

To whomever it may concern,

I would like to submit a request for interpretation regarding the 49 CFR §171.1(d)(6). Specifically, the definition of non-commercial purposes with respect to voluntary, student-run extracurricular activities at private universities. Interpretation Response #08-0244 makes clear that employees of a university conducting official university business would be considered commercial purposes. However, it is also common for universities to have student-run extracurricular clubs. It is unclear if club activities performed by students are considered commercial purposes. I would appreciate it if the Department of Transportation could provide a reasonable interpretation of 49 CFR §171.1(d)(6) and other applicable statutes and regulations on the applicability of a non-commercial exemption in the following circumstances.

I am part of a model rocketry club at Northeastern University. The club was student-created, joining the organization is voluntary, students are not paid in any way for participation, students do not receive academic credit, and our mission and activities are student-initiated and self-directed. While we adhere to university-mandated safety and administrative policies, university employees do not direct our projects, activities, or transportation logistics. Our extent of support from the university is limited to:

- Receiving a one-time lump-sum budget at the start of the fiscal year from a student-allocated fund, where reimbursements from the fund go through the university financial system
- Meeting in university-maintained spaces after hours
- Soliciting and receiving donations through the university's donations page for all 500+ student organizations
- Receiving permission for experimental standard operating procedures from university staff

One of our most popular activities is building and launching amateur rockets. This requires us to develop a plan to travel on public roadways to our launches, carrying aluminum perchlorate composite propellant (APCP) rocket motors (Division 1.4 explosives). We would need 1 to 10 pounds of APCP for a typical launch. The launches themselves are on private land and by my understanding are not in-commerce. My understanding is that most hobbyists—people who purchase, build, and launch the rocket as a pass-time without any institutional affiliation— at these launches are considered non-commercial and thus are exempt from the Hazardous Materials Regulations (HMR) under 49 CFR §171.1(d)(6) while driving to and from the launch. In informal discussions I had with Pipeline and Hazardous Materials Safety Administration representatives, student groups seem to present a grey area. Our club maintains multiple members with certifications from the National Association of Rocketry (NAR) to purchase APCP motors (for compliance with NFPA). These certifications are issued on an individual basis to students who build and successfully launch a rocket meeting NAR criteria. These students could transport the motors to the launch site in personal vehicles. No university employees would be transporting the motors or attending the launch, and no students would be compensated. This activity has no bearing on academic credit. However, the launch would be advertised to club members, some attendance costs would be covered by the club, and the rockets launched would be built from materials purchased by the club. Would students transporting these motors

to a rocket launch be considered non-commercial (and thus be exempt from the HMR), even if the motors were purchased with club funds? We would use personal vehicles and never use university-owned vehicles. Additionally, if we were to use club funds to rent a vehicle, would the non-commercial status change if the vehicle is rented by an individual student using a university-negotiated rate? It is my understanding that many other private universities are able to have students drive these motors as part of similar clubs. The NASA run Student Launch Competition explicitly allows volunteer hobbyists to support university teams by driving motors to launch sites. If a volunteer hobbyist agreed to transport the rocket motors purchased by the club, would that be any different?

Interpretation Response #CHI-00-002 makes it clear that the specific financial relationships matter when dealing with nonprofit entities. Our funding is separated into two categories that we charge expenses to separately: one pool is allocated by a student board as effectively a lump sum once per fiscal year, coming from a fee charged to all students on their bill, and the other pool is donations, competition award money, and corporate sponsorships. Corporate sponsorships are philanthropic in nature; while sponsors may receive promotional benefits (such as logo placement), the transport of these motors is not a deliverable for any commercial contract or research agreement. Would the source of money matter in this context?

Note that as a student, per Northeastern University policies, I do not have the ability to reach out on behalf of the university, and thus this Interpretation Request comes from me as an individual. If additional information is required, do not hesitate to reach out. Additionally, would it be possible for someone in standards to reach out to me informally to discuss this?

Questions for Interpretation:

- Does the lack of university employee involvement in the transport satisfy the "non-commercial" intent of Interpretation #08-0244?
- Does the transport of Division 1.4 explosives by an unpaid student volunteer, in the discussed context, in a personal vehicle for a recreational university club activity constitute "non-commercial" use under 49 CFR §171.1? Would an unaffiliated hobbyist volunteer be different from a student?
- If so, does the use of a rented vehicle, under the circumstances described, change this "non-commercial" status?
- Does the source of procurement funds (e.g., student activity fees vs. donations) alter the "non-commercial" status of the transport?

Thank you,
Patrick McGuire
Phone: +1-617-615-1354
Email: mcguire.p@northeastern.edu
Address:
Patrick McGuire
15 Francis St. Apt 31
Brookline, MA 02446