

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TRIPOLI ROCKETRY ASSOCIATION, INC.,)	
)	
and)	
)	
NATIONAL ASSOCIATION OF ROCKETRY,)	
)	
Plaintiffs,)	
)	Civil Action No. 00-273 (RBW)
v.)	
)	NEXT SCHEDULED EVENT:
UNITED STATES BUREAU OF ALCOHOL,)	Status Conference
TOBACCO, FIREARMS AND EXPLOSIVES,)	October 17, 2006 at 9:00 a.m.
)	
Defendant.)	
_____)	

DEFENDANT’S STATUS REPORT

In preparation for the status conference currently scheduled for October 17, 2006, the defendant Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) respectfully reports as follows:

I. ATF’s Compliance With the D.C. Circuit’s Mandate in No. 04-5453 (D.C. Cir. February 10, 2006) and This Court’s April 10, 2006 Remand Order

ATF has collected, reviewed, and analyzed testing data on the reaction rate of ammonium perchlorate composite propellant (“APCP”) from the United States Air Force Research Laboratory (“AFRL”) and ATF’s own Fire Research Laboratory. On or about August 2, 2006, Plaintiffs forwarded their own test data to ATF, through its undersigned counsel. ATF received the final report from the AFRL on August 22, 2006. ATF currently expects to adopt its position on or about October 13, 2006, and will provide it to the Court promptly after finalizing its decision.

Undersigned counsel contacted counsel for plaintiffs to discuss how the parties might proceed in this litigation under various scenarios. Once the ATF issues its decision, counsel for the parties will confer further and, if they are able to reach agreement, they will jointly present a proposed schedule either before or at the status conference on October 17, 2006.

II. Status of Ongoing Agency Rulemakings

As noted in Defendants' Notice of Publication filed on August 11, 2006, the final rule related to hobby rocket motors, which is entitled "Commerce in Explosives - Hobby Rocket Motors (2004R-7P) (RIN 1140-AA25)" has been published. In addition, the notice of proposed rule making entitled "Commerce in Explosives -- Amended Definition of 'Propellant Actuated Device' (RIN 1140-AA24)" was published in the Federal Register on August 11, 2006, and notified the public that ATF would accept comments until November 9, 2006. This rulemaking concerns possible amendments to the regulatory definition of the term "propellant actuated device" ("PAD").

Dated: October 11, 2006.

Respectfully submitted,

JEFFREY A. TAYLOR, D.C. BAR # 498610
United States Attorney

RUDOLPH CONTRERAS, D.C. BAR # 434122
Assistant United States Attorney

/s/

JANE M. LYONS, D.C. BAR # 451737
Assistant United States Attorney
Civil Division
555 4th Street, N.W. - Room E4822
Washington, D.C. 20530
(202) 514-7161

OF COUNSEL

Joel J. Roessner, Associate Chief Counsel (Litigation)
Bureau of Alcohol, Tobacco, Firearms and Explosives