

**BUREAU OF INDUSTRY AND SECURITY
FREQUENTLY ASKED QUESTIONS
SHIPMENTS OF EMPTY NUCLEAR CONTAINERS TO RUSSIA
CURRENT AS OF AUGUST 23, 2024**

Q1: I import nuclear materials subject to the jurisdiction of the U.S. Nuclear Regulatory Commission (NRC) from Russia, including source material, special nuclear material, and byproduct material. Such nuclear materials are transported from Russia in containers; after unloading the material, I send the “empty” containers back to Russia. Do I require a license from the U.S. Department of Commerce, Bureau of Industry and Security (BIS) to ship these “empty” containers back to Russia?

A1:

- BIS controls the export of items classified under Harmonized Tariff Schedule (HTS) 8609.00 to Russia, which covers certain multimodal containers and may include certain containers used to transport nuclear material.
- If the exporter determines that “empty” containers contain any residual nuclear material, then the item is subject to the jurisdiction of NRC and is not subject to the EAR. See [Section 734.3\(b\)\(1\)\(iii\) of the EAR](#). NRC licensing policy for Russia is that all exports of radioactive material will require a specific license application in accordance with 10 CFR 110.31 and subsequent NRC approval. No additional license from BIS is required for items subject to the jurisdiction of, and authorized by, the NRC.
- However, if a container classified under HTS 8609.00 contains no nuclear material and is therefore not subject to NRC jurisdiction, a BIS license is required to export the container to Russia pursuant to [Section 746.8\(a\)\(5\) of the EAR](#), and such license applications will be reviewed pursuant to the licensing policy set forth in [Section 746.8\(b\)\(3\) of the EAR](#).