

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

SAVANNAH RIVER SITE WATCH, TOM)
CLEMENTS, THE GULLAH/GEECHEE SEA)
ISLAND COALITION, NUCLEAR WATCH)
NEW MEXICO, and TRI-VALLEY)
COMMUNITIES AGAINST A RADIOACTIVE)
ENVIRONMENT,)

Plaintiffs,)

v.)

UNITED STATES DEPARTMENT OF)
ENERGY, JENNIFER GRANHOLM, in her)
official capacity as the Secretary, The)
NATIONAL NUCLEAR SECURITY)
ADMINISTRATION and JILL HRUBY,)
Administrator,)

Defendants.)

No. 1:21-cv-01942-MGL

**DECLARATION OF GENERAL
ANTHONY J. COTTON,
COMMANDER, UNITED STATES
STRATEGIC COMMAND, IN
SUPPORT OF DEFENDANTS'
POSITION ON REMEDIES**

I, ANTHONY J. COTTON, declare the following:

1. I have spent my entire career in furtherance of the defense of the United States. I have held a variety of leadership positions with increasing responsibilities and have commanded at the squadron-, group-, wing-, and major-command levels. These positions have primarily involved intercontinental ballistic missiles, space surveillance, and the military's readiness to deter, respond to, and counter nuclear threats to the United States.

2. I was promoted to four-star general on August 27, 2021, with assignment as Commander, Air Force Global Strike Command, where I was responsible for the organization, training, and equipping of two of the three legs of our nuclear triad. On June 8, 2022, I was nominated by President Biden for reappointment to the grade of four-star general, with assignment

as Commander, U.S. Strategic Command (USSTRATCOM), and I was confirmed by the United States Senate on September 29, 2022. I have been the Commander of USSTRATCOM at Offutt Air Force Base, Nebraska, since December 2022.

3. USSTRATCOM is one of eleven unified Combatant Commands under the Department of Defense (DoD). As the single Command responsible for all strategic nuclear forces, it provides the President and Secretary of Defense a range of options to deter adversaries and assure allies. Strategic deterrence, which is a military strategy aimed at preventing an adversary from launching an attack by convincing them the consequences would be unacceptable, is one of the most important aspects of our national defense.

4. USSTRATCOM is responsible for strategic deterrence; nuclear operations; nuclear command, control, and communications enterprise operations; joint electromagnetic spectrum operations; global strike; and missile-threat assessment.

5. As Commander of USSTRATCOM, I am also a member of the Nuclear Weapons Council (NWC). Title 10 U.S.C. § 179 gives the NWC specific responsibilities, including evaluating, maintaining, and ensuring the safety, security, and control of the nuclear weapons stockpile, as well as developing nuclear weapons stockpile options. The NWC is the focal point for interagency activities to sustain and modernize the U.S. nuclear deterrent.

6. In these capacities, I am privy to the most sensitive national security matters, including the national defense needs and requirements of the United States.

7. The purpose of this Declaration is to provide the Court with important information on the impact of delay with respect to the expanded pit production mission at Los Alamos National Laboratory in New Mexico and at the Savannah River Site in South Carolina. The statements and professional judgments made herein are based on my military experience and personal knowledge

of strategic nuclear operations and information made available to me as Commander, USSTRATCOM, and as a member of the NWC.

8. The international security environment has continued to destabilize due to geopolitical events and the actions of the United States' strategic competitors, including heavy investment in new nuclear capabilities. Today, the United States, its allies, and partners are confronted by two major nuclear powers as strategic competitors and potential adversaries: the Russian Federation and the People's Republic of China (China). I am personally familiar with the data and intelligence that supports the conclusion that powers throughout the world, including potential adversaries, are rapidly expanding their nuclear capabilities. This conclusion is further supported by a recent report by the Defense Intelligence Agency entitled: Nuclear Challenges – The Growing Capabilities of Strategic Competitors and Regional Rivals, which is attached as Exhibit 1 to this Declaration.

9. China, for example, has rapidly accelerated its nuclear program. In 2020, the DoD estimated China's operational nuclear warhead stockpile was in the low 200s and was expected to double by 2030. *See also, id.* at 1. Defying those expectations, China currently has more than 500 operational nuclear warheads and will likely field more than 1,000 operational nuclear warheads by 2030. *See also, id.*

10. I am also aware in recent years, several powers have engaged in aggressive, norm-breaking military activities. Russia, for example, has increasingly displayed nuclear norm-breaking behavior by invading Ukraine, a non-nuclear weapon state, without provocation, and then taking control of a Ukrainian nuclear power plant. This aggression, and reports that Russia intends to move nuclear weapons into Belarus, are especially concerning, as are reports that Russia has considered using nuclear weapons as part of its war efforts.

