



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Assistant Director

Washington, DC 20226

JUL 17 2009

OPEN LETTER TO ALL FEDERAL EXPLOSIVES LICENSEES AND PERMITTEES

The purpose of this letter is to provide Federal explosives licensees and permittees with information about the recent district court decision regarding ammonium perchlorate composite propellant (APCP). On March 16, 2009, the United States District Court for the District of Columbia vacated the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) classification of APCP as an explosive as defined under 18 U.S.C. § 841(d). *Tripoli Rocketry Ass'n, Inc. v. ATF*, No. 00-0273 (March 16, 2009 Order).

As a result of the court's decision, both APCP and rocket motors that contain only APCP are no longer regulated under the Federal explosives laws at 18 U.S.C., Chapter 40, and no one is required to obtain a Federal explosives license or permit to manufacture, import, purchase, distribute, transport, or receive APCP. APCP and products that contain only APCP are not subject to the recordkeeping, storage, and other regulatory requirements under 27 CFR, Part 555. However, ATF will continue to conduct compliance inspections—including Congressionally-mandated Safe Explosive Act inspections—as well as application inspections when rocketry industry members seek to obtain or maintain a Federal explosives license or permit.

Other rocketry-related items including, but not limited to, ammonium perchlorate explosive mixtures, igniters, squibs, safety fuses, regulated black powder rocket engines, black powder rocket motor components, and black powder not intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or devices continue to be regulated under 18 U.S.C. Chapter 40 and 27 CFR Part 555. Therefore, a Federal explosives license or permit is required to manufacture, import, distribute, transport, or receive these materials. Recordkeeping and storage requirements also apply.

Despite the fact that APCP is not currently subject to the storage requirements under 27 CFR 555, Subpart K, ATF encourages licensees and permittees to continue to store APCP in explosives magazines for security purposes. Licensees and permittees may store APCP in magazines with igniters or other regulated explosives products. ATF will not consider the weight of APCP materials stored in magazines for table of distances purposes.

ATF is committed to helping licensees and permittees comply with Federal explosives laws. You may address questions regarding APCP in writing to the Chief, Explosives Industry Programs Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, 99 New York Avenue, NE., Mailstop 6E-403, Washington, DC 20226, or send an e-mail to EIPB@atf.gov.



Sgt Carson W. Carroll
Assistant Director
(Enforcement Programs and Services)