

A.J. Eggenberger, Vice Chairman
Joseph F. Bader
John E. Mansfield
R. Bruce Matthews

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

625 Indiana Avenue, NW, Suite 700, Washington, D.C. 20004-2901
(202) 694-7000



June 23, 2005

Mr. Henry L. Bagwell
President, Metal Trades Council of
Amarillo, Texas and Vicinity
5903 Pelman Place
Amarillo, Texas 79109

Dear Mr. Bagwell:

I am writing in response to your letter dated May 31, 2005, and a letter from the Metal Trades Council Safety Officers also dated May 31, 2005. In your letter, you stated that employees at the Pantex Plant that you represent have raised and questioned safety issues and questioned procedures and that the employees' concerns have not been satisfactorily addressed. Members of the Defense Nuclear Facilities Safety Board's (Board) staff have recently spoken with you to get specific information on the safety issues you referred to and were informed that your safety officers would be providing specific information regarding both the safety issues and issues with work procedures. We look forward to receiving the information so that we can evaluate the health and safety issues and take appropriate actions.

You also stated that Pantex workers have been threatened with insubordination for questioning safety issues and procedures or otherwise retaliated against for raising safety issues. The Board does not have jurisdiction over allegations of retaliation against workers for questioning or raising safety issues. The Board's jurisdiction, as carefully defined by Congress in the Board's enabling legislation, does not extend to investigating, adjudicating, or remediating alleged retaliations proscribed under federal law protecting those who raise safety concerns. When concerns reported to us go beyond our jurisdiction, we refer the matter to the appropriate federal authorities, e.g., investigatory offices within the Department of Energy or to the Department of Labor. As we receive specific information concerning the instances you referred to in your letter, we will refer the matters to the appropriate federal authorities.

The Board regards the Production Technicians at Pantex as being very important to the implementation of operational safety and hence the safety of operations at Pantex. As such, we look forward to working with you and with workers you represent to further ensure the safety of operations at Pantex.

Sincerely,

A handwritten signature in black ink that reads "A.J. Eggenberger". The signature is written in a cursive style with a large, sweeping flourish at the end.

A. J. Eggenberger
Acting Chairman