11. The United States, its allies, and partners also face a growing nuclear threat from the Democratic People's Republic of Korea (North Korea) and the Islamic Republic of Iran (Iran).

12. North Korea's missile testing continues at a significant pace, posing a threat to the United States and its allies. *See also, id.* at 19–24.

13. Likewise, Iran continues to expand its nuclear program by enriching uranium to a higher level and faster than ever before. *See also, id.* at 25–26. Iran is stockpiling enriched uranium while continuing to test missiles that hold much of the Middle East region at risk, posing a threat to the United States and its allies. *See also, id.*

14. Based on my experience and professional judgment, the level of concern about the current threat environment is as high as it has been since the end of the Cold War. Our Nation's potential adversaries are increasingly coordinating and cooperating with one another, raising the possibility of near-simultaneous conflicts with multiple nuclear-armed, opportunistic adversaries. These destabilizing behaviors, which have only increased since the Plaintiffs' lawsuit was filed in 2021, create an increasingly complex geopolitical environment which is evolving and uncertain. Nuclear weapons will continue to provide a unique deterrent, promoting international security in ways no other element of U.S. power can achieve for the foreseeable future.

15. The United States addresses these adversarial challenges by ensuring the President has options to deter all potential adversaries. Ensuring the United States' nuclear arsenal, which is our primary strategic deterrent, remains safe, secure, effective, and credible requires a significant and coordinated effort. Responsibility for this mission is shared by the DoD and the Department of Energy's National Nuclear Security Administration (DOE/NNSA). Only by aligning the priorities and programs of these two Departments can U.S. nuclear forces meet their mission to deter threats and assure security.

16. A plutonium pit is one of the core components of a nuclear weapon. Pit production—as mandated by 50 U.S.C. § 2538a, which requires NNSA to produce at least 80 pits per year by 2030—is paramount to ensuring the stockpile, and hence the nuclear deterrent, remains effective and credible. Thus, pit production is of utmost importance to the U.S. military, and any delay or suspension to production will pose an imminent and serious threat to national security.

17. To meet the requirements of 50 U.S.C. § 2538a, the DOE/NNSA is expanding its pit-production capability at Los Alamos and repurposing the former Mixed Oxide Fuel Fabrication Facility at Savannah River.

18. While the Nation’s nuclear weapons stockpile is currently safe, secure, effective, and credible, the stockpile cannot remain static. Our two nuclear peer strategic competitors, Russia and China, are significantly and rapidly modernizing and expanding their existing capabilities, as well as pursuing new ones. We must address our aging nuclear weapons stockpile and its supply chain as our nuclear competitors accelerate fielding of advanced capabilities. While we can and do meet the objectives today, USSTRATCOM will have less flexibility in providing deterrence options as the stockpile ages beyond its planned service life and it becomes increasingly uncertain how its performance might be affected. Therefore, delays in pit production would introduce risk to national security and strategic deterrence, and the lengthier the delay, the more significant the risk.

19. Modernizing a new or significantly updated weapon in today’s enterprise takes time. Congress recognized this reality and mandated pit production, as noted above. The first wave of pit modernization is the current Program of Record which includes components to support weapon systems from all three parts (air, land, sea) of the Nation’s nuclear triad. New or modernized warheads all need *new* plutonium pits over time. The NNSA can provide this

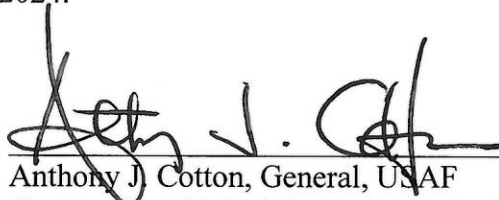
capability only by expanding pit production at Los Alamos and Savannah River. Delays in receiving the congressionally mandated number of new plutonium pits from the NNSA will have a significant, adverse impact on our ability to add new warheads to our stockpile or modernize existing warheads. Delaying pit production in any manner (i.e., through delaying the construction and operation of the Savannah River Plutonium Processing Facility and/or by otherwise limiting the number of pits produced at Los Alamos) will have a direct, month-for-month negative impact on the ability to modernize the stockpile.

20. It is my opinion that lengthy delays pose significant risks to national security. Every effort should be made to minimize delays in pit production, as producing pits is vital to our national security and strategic deterrence.

21. A sweeping injunction, like the one requested by the plaintiffs, poses unacceptable risks to national security. An injunction, if one is absolutely necessary, should be limited to the specific projects identified by NNSA in order to avoid incalculable harm to readiness and strategic deterrence.

I declare under penalty of perjury, pursuant to 28 U.S.C. 1746, the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed this 13th day of November 2024.



Anthony J. Cotton, General, USAF
Commander, United States Strategic Command