

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TRIPOLI ROCKETRY ASSOCIATION,)	
INC., <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 00-273 (RBW)
)	
UNITED STATES BUREAU OF)	
ALCOHOL, TOBACCO, FIREARMS,)	
AND EXPLOSIVES,)	
)	
Defendant.)	

ORDER

Upon consideration of the parties' cross-motions for summary judgment, and for the reasons set forth in the Memorandum Opinion accompanying this Order, it is hereby,

ORDERED that the defendant's motion for summary judgment on the claim regarding its classification of Ammonium perchlorate composite propellant ("APCP") as an explosive is **GRANTED**. It is

FURTHER ORDERED that the plaintiffs' motion for summary judgment regarding the permissibility of the defendant's December 22, 2000 pronouncement that sport motor rockets do not fall under an exemption for a propellant actuated device ("PAD") is **GRANTED**, as the defendant's interpretation failed to comply with notice-and-comment rulemaking. It is

FURTHER ORDERED that the Court will defer a ruling on counts four and five of the plaintiffs' amended complaint pending the completion of previously initiated notice-and-

comment rulemaking. It is

FURTHER ORDERED that the defendant shall immediately notify this Court at the completion of the previously initiated notice-and-comment rulemaking. It is

FURTHER ORDERED that a status hearing shall be held on April 22, 2004 at 10:00 a.m. in Courtroom 5 at the E. Barrett Prettyman United States Courthouse, 333 Constitution Avenue, N.W. Washington, D.C. 20001.

SO ORDERED this 19th day of March, 2004.

REGGIE B. WALTON
United States District Judge