

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CONVERDYN,)	
)	
Plaintiff,)	
)	
v.)	No. 1:14-cv-1012 RW
)	
ERNEST J. MONIZ and UNITED)	
STATES DEPARTMENT OF ENERGY,)	
)	
Defendants,)	
_____)	

ATTACHMENT 4
DECLARATION OF ANNE HARRINGTON
DEFENDANTS' OPPOSITION TO PLAINTIFF'S
MOTION FOR PRELIMINARY INJUNCTION

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STATES DEPARTMENT OF ENERGY,)	
)	
Defendants.)	
_____)	

DECLARATION OF ANNE HARRINGTON

I, Anne Harrington, hereby declare as follows:

1. I am employed by the United States Department of Energy (“The Department” or “DOE”), National Nuclear Security Administration (“NNSA”) as the congressionally-confirmed Deputy Administrator for Defense Nuclear Nonproliferation (“DNN”) and have served in this role since October 2010. In this capacity, I direct NNSA’s efforts to detect, secure, and dispose of dangerous nuclear and radiological materials, and related WMD technology and expertise. Previously, I was the Director of the U.S. National Academy of Sciences Committee on International Security and Arms Control (“CISAC”) from March 2005 to October 2010. I also served for 15 years in the U.S. Department of State, where I was Acting Director and Deputy Director of the Office of Proliferation Threat Reduction and a senior U.S. government expert on nonproliferation and cooperative threat reduction.

2. I regularly represent the Department of Energy and U.S. Government in bilateral, multilateral, and international meetings, and have led or participated in numerous international

nuclear security negotiations, such as the removal of highly enriched uranium (“HEU”) from Kazakhstan and the agreement between the United States and Kazakhstan for the secure storage of spent fuel and safe shutdown of the Aktau BN-350 breeder reactor.

3. As directed by President Obama and reflected in the National Security Strategy of 2010 and the Nuclear Posture Review of 2010, a primary DOE/NNSA mission is to address both state- and non-state-based proliferation of nuclear and radiological materials and associated technology and expertise. One of DNN’s core competencies is to remove, eliminate, and minimize the use of proliferation-sensitive materials. A central effort in this regard is the global effort to minimize the use of HEU, in which the United States plays a leading role. DNN’s Office of Fissile Materials Disposition (“FMD”) directly contributes to these efforts to enhance nuclear security and support nonproliferation by reducing inventories of surplus fissile materials, and ensuring that surplus, weapon-usable fissile materials are dispositioned, in a safe, secure and irreversible manner.

4. Disposing of surplus HEU demonstrates that the United States is living up to its nonproliferation commitments under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (“NPT”), one of the foundations of the global nuclear nonproliferation regime, by drawing down its nuclear arsenal in a transparent and irreversible manner. This program also supports U.S. efforts to lead by example in global nonproliferation efforts in numerous international fora, including the International Atomic Energy Agency (IAEA), the United Nations (“UN”), the Nuclear Security Summit (“NSS”) and the Conference on Disarmament (“CD”).

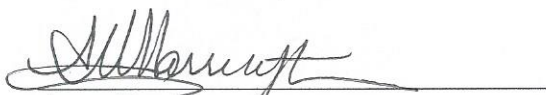
5. An injunction that would prohibit DOE from transferring uranium from its inventory to fund the down-blending activity conducted at the NFS facility, or that would substantially limit such transfers thereby affecting NNSA’s surplus HEU down-blending

activities would significantly impact U.S. standing on those international nonproliferation commitments and would open the United States to heavy criticism from the international community, particularly in advance of the 2015 NPT Review Conference.

6. Under Article VI of the NPT, nuclear-weapon States are required to make progress on nuclear disarmament, and the 2010 NPT Action Plan calls on those States to irreversibly dispose of fissile material, an objective the HEU Down-blending Program helps achieve. Uncertainty regarding the future of this program would limit the ability of the United States to gain agreement of other countries to down blend their weapons-origin HEU in future bi- or multi-lateral HEU down-blending discussions. Delays or disruptions in this global effort would result in an increased risk of terrorist acquisition of HEU. Further, the United States' request that other states reduce their inventories of HEU would likely be unsuccessful if we fail to adhere to the same standards we advocate for our international partners.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 3rd day of July, 2014


Anne Harrington
Deputy Administrator for Defense
Nuclear Nonproliferation
National Nuclear Security Administration