

Attachment

- 1) Can a rocket club obtain a LEUP (Low Explosives Users Permit) to permit club members to fly non-exempt motors at club launches?

Yes, but only when in compliance with certain conditions as outlined below:

- A) The club is formed as a “legal person” in its state of residence. To obtain a LEUP, the law requires that the permit holder be a person as defined under 18 U.S.C. 841(a). A corporation, (not for profit or for profit), association, partnership, firm, society and joint stock company are acceptable entities.
 - i. To incorporate, a club must file with the state’s Secretary of State and pay a fee. Generally, a yearly renewal fee is required to keep the corporation in force. You may wish to consult a lawyer in your state for details.
 - ii. An unincorporated Association is a group of people who join for a common defined purpose. Often, filing with the state is optional, not mandatory. Associations do not usually have to pay a yearly fee to the state. You must check the laws of your state.
- B) The club articles of incorporation, by laws or club charter must specifically define who has possession and control of the rocket motors and what members can do to purchase and use the motors. Members who are not licensed may not receive and possess the motors even if they order and pay for them. Only the club or its responsible persons can have physical possession of the motors.
 - i. An example of a club charter:
 1. The ____ Rocket Club, (Club), is an Association of similarly interested people joining for the purpose of building and flying model sport rockets. The club intends to obtain a Federal Low Explosives Users Permit (LEUP) to facilitate the members’ use of high power rocket motors. Members of the Club are authorized persons for the Club and may order motors from vendors for delivery to the Club magazine. Motors ordered by non-licensed members shall only be delivered to the club magazine, or to a responsible person listed on the Club’s LEUP. Motors may be flown (used), by non-licensed Club members at organized Club launches only under the supervision and control of the responsible persons of the club, provided that no member wishing to use a motor is a prohibited person. The Club, through its responsible persons, shall keep a current inventory of all motors and regulated materials purchased and used, and shall return all unused materials to the magazine before leaving the launch site.
 - a. Prohibited persons are defined in **18 U.S.C. § 842(i)**
 - b. If over time, the clubs responsible persons change, the permit must be updated accordingly. **27 CFR § 555.57**
- C) The club must have suitable storage for the motors in an approved magazine. The magazine (generally a type 4), if compliant, will be approved as part of the

permitting process, see **27CFR § 555.203**, or generally **Subpart K of section 555**.

- D) The Club's permit application must name responsible persons for the Club who will manage the magazine transactions and supervise the handling of the motors and non exempt materials. Records are required per **27 CFR § 555.125**. Responsible persons can be club officers or any other suitable club members. Responsible persons are required to submit to a background check that is no different than individuals applying for a LEUP. (See LEUP application form at, **<http://www.atf.gov/forms/pdfs/f540013.pdf>**).
 - i. Note: ATF does not impose civil penalties for violations of the explosives law. Criminal penalties can be imposed for intentional and knowing violations of Federal explosives law. The law also provides an opportunity for compliance if a violation is found, under **27 CFR § 555.71**.
 - E) The Club will only distribute motors at Club launches so that the Club's responsible persons supervise use. All motors removed from the club magazine must be accounted for, either as used or as returned to the magazine. No motors will leave the launch site unless in the club magazine or if transferred to a LEUP holder. Prohibited distributions are defined in **27 CFR § 555.106**.
 - F) Members will be authorized by the club to purchase (order and pay for) motors from motor vendors. The vendors must have proof of, or knowledge that the club member is authorized to purchase. A certified letter from the club (licensee/permittee) should be sent to the vendor listing the authorized persons, along with address, date and place of birth. This helps the club keep control of who is ordering for delivery to its magazine.
- 2) Is it permissible to store igniters or electric matches in the same magazine as APCP rocket motors, reload kits, and small amounts of black powder?
- A) Yes, there is no current regulation prohibiting the storage of igniters, propellants, or other low explosives in the same magazine. It is strongly recommended that leads of all igniters (electric matches) are shunted and that igniters and matches are packaged to protect from friction or damage.