



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

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www.atf.gov

Mr. Patrick Martin

EZFEED!!!!!!!!!!!!!!

Dear Mr. Martin:

This refers to your letter received by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), on January 22, 2004, in which you pose numerous questions regarding firearms classifications.

As you may know, the Gun Control Act of 1968 (GCA), 18 U.S.C. § 921(a)(3), defines the term "firearm" to include the following:

...(A) any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or silencer; or (D) any destructive device. [The definition goes on to state that such] term does not include an antique firearm.

Individuals desiring to manufacture or assemble a "firearm" (pistol, revolver, rifle, shotgun) falling within the GCA definition that is for their own use and not for resale may do so without being licensed as a manufacturer of firearms--semiautomatic assault weapons excepted. Such a firearm need not be identified with a unique serial number or name and location of the manufacturer. However, as a safeguard against possible future theft