

Tripoli Rocketry Association, Inc., et al. v. ATF
Civil Action No. 00-272

ATTACHMENT #5

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August 1, 2006

VIA COURIER

Mr. Lew Raden, Assistant Director
Office of Enforcement Programs and Services
Bureau of Alcohol, Tobacco, Firearms & Explosives
United States Department of Justice
650 Massachusetts Avenue, N.W., Room 8110
Washington, D.C. 20226

Re: *Tripoli Rocketry Association and National Association of Rocketry v. United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, D.C.D.C., Civil Action No. 00-273 (RBW)*

Dear Mr. Raden,

I am writing on behalf of the two hobby rocket associations, Tripoli Rocketry Association and National Association of Rocketry, plaintiffs in *Tripoli Rocketry Association and National Association of Rocketry v. United States Bureau of Alcohol, Tobacco, Firearms, and Explosives, D.C.D.C., Civil Action No. 00-273 (RBW)*.

In "Defendant's Status Report" to the Court on July 19, 2006, the Bureau indicated that it had arranged for the testing and measurement of the burn rates of APCP and other materials with a view to reconsidering the classification of APCP as an explosive, and that within approximately the next sixty days it would complete its reconsideration and execute a document reflecting its decision.

I am enclosing two documents for the Bureau's consideration in this regard. The first is a report of burn rate tests of common materials like office paper, newsprint, paper towels, and wax paper by a Dr. Terry McCreary, Associate Professor of Chemistry at Murray State University, Murray, Ky. This report, prepared on plaintiffs behalf, shows that average burn rates for APCP in hobby rocket motors are comparable to or, in most cases, less than the average burn rates for these common materials. Professor


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McCreary's CV is attached to his report. Plaintiffs do not believe APCP can possibly be classified as an explosive given this comparative data.

The second document is an excerpt from the fourth edition of "Rocket Propulsion Elements by Sutton and Ross. The excerpt is Table 11-1 which shows burn rates for various types rocket propellants.

As you may recall, this case was initiated by a letter from plaintiffs asking the Bureau to remove APCP (as used in hobby rocket motors) from its list of explosives. Whether this letter constituted a petition for rule making or initiated an informal adjudication, plaintiffs believe they are entitled to participate in the Bureau's reconsideration by submitting relevant data for the Bureau's consideration.

Sincerely,



Martin G. Malsch

cc: Jane M Lyons, Esq.
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