

Hobby Rocket Motors Questions and Answers Update:
Response to the United States Court of Appeals February 10, 2006, decision regarding
Tripoli Rocketry Association v. ATF

02/17/2006

On February 10, 2006, the United States Court of Appeals for the District of Columbia Circuit delivered a decision regarding ATF's classification of Ammonium Perchlorate Composite Propellant (APCP) as an explosive material. The following frequently-asked questions and answers are set forth to provide guidance in response to this opinion:

What did the Court Opinion from February 10, 2006, in the *Tripoli Rocketry Association v. ATF* litigation decide?

The United States Court of Appeals for the District of Columbia Circuit considered the Plaintiff's challenge to ATF's classification of APCP as an explosive material. This was the only issue on appeal and none of the other issues regarding regulation of rocket motors greater than 62.5 grams were under consideration by this Court as they remain pending before the District Court.

In reviewing the APCP classification, the Court specifically looked to ATF's administrative record for scientific and factual support for the agency's position that APCP is an explosive. The Court determined that the administrative record did not offer a coherent explanation for ATF's determination that APCP is an explosive material. It is noteworthy that the opinion also states – "We do not mean to suggest that the record mandates a conclusion contrary to the agency's." As such, ATF will be accepting the Court's offer to generate a more thorough, coherent administrative record that demonstrates the agency's efforts to test and analyze APCP as an explosive material.

Does this mean that APCP is no longer regulated by ATF?

No. The Circuit Court specifically stated that it would "not vacate the designation without first affording the agency an opportunity to reconsider this matter." ATF will continue to regulate APCP as an explosive material.

How does this decision affect ATF's position on rocket motors and reload kits?

ATF will continue to support its position outlined in its August 9, 2004, document previously posted to our website entitled *Questions and Answers-- Hobby Rocket Motors*. Please refer to this document for all further licensing, permitting, storage, and recordkeeping questions.

<http://www.atf.gov/explarson/0504rocketryqa.pdf>