

NOV 23 1992

Maulfair Medical Center
ATTN: Conrad G. Maulfair, Jr., D.O.
Box 71, R.D. #2
Metztown, Pennsylvania 19539

Dear Dr. Maulfair:

I am considering your October 22, 1992, letter to Congressman Don Ritter, and your September 17, 1992, letter to PAYCO-General, NRC's Debt Collection Contractor, as a request for exemption from the FY 1991 annual fee for License No. 37-20641-01, Invoice No. AM03137-91.

The bases for your request are: 1) you no longer do nuclear medicine studies; and 2) when you learned of the NRC fee increase (a combination of a break down in communication and your absence), your decision not to renew your license was received by the NRC approximately two months after the deadline.

The final rule revising 10 CFR Part 170 and 10 CFR Part 171 provided an opportunity for licensees who wished to relinquish their licenses and who were capable of permanently ceasing licensed operations by September 30, 1991, to avoid the FY 1991 annual fee if the licensee notified the Commission in writing within the 30-day period prior to the effective date of the rule (56 FR 31475 and 31485; July 10, 1991). As stated in the **Federal Register** notice, and the notice which was mailed with the invoice, the effective date of the rule was August 9, 1991.

Based on the information provided in your letters of October 22, 1992, and September 17, 1992, the Commission: 1) grants a 45-day extension to the time to file for termination to September 23, 1991; 2) acknowledges that licensed activity ceased prior to September 30, 1991; 3) considers your actions timely for purposes of avoiding the FY 1991 annual fee; and 4) acknowledges that your license was terminated on December 6, 1991.

Invoice No. AM03137-91 will be canceled.

Sincerely,

/s/

James M. Taylor
Executive Director
for Operations

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DISTRIBUTION:

10 CFR 171 Exemption File FY 1992 (w/orig. inc.)
License File 37-20642-01 (w/copy inc.)
Materials Annual Fee Correspondence File (w/copy inc.)
Invoice File AM03137-91 (w/copy inc.)
NUDOCS (ML61) (w/copy inc.)
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OFFICE: LFDCB:mac
NAME: GJACKSON
DATE: 1/12/92

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NAME: JHOLLOWAY
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JFUNCHES
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OGC MR L. T. R.
TROTHCHILD
11/18/92

OFFICE: OC
NAME: RSCROEGINS
DATE: 11/16/92

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MAULFAIR MEDICAL CENTER
Complementary Eclectic Medicine
Conrad G. Maulfair, Jr., D.O., Medical Director
Allergy - Anxieties - Chelation Therapy - Clinical Nutrition
Certified AOCR, AOCGP
BOX 71, R.D. #2
MERTZTOWN, PENNSYLVANIA 18639

October 22, 1992
0072

Representative Don Ritter
1444 Hamilton St.
Allentown, PA 18102

Dear Representative Ritter:

I am a physician practicing general family practice in a rural community in Eastern Pennsylvania. I am certified in General Practice and Radiology.

In 1984, the medical center leased a Norland Single Photon Densitometer. This equipment, utilizing a radio active iodine source, measures calcium in a bone in the extremity. This examination allows us to identify patients at risk of developing osteoporosis.

Third party payers (medical insurances) early on decided not to pay for or reimburse patients for these studies. The patient was, therefore, personally responsible for this cost. Consequently, we kept the charge for this examination as low as possible in order to make it available to as many as we could. Our charge for this examination was \$50, and we maintained that charged into 1991 (7 years).

The NRC (Nuclear Regulatory Commission) required us to pay a license fee of \$440. The radio nuclear iodine source had to be replaced yearly. The initial cost was \$640 per year, and in 1986, it more than doubled to \$1,480. The NRC license fee went from \$440 to \$3,500 in 1992. With the exception of 1986, every year that we operated this equipment for the benefit of our rural patients we lost money. Our total loss was \$14,000. When I finally learned of the NRC license increase (a combination of a break down in communication and my absence) and my agonizing over discontinuing this service, my decision to not renew our license was received by the NRC approximately two months after their stated deadline for the decision to renew or not.

I wrote to the NRC explaining the situation. My letter was forwarded to a collection agency to which the NRC had sent my account.

Representative Ritter
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October 23, 1992

I have talked to an individual from the collection agency and again explained the situation suggesting as I did with NRC that reason and common sense should prevail and that I did not feel it was just that the Maulfair Medical Center should be held responsible for a license fee for the use of radio active material that had not been used for more than a year prior to our request not to renew our license.

The collection agency person was abusive, uncompromising and obviously had no intention of listening to reason.

I have written to you to ask for your assistance in leading the NRC to realize this travesty of justice that they are insisting perpetuating on a rural medical center in Pennsylvania who's medical director did nothing more wrong than to request not to renew his nuclear medicine license two months late.

I understand the pressures and time consuming nature of your office particularly on an election year. I also understand and appreciate your desire and willingness to respond to genuine needs of your constituents.

Thank you for your assistance.

Sincerely,

C. G. Maulfair, Jr., D.O.

Conrad G. Maulfair, Jr., D.O.

CGM/do

P.S. I note that you are a co-sponsor of H.R. 5746 introduced by Representative Richardson from New Mexico. Thank you for taking the time to become aware of the importance of this "Health Choices Freedom Act 1992." The government and its agencies are of the people by the people and for the people not against the people. Thank you again.

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September 17, 1992

Payco-General American Credits
P. O. Box 7169
Dublin, OH 43017

To Whom It May Concern:

This is concerning the request for payment to the Nuclear Regulatory Commission concerning License No. 37-20642-01. We no longer do nuclear medicine studies. We have not done so for over three years. When we did do nuclear medicine studies, we only did single photon bone mineral evaluations. We only charged the patients \$35 for the procedure. While the information gained was valuable, the cost of doing the study including the equipment lease was more than we produced in income.

I would like the Nuclear Regulatory Commission and Payco-General American Credits to clear their records and bring them up to date. We terminated our license in 1991.

Thank you.

Sincerely,

C. G. Maulfair, Jr., D.O.

Conrad G. Maulfair, Jr., D.O.

CGM/do
Enc.

cc: Nuclear Regulatory Commission

9-22-92
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