.org/wp-content/uploads/2020/07/Byrne-court-charges-June-8-2020.pdf>

SRS Watch news release of June 10, 2020: “Former SCE&G Nuclear Official Committed Fraud in Failed Reactor Construction Project in South Carolina; Lawyers in Nuclear Rip-off Under Investigation”:

<https://srswatch.org/former-sceg-nuclear-official-committed-fraud-in-failed-reactor-construction-project-in-south-carolina/>

Article, “Ex-SCE&G exec faces 5 years in prison - Charges could lead to other conspirators’ indictments”, Lexington County (South Carolina) Chronicle, July 5, 2020:

<https://www.lexingtonchronicle.com/news/ex-sceg-exec-faces-5-years-prison>

Aerial photos of VC Summer site, September 2019, ©High Flyer, special to SRS Watch:

<https://drive.google.com/drive/folders/1LPZC6D0a4sHlqQPoaYlhWAYxp4lAFgkU>

