



Savannah River Site Watch

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For Immediate Release

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Contact: Tom Clements, Director, SRS Watch, tel. 803-834-3084; news release posted here:

SCANA Official in Charge of Construction of Failed V.C. Summer Nuclear Project to be Sentenced in Federal Court on March 8, 2023; Admitted Felon Faces 5-Years in Prison but Asks for 15-Month Sentence; Ratepayers still Paying for Mismanaged Project

Columbia, South Carolina --- A lead conspirator in the failed project to construct two nuclear reactors in South Carolina is due to be sentenced in federal court in Columbia, South Carolina on Wednesday, March 8, 2023.

Stephen Byrne, former Chief Operating Officer and Executive Vice President for the now-defunct SCANA corporation, pleaded guilty in 2020 for his role in a “scheme to defraud” customers for the project to construct two Westinghouse AP1000 reactors at the V.C. Summer site north of Columbia, SC. Byrne was the first to plead guilty in the charges brought by the United States Attorney’s Office for South Carolina.

The docket for the case - number 3:20-cr-335 - indicates the time of the hearing “as to Stephen Andrew Byrne Sentencing [is] set for 3/8/2023 10:00 AM in Columbia # 2, Matthew J. Perry Court House, 901 Richland St, Columbia before Honorable Mary Geiger Lewis.”

The nuclear project was approved by the South Carolina Public Service Commission in February 2009 - in PSC docket 2008-196-E - and there were nine rate hikes for customers of South Carolina Electric & Gas (SCE&G), a subsidiary owned by SCANA, before the project was terminated after a waste of a reported \$11 billion. In a 2019 settlement agreement with Dominion Energy, which took over SCANA, customers are required to pay a small but unknown percentage of the monthly bill over 20 years for over \$3 billion in costs, thus the cost of the abandoned project continues to rise. The “failed nuclear project” charge should appear on the monthly bill, according to the public interest group Savannah River Site Watch.

According to an “information” court filing by the federal attorney on June 8, 2020, Mr. Byrne “deceived regulators and customers in order to maintain financing for the project and to financially benefit SCANA. The members of the conspiracy’s actions and the associated cover-up allowed the project to continue until the contractor went bankrupt and the project was abandoned, resulting in billions of dollars of loss.”

Byrne agreed on May 8, 2020 to a “plea agreement” admitting criminal fraud in his role in the nuclear project. The agreement stated that the penalty for the offense is a prison sentence of up to 5 years in

prison and a fine of \$250,000. Byrne has agreed to “forfeit” \$1,000,000 but it is unclear if a court-ordered fine will be issued.

(The information filing and plea agreement are linked in the SRS Watch news release linked in the “notes” section below.)

On March 5, 2023, lawyers for Byrne entered a “motion for downward variance” with the court and requested that the “court sentence him to a term of imprisonment of no more than fifteen (15) months.” (See document linked below.) The filing with the court states that 15 months is a “just punishment” and that his cooperation with the federal attorney, FBI and other government entities “has been indispensable in helping authorities understand the full story of what happened at V.C. Summer and what led to the decision to abandon the Nuclear Project in July 2017.”

Tom Clements, director of Savannah River Site Watch, which monitored the project after 2014 and was then the lead intervenor for Friends of the Earth in the nuclear reactor construction docket before the PSC beginning in 2008, reacted to the proposed 15-month sentence for Byrne: “The proposed sentence in no way makes amends to the former SC&G ratepayers who are still negatively impacted by the misdeeds of Stephen Byrne and his co-conspirators. Ratepayers paid for nine years for construction of the project and then were obligated to pay for another 20 years for project costs and such ratepayer punishment is in no way comparable to the relatively light sentence that Byrne is seeking,” added Clements.

In June 2017, when almost 20% of a customer’s bill was due to the nuclear project and after Westinghouse went bankrupt due to cost overruns and technical problems at V.C. Summer and the problem-plagued sister project at Plant Vogtle in Georgia, Friends of the Earth and the Sierra Club filed with the S.C. Public Service Commission for the project to be terminated. That docket (2017-207-E) resulted in many filings and hearings, culminating in formal project abandonment and avoidance of unsustainable cost of the project (which could have reached 50% of the monthly bill).

Clements added that he will be listening carefully in court to hear if Byrne apologizes to South Carolina ratepayers, something he has not managed to do until this point. “The judge should take into account if Mr. Byrne fully apologizes to South Carolinians for the harm he caused to the state and its residents and to the damage he did to a cleaner energy future for our state,” said Clements. “A stiffer sentence should be imposed if Byrne can’t muster a sincere and substantive apology,” added Clements.

Kevin Marsh, CEO of SCANA, also entered a guilty plea for his role in the scheme, was sentenced to 2 years in prison. Marsh has never mustered the moral courage to apologize to ratepayers despite opportunities in court to do so, according to Clements. An on-line search on the Federal Bureau of Prisons inmate search website indicates that Marsh was released from prison (in Fort Dix, New Jersey) on March 1, 2023, prior to serving a full sentence.

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Notes:

“Downward variance” filed with court on March 5, 2023, in which a sentence of 15 months in prison was requested of the judge: <https://srswatch.org/wp-content/uploads/2023/03/motion-for-downward-variance-for-Byrne-March-5-2023.pdf>

See SRS Watch news release of July 13, 2020 on Byrne plea agreement, with links to key documents in the “notes” section: <https://srswatch.org/wp-content/uploads/2020/07/SRS-Watch-media-advisory-on-Byrne-nuclear-felony-plea-July-13-2020.pdf>

Federal Bureau of Prisons website to search for federal inmates: <https://www.bop.gov/inmateloc/>

SRS Watch, Nuclear Watch New Mexico and Tri-Valley CAREs, represented by the South Carolina Environmental Law Project (SCELP), continue to push in federal court for a Programmatic Environmental Impact Statement (PEIS) on plutonium “pit” production for nuclear weapons by DOE’s National Nuclear Security Administration (NNSA) at the Savannah River Site and Los Alamos National Lab (LANL) - see February 14, 2023 news release: “DOE Dealt Set-back in Court Challenge by Public-Interest Groups of Effort to Fabricate Plutonium Pits (Triggers) for New Nuclear Warheads” - <https://srswatch.org/doe-dealt-set-back-in-court-challenge-by-public-interest-groups-of-effort-to-fabricate-plutonium-pits-triggers-for-new-nuclear-warheads-part-of-planning-for-full-scale-nuclear-war/>