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## Update on ATF regulatory scene

January 21, 1999 (*ROL Newswire*) -- Recent updates in the regulatory issue seem to indicate there will be some relief for a class of rocket motors marketed by AeroTech as "Easy Access™". These reloadable motors, consisting of propellant components of 62.5 grams have caused some controversy among flyers over their legality under new legislation effectuated on December 22, 1998.

As it turns out, as evidenced by both a letter to AeroTech from the ATF and an ATF Field Memorandum, the original exclusion of these previously protected classes of explosives were left off the regulatory changes completely by accident. What follows is the full text of the ATF Memorandum:

DEPARTMENT OF THE TREASURY  
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS  
WASHINGTON, DC 20226

JAN 5, 1999

MEMORANDUM TO: All Division Directors  
THRU: Assistant Director (Field Operations)  
FROM: Assistant Director  
(Firearms, Explosives and Arson)  
SUBJECT: Exemptions under 27 CFR 55.141

On August 24, 1998, the Bureau of Alcohol, Tobacco, and Firearms (ATF) published a final rule. Treasury decision, T.D. ATF-400: Notice No. 841, in the Federal Register amending 27 CFR Part 55. The final rule, which becomes effective December 22, 1998, amended 27 CFR 55.141 (a) (7), which lists low explosives exempted from regulation. The final rule was not supposed to change which low explosives were exempted. However, ATF failed to list in the final rule all the low explosives that were meant to be exempted from regulation. Consequently, as of December 22, 1998, items such as toy plastic and paper caps, explosive auto alarms, and toy model rockets will be subject to regulation under Part 55. We are currently taking steps to correct the oversight by amending 27 CFR 55.141 (a) (7) to include all low explosives that were meant to be exempted from regulation under 27 CFR Part 55.

In the interim, no enforcement action is to be taken regarding the importation, distribution, and storage of the following explosives;

1. Fireworks classified as UN0336, UN0337, UN0431, or UN0432 explosives by the U.S. Department of Transportation at 49 CFR 172.101 and generally known as "consumer fireworks" or "articles pyrotechnic. "
2. Model rocket motors classified by the U.S. Department of Transportation at 49 CFR 172.101 as UN0349, UN0351, UN0471, NA0276, or NA0323; consisting of ammonium perchlorate composite propellant, black powder, or other similar low explosives; containing no more than 62.5 grams propellant weight; and designed as single use motors or as reload kits.
3. Other low explosives classified by the U.S. Department of Transportation at 49 CFR 172.101 as NA0337, UN0336, and UN0337.

Please ensure that this information is disseminated to

all field personnel.

If there are any questions about which explosives are to be treated as exempted under 27 CFR 55.141 (a) (7), please contact the Public Safety Branch at 202-927-8690.

Jimmy Wooten

In a letter dated January 11, 1999 to Gary Rosenfield, President of AeroTech, Michael Bouchard, Chief of the Arson and Explosives Programs Division for the ATF stated:

"As noted in your letter, the final rule included a revision of 27 CFR 55.141(a)(7). The revision of 22 CFR 55.141(a)(7) did not include UN numbers for model rocket motors that were previously exempted from regulation under 27 CFR Part 55. Since it was not the intent of the final rule to regulate these items, please be advised we are in the process of amending the regulations to reflect this exemption."

A full copy of the letter (57k) is available [here](#) in Adobe PDF format. As stated in the ATF Field Memo above, the ATF has instructed their field force that "no enforcement action is to be taken regarding the importation, distribution, and storage" of products that fall under the UN classification UN0351, which is what the Easy Access™ products are classified as under DOT Exemption 10996. This memo is effective during the "interim" period as ATF seeks to amend the final regulations.

Early next month, hobby leaders of the various rocketry organizations meet with ATF officials in Washington to discuss the regulatory environment as it pertains to rocketry. It is anticipated the ATF will have a response to this issue at that time.

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