

August 20, 2025

Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Re: Petition Pursuant to 10 CFR 2.206 Requesting Enforcement Action Against Walmart Inc. and PT. Bahari Makmur Sejati for Violations Related to the Unlicensed Distribution of Byproduct Material (Cesium-137) in Shrimp Products

Dear Executive Director for Operations:

I, Thomas Saporito, a concerned citizen, hereby submit this petition pursuant to 10 CFR 2.206 of the Nuclear Regulatory Commission's (NRC) regulations. This petition requests that the NRC institute a proceeding to take immediate enforcement action against Walmart Inc. (hereinafter "Walmart") and its supplier, PT. Bahari Makmur Sejati (hereinafter "the Supplier"), an Indonesian firm, for violations of NRC regulations governing the possession, transfer, and distribution of byproduct material, specifically radioactive cesium-137 (Cs-137), without the required licenses.

I. Requested Action

The petitioner requests that the NRC:

1. Immediately investigate Walmart and the Supplier for unlicensed activities involving byproduct material under 10 CFR Part 30.
2. Issue orders requiring Walmart and the Supplier to cease all distribution, sale, and possession of contaminated shrimp products containing detectable levels of Cs-137.
3. Impose civil penalties on Walmart and the Supplier for violations of 10 CFR 30.3, which prohibits the transfer, receipt, acquisition, ownership, possession, or use of byproduct material except as authorized by a specific or general license.
4. Require Walmart and the Supplier to conduct comprehensive testing of all imported shrimp products for radioactive contaminants and report findings to the NRC.
5. Coordinate with the Food and Drug Administration (FDA) and U.S. Customs and Border Protection (CBP) to ensure the seizure and proper disposal of any contaminated products as radioactive waste, in accordance with NRC guidelines.

These actions are necessary to protect public health and safety from the risks associated with exposure to radioactive material and to enforce NRC's regulatory authority over byproduct materials.

II. Basis for the Petition

This petition is based on the recent discovery of radioactive Cs-137 in frozen shrimp products imported from Indonesia and sold by Walmart under its Great Value brand. Cs-137 is a byproduct material as defined in 10 CFR 30.4, produced as a fission product in nuclear reactors or weapons, and its possession and distribution are strictly regulated by the NRC to prevent unauthorized exposure.

On August 19, 2025, the FDA issued an advisory alerting the public not to eat, sell, or serve certain imported frozen shrimp from the Supplier due to the detection of Cs-137. Laboratory analysis confirmed Cs-137 levels of approximately 68.48 Bq/kg in samples of breaded shrimp, with similar detections in raw frozen shrimp shipments detained at U.S. ports including Los Angeles, Houston, and Savannah. Although these levels are below the FDA's derived intervention level of 1200 Bq/kg for acute hazards, they represent unlicensed radioactive material in consumer products, falling under NRC jurisdiction.

The affected products include Great Value Frozen Raw EZ Peel Tail-On Farm-Raised White Vannamei Shrimp in 2lb bags, with specific lot codes (8005540-1, 8005538-1, 8005539-1) and a best-by date of March 15, 2027, sold in Walmart stores across at least 13 states: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, Mississippi, Ohio, Oklahoma, Pennsylvania, Texas, and West Virginia. Walmart has received and distributed implicated shrimp imported after the initial detection of Cs-137 by CBP, potentially exposing consumers to low-level radiation.

Neither Walmart nor the Supplier holds an NRC license for the handling of byproduct material, as required under 10 CFR 30.3. The distribution of these contaminated products constitutes an unauthorized transfer of radioactive material, violating NRC regulations designed to control such substances even in trace amounts unless explicitly exempted. While the FDA oversees food safety monitoring for radioactive contamination in imported foods, the NRC retains authority over the regulation of byproduct materials themselves, including in consumer products. Historical NRC records document numerous cases of radioactive materials in consumer products, demonstrating the Commission's enforcement role in such matters.

Failure to act could result in continued public exposure to Cs-137, which bioaccumulates in the body and increases cancer risk over time. The NRC must enforce its regulations to prevent further violations and ensure accountability.

III. Supporting Facts and Evidence

Detection and Levels: Cs-137 was detected in shrimp shipments from the Supplier at levels of 68 Bq/kg, confirmed by FDA laboratory testing.

Distribution: Walmart has sold the contaminated products in multiple states, as detailed in the FDA advisory.

Regulatory Violations: Under 10 CFR 30.3 and 30.4, Cs-137 is byproduct material requiring licensing for possession and transfer; no exemptions apply to these concentrations in food products without NRC approval.

Precedent: The NRC has previously addressed radioactive contamination in consumer goods, such as metals in furniture, underscoring its jurisdiction.

IV. NRC Congressional Mandate

The NRC is mandated by the U.S. Congress to protect the health and safety of the general public regarding the distribution, handling, use, and transport of radioactive materials like Cs-137.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Thomas Saporito".

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