

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____ )		
TRIPOLI ROCKETRY ASSOCIATION, INC., )	)	
and NATIONAL ASSOCIATION OF )	)	
ROCKETRY, )	)	
	)	
	)	
Plaintiffs, )	)	
	)	
v. )	)	
	)	
U.S. BUREAU OF ALCOHOL, TOBACCO, )	)	Civil Action No. 00-273 (RBW)
FIREARMS, AND EXPLOSIVES, )	)	
	)	
Defendant. )	)	
	)	
_____ )	)	

**PROPOSED ORDER**

Upon consideration of (1) plaintiffs’ motion for summary judgment on count one of their third amended complaint, (2) defendant’s opposition to this motion, (3) defendant’s cross motion for summary judgment on the same count one and motion for summary judgment on counts four and five, (4) plaintiffs’ opposition thereto, (5) plaintiff’s and defendant’s replies, and (6) the entire record of this case, the Court finds that plaintiffs have established that defendant’s classification of ammonium perchlorate composite propellant (“APCP”), of the type used in high-powered hobby rocket motors, as an explosive under 18 U.S.C. § 841(d) is arbitrary, capricious, and contrary to law. Defendant has now failed twice in its effort to justify licensing and regulation of high-powered hobby rocket APCP as an explosive. Therefore, it is

ORDERED that Plaintiffs’ motion for summary judgment on count one of their third amended complaint is GRANTED; and it is further

ORDERED that Defendant's cross motion for summary judgment on count one of Plaintiffs' third amended complaint is DENIED; and it is further

ORDERED that defendant's decision that APCP, of the type used in high-powered hobby rockets, functions by explosion, and is therefore an explosive within the meaning of 18 U.S.C. § 841(d), is VACATED, and it is further

ORDERED that defendant's inclusion of APCP, of the type used in high-powered hobby rockers motors, on the explosives list required by 18 U.S.C. § 841(d) is also VACATED; and it is further

ORDERED that judgment be entered accordingly for plaintiffs and against defendants on count one of plaintiffs' third amended complaint; and it is further

ORDERED that plaintiff's counts four and five of this amended complaint are dismissed as moot because of the ruling on count one, and that judgment be entered accordingly.

\_\_\_\_\_  
Date

\_\_\_\_\_  
United States District Judge