

April 13, 2003

James P. Ficaretta, Program Manager
Room 5150
U.S. Bureau of Alcohol, Tobacco, Firearms & Explosives
P.O. Box 50221
Washington, D.C. 20091-0221

Attention: Notice No. 968

Regarding: Response to Notice of Proposed Rulemaking No. 968, Commerce in Explosives (2000R-9P),
68 Fed. Reg. 4406 (Jan. 29, 2003)

To Whom It May Concern:

I am what in the hobby of model rocketry is called a born again rocketeer (BAR). This means that I recently rediscovered rocketry. My first experience with model rockets was at the age of 9, like many young children I started with small ESTES type models. Although I only flew rockets for a few years at that time, it taught me to love science. Later in life I attended Embry-Riddle Aeronautical University to study Aeronautical Engineering, in no small part due to my exposure to model rocketry. I began flying again during the 2002 flying season and during that season achieved my level 2 certification from both the Tripoli Rocketry Association (TRA) and the National Association of Rocketry (NAR). This level allows me to fly rockets with motors up to "L" impulse (5,120 Newton-seconds).

In the northeast our flying season runs roughly from May to November, during this season I fly on average 3 times a month. I fly mostly rockets that weigh in the range of three to eight pounds, however this year I plan on flying some larger models that will be between 15 to 20 pounds. I prefer the larger heavier rockets; some in this hobby call it big, low and slow; simply because the rocket is clearly visible through the entire flight envelope. I mostly use reloadable APCP based motors in the I and J impulse range. At the time those were the largest I could purchase without having a LEUP.

Getting a LEUP has been an exercise in futility. I live in a condo, which means I can not build a magazine. Even if I owned a home, most property in this part of CT is not large enough to build a magazine that is 75 feet away from all inhabited structures. Recently my application for a LEUP was returned to me along with an explanation that storage waivers are no longer being granted and that I should apply for the new limited LEUP. The limited LEUP however is useless to me, as my clubs flying fields are in NY. The limited LEUP is only good for intrastate use. Also the limited LEUP only allows 6 purchases per year, since motors can not be stored that means only six launches per year and only in your home state.

More importantly and to the point APCP rocket motors do not function by explosion. Everyone at the field, myself included expects their rocket to fly up, deploy its parachute and return. No one expects their rocket to explode. I doubt NASA complains to the motor manufacturer when they fail to explode. APCP rocket motors function by generating heated gases which are exhausted through a nozzle to provide thrust. This would make them propellant actuated devices, not explosives. Therefore these motors should not be regulated by the BATFE at all.

The hobby of model rocketry has a long, safe record. The club I belong to is affiliated with both the TRA and NAR national organizations and adheres to their published safety codes. The national organizations along with their membership have worked hard to maintain this as a safe, family oriented hobby.

The proposed rulemaking limiting the exemption to only motors containing less than 62.5g of APCP propellant makes no sense. As stated earlier these motors do not function by explosion. Just recently the New Hampshire State Police Explosives License Division attempted to detonate a commercial APCP based motor

using first a boosted blasting cap, then detonation cord. In both cases the propellant simply broke apart into fragments. It did not explode. Even when the fragments were thrown into a fire they simply burned.

This rule if implemented would devastate the hobby and those businesses that support it. Many hobbyists will be unable to qualify for a LEUP due to the storage requirements. Therefore they will no longer be able to buy motors containing over 62.5 grams of propellant. If we can't buy the motors, the hobby stores will not be able to sell them. If I can't buy motors to fly a rocket then I won't buy that rocket. Once again the hobby store owner loses as does the rocket kit manufacturer. This will have a major impact on this segment of the hobby economy. Last year I spent in excess of \$2000 in rocket kits, accessories and motors. This year I will be spending an even greater amount, unless of course I am legislated out of the hobby. There are many in the hobby that spend far more than I do, much of this spending would disappear if the larger motors become unavailable through this rule change.

The two gallons of gasoline my father keeps in his garage (in an approved plastic can) is far more dangerous than the handful of rocket motors I would keep. Regulating motors in the fashion you propose just makes no sense. The APCP motors you wish to further regulate do not function by explosion. They are far less dangerous than other "household" items such as gasoline and paint thinners.

Since the only real potential danger with APCP propellant is its ability burn, the only regulation should be on the total quantity stored rather than an arbitrary rule based on individual motor size. The Canadian regulations work this way. At home and on the field up to 10Kg gross weight must be stored safely and out of the reach of children. From 10 to 25Kg must be stored in a lockable container with a close fitting lid. From 25 to 125Kg requires a separate storehouse (magazine) and a magazine license is required.

If APCP based propellant has to be regulated we should follow the above Canadian model. Allow hobbyists to purchase and store up to 50 pounds gross weight of propellant without requiring an out-door explosive magazine. The arbitrary 62.5 g limit does nothing to enhance the safety of the public or the nation and only serves to harm the hobby and those businesses which support it

Sincerely,

Thomas F. Rau