



U.S. Department of Justice

**Bureau of Alcohol, Tobacco,
Firearms and Explosives**

Washington, DC 20226

www.atf.gov

APR 13 2007

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[REDACTED]

Dear [REDACTED]

This letter is in response to your December 28, 2006, inquiry to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). You requested information regarding the activities that may be conducted under a hobby rocket club explosives permit. We sincerely apologize for the delay in our response.

Specifically, you have asked whether a local club may incorporate, obtain a Federal permit from ATF as an incorporated entity, and lawfully operate at rocket launches using the club's permit. As we understand it, the club would be receiving all the explosives under its ATF permit; properly recording the receipt of the explosives; properly storing all explosives materials; and properly maintaining records of that storage. All of these activities would be done in conformity with the Federal explosives laws and implementing regulations set forth in 27 CFR, Part 555.

ATF has determined that clubs may be established to properly conduct the activities you describe. Since each club's circumstances are unique, ATF cannot provide definitive guidance on a particular situation without additional facts. However, we believe the following considerations will assist clubs in complying with the Federal explosives laws and regulations.

Any club that incorporates should do so according to all applicable State and local laws.

2. A club that forms a corporation should ensure that its Articles of Incorporation designate persons responsible for the club's operations, and that these persons are identified on the ATF explosives permit application as responsible persons.

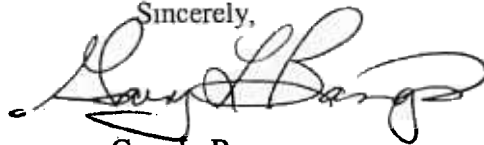
Mr. [REDACTED]

3. The club's Articles of Incorporation, its bylaws, or both, should specify what activities members may conduct on behalf of the club and how the club will ensure that club members comply with all appropriate laws and regulations. Each individual club can provide various levels of authorization to its members. Attached is a listing of items to consider when developing a club.

Additionally, you provided a document that you developed listing nine questions to assist the club in determining whether a club member may be prohibited from possessing explosives. This list of questions may be found on the current ATF Form 5400.13 Application for a License or Permit and on the ATF Form 5400.28 Employee Possessor Questionnaire. While this is not a requirement under the law, this would be an allowable procedure. Neither the club, nor the responsible persons are under any affirmative obligation to determine a member's status. Bear in mind that having such a document on hand would not totally provide protection for the club or the responsible persons. For example, if a club member filled out the form and answered "yes" that they are a prohibited person, the club would then have knowledge of the individual's prohibited status and must ensure that the individual does not have access to explosives. If a club actually knew a member was prohibited prior to completing the form and tried to use negative answers provided by the member as justification for letting that member have access, there would still be a violation of the law. One additional consideration is that most aliens are prohibited from possessing explosives. Therefore, if the club has members that are not citizens of the United States, those members may not possess explosives unless they have received relief from disability from ATF.

We hope these considerations are useful. However, should you or other rocketry hobbyists have additional questions, please feel free to submit them to the Explosives Industry Programs Branch at EIPB@atf.gov and we will provide a response.

Sincerely,



Gary L. Bangs
Chief, Explosives Industry
Programs Branch

c: All Special Agents in Charge
All Directors of Industry Operations

Attachment

Attachment

Rocket Club Development Guidance (04/2007)

- (1) Specific wording allowing members to possess and launch rockets containing explosives materials at club launches only under the direction of persons responsible for club activities;**
- (2) Specific requirements that explosive materials, including regulated rocket motors, igniters, black powder, or other explosive mixtures may not leave the designated launch site unless by a club responsible person;**
- (3) Requirements that club members may not be prohibited by law from possessing explosives under any of the provisions of any Federal, State or local explosives laws. Similarly, requiring that the club may not knowingly permit any prohibited person access to possess explosives;**
- (4) Club members may be authorized to purchase rocket motors or other explosive materials but only on behalf of the club. The authorization must specify that any explosives obtained under the club permit by any member become the property of the club;**
- (5) Any explosive materials remaining after the launch must be properly stored by the club;**
- (6) The club is responsible for ensuring compliance with all of the storage, recordkeeping, and conduct of business regulations. This includes the obligation to ensure records of receipt are properly maintained, including all the required information in the regulation. If commercial documents are utilized the invoice must contain all the required information including the ATF license or permit numbers of the distributor and distributee. For the storage magazine, a daily summary of magazine transactions must be maintained as product flows into and out of the storage magazine;**
- (8) Although Federal regulations do not require usage records by user permittees, it is recommended some sort of internal documents are in place controlling use of the products at the launch;**
- (9) The club must comply with all other Federal, State, and local explosives regulations as applicable.**