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July 5, 2005

Hector Bermudez
Nuclear Regulatory Commission
Sam Nunn Atlanta Federal Center, 23 T85
61 Forsyth Street, SW
Atlanta, GA 30303-8931

Subject: IRRSP Examination

Dear Mr. Bermudez:

Today we received the email you sent referring to the answer offered by ASNT about our request/application to take the examination in Spanish. Our comments on these points are the following:

1. First, a little history related to the examination and the licensing of IRRSP for ASNT, the test, according to our knowledge, has been given in Spanish at least six times
 - a. Puerto Rico, for the staff of Alonso & Carus and for Profession NDE & Welding Services
 - b. Hellier Connecticut, for the staff of Profession NDE & Welding Srvices
 - c. Hellier Connecticut, for the staff of Alonso & Carus
 - d. Ohio, for the staff of Alonso & Carus
 - e. Texas, for the staff of Alonso & Carus
 - f. Hellier Connecticut, for the staff of Mechanical Integrity

The first time that the examination was taken[???] in Spanish (Puerto Rico) Mr. Wilfredo Rivera was approved, but his license was conditioned only for Puerto Rico, this was questioned,[???] that if a person takes the examination in English, he is able to carry out industrial radiography in the 50 States and all of the territories (including Puerto Rico) where the NRC has jurisdiction and ours taken in Spanish limits us only to Puerto Rico. Does that mean that radiation safety and industrial radiography change with the language?

This was questioned and partially fixed when in addition to Puerto Rico Mr. Rivera was approved to work in the American Virgin Islands (a copy of his card is enclosed). It is our judgement that this was the first discrimination against our technicians.

2. With regard to comment 1 of Mr. Houf, 10 CFR 34 has been translated for our industrial radiography technicians as have been related sections, as well as four of our technicians passed the examination by demonstrating their knowledge of safety; The

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NRC has conducted various inspections of our personnel in the field, each one resulting in a satisfactory result.

3. With regard to the second comment, the examination is composed of 125 multiple choice questions, for each there is only one correct answer, making the test easy to grade: the formulas used in the examination are universal, it does not matter that the language is the same. At the present there are bilingual professionals who are qualified to make modifications to the examination in accordance with psychometric principles, one example is Mr. Elmer Martinez, who has given a seminar about Industrial Radiation Safety at the Hellier facilities in Connecticut, [?] which was authorized by ASNT. If the Examination could [?] be administered on at least six occasions, it means there are several examinations in Spanish.
4. Of the twelve registrations which according to Mr. Houf are in Puerto Rico, four belong to our company, another three belong to 2 companies who work in Spanish, the remaining five at least three were not involved in taking the (test or working) in Spanish. At this time, we have eleven candidates to take the examination.
5. Mr. Houf states there is not a sufficient market to justify developing another examination in Spanish. It seems to be the approach of Mr. Houf or any representative of the ASNT that they should have done (the test) five years ago (in 2000) [?] when [donde] they offered the examination six times, which set a precedent, and not now.
6. According to Mr. Houf, of the four current holders of Puerto Rican registrations, three of these registrations expire this year and they work for the same company and the chief [of this company] asked to have available a copy [of the test] in English in case the translation was inaccurate. The first time two companies requested the examination [in Spanish], one was Alonso & Carus and the other was our company, I was the one who prepared all of the applications and it is **not** my understanding that I asked for a copy of the examination in English because of my knowledge of the limitations of our technicians in English, if Mr. Houf has **written** evidence where I requested an additional copy of the examination in English, then I will give in [????]

The NRC made the requirement for IRRSP examination; before the Commission made the requirement to take the examination every five years, the four technicians who now work for this company were industrial radiography technicians working for Alonso & Carus and had the security of the knowledge that they had been evaluated during many inspection carried out by the Commission, now because they do not have complete knowledge of the English language should they be penalized and the support of their families be at risk? If for Mr. Houf and the ASNT, four technicians and the support of their families is not justification to offer a multiple choice examination in Spanish, then they do not have a clue of the effect on us and how much this entails. According to the comments received from you by Mr. J. Bruce Carrico, he understands and agrees with the position of the ASNT and does not expect more action on the part of the NRC and I understand that it will be permitted to use a Spanish-English dictionary while taking the examination in English; for the information of Mr. Carrico, the examination consists of 150 multiple choice questions which must be completed in three hours, which

means we will have about 1 minute and 12 seconds to read and understand each question and the selection and pick the best answer, this is not enough time to use a dictionary. If Mr. Carrico agrees with the ASNT that the examination does not need to be translated into Spanish, then he must also not agree with the NRC translating Form 3 A (5-2005). We recommend to Mr. Carrico Executive Order 13166, dated August 11, 2000 (copy attached) and the public statement of the NRC which refers to that Executive Order (copy attached). We hope that the NRC will understand our concerns, and claims and is able to correct our judgement that this is discrimination against the Hispanic [??] minority. Thank you in advance for a resolution in our favor.

Sincerely,

Luis A. Martinez, P.E.
President

Enclosed with this letter were the following electronic documents:

U.S. Nuclear Regulatory Commission, Improving Access to Agency Programs and Activities by Persons with Limited English Proficiency (ML052280434)

Executive Order 13166, August 11, 2000, Improving Access to Services for Persons With Limited English Proficiency (ML052280433)