

ENCLOSURE 1
NOTICE OF VIOLATION
AND
PROPOSED IMPOSITION OF CIVIL PENALTY

West Virginia University Hospitals, Inc.
Morgantown, West Virginia

Docket No. 030-20233
License No. 47-23066-02
EAF-RI-2026-0026

During an NRC inspection conducted between January 20, 2026, and March 23, 2026, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the NRC proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The violation and associated civil penalty are set forth below.

I. Violation Assessed a Civil Penalty

- A. 10 CFR 20.2001(a) requires, in part, that a licensee shall dispose of licensed material only by transfer to an authorized recipient, decay in storage, or by release in effluents within the limits in 10 CFR Part 20.

Contrary to the above, on January 15, 2026, West Virginia University Hospitals, Inc. (WVUH) failed to dispose of licensed material only by transfer to an authorized recipient, decay in storage, or by release in effluents within the limits in 10 CFR Part 20. Specifically, the licensee inadvertently disposed of a 241.83 mCi dosage of lutetium-177 via ordinary non-hazardous trash processing and therefore failed to utilize an appropriate means of disposal via 10 CFR Part 20 Subpart K.

This is a Severity Level III violation (Enforcement Policy Section 2.3.4, 3.6.h, and 6.7.c.11). Civil Penalty - \$9,000.

II. Violation Not Assessed a Civil Penalty

- B. 10 CFR 20.2201(a)(1)(i) requires that each licensee shall report by telephone immediately after its occurrence becomes known to the licensee, any lost, stolen, or missing licensed material in an aggregate quantity equal to or greater than 1,000 times the quantity specified in Appendix C to Part 20 under such circumstances that an exposure could result to persons in unrestricted areas.

Contrary to the above, on January 16, 2026, WVUH failed to report by telephone immediately after its occurrence becomes known to the licensee, any lost, stolen, or missing licensed material in an aggregate quantity equal to or greater than 1,000 times the quantity specified in Appendix C to Part 20 under such circumstances that an exposure could result to persons in unrestricted areas. Specifically, the licensee provided its report by telephone approximately seven hours following discovery of the loss of 241.83 mCi of Lu-177 (an aggregate quantity greater than 1,000 times the quantity in Appendix C), a timeliness beyond what is expected by "immediate" reporting, consistent with RIS-2005-21.

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This is a Severity Level IV violation (Enforcement Policy Section 6.9.d.2).

The NRC has concluded that information regarding the reason for the violations, the corrective actions taken and planned to correct the violations and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in Inspection Report No. 030-20233/2026-001 and in the written response you submitted on May 27, 2026. However, if the description therein does not accurately reflect your position or your corrective actions, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 within 30 days of the date of the letter transmitting this Notice of Violation. In that case, or if you choose to respond, clearly mark your response as a Reply to a Notice of Violation, and send it to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S., Nuclear Regulatory Commission, Region I, 475 Allendale Road, Suite 102, King of Prussia, PA 19406, and the Document Control Desk, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

WVUH may pay the civil penalty proposed above in accordance with NUREG/BR-0254, Revision 14.

WVUH may protest the imposition of the civil penalty in whole or in part, by a written answer addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation. Should WVUH fail to answer within 30 days of the date of this Notice of Violation, the NRC will issue an order imposing the civil penalty. Should WVUH elect to file an answer in accordance with 10 CFR 2.205 protesting the civil penalty, in whole or in part, such answer should be clearly marked as an "Answer to a Notice of Violation" and may: (1) deny the violation listed in this Notice of Violation, in whole or in part; (2) demonstrate extenuating circumstances; (3) show error in this Notice of Violation; or (4) show other reasons why the penalty should not be imposed. In addition to protesting the civil penalty in whole or in part, such answer may request remission or mitigation of the penalty.

In requesting mitigation of the proposed penalty, the response should address the factors addressed in Section 2.3.4 of the Enforcement Policy. Any written answer addressing these factors pursuant to 10 CFR 2.205 should be set forth separately from the statement or explanation provided pursuant to 10 CFR 2.201 but may incorporate parts of the 10 CFR 2.201 reply by specific reference (e.g., citing page and paragraph numbers) to avoid repetition. The attention of WVUH is directed to the other provisions of 10 CFR 2.205 regarding the procedure for imposing a civil penalty.

Upon failure to pay any civil penalty which subsequently has been determined in accordance with the applicable provisions of 10 CFR 2.205 to be due, this matter may be referred to the Attorney General, and the penalty, unless compromised, remitted, or mitigated, may be collected by civil action pursuant to Section 234c of the Act, 42 U.S.C. 2282(c).

The responses noted above, i.e., Reply to Notice of Violation, Statement as to Payment of a Civil Penalty, and Answer to a Notice of Violation, should be addressed to: Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region I, 475 Allendale Road, Suite 102, King of Prussia, PA 19406,

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and the Document Control Center, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System, accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request that such material be withheld from public disclosure, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days of receipt.

Dated this 12th day of June 2026

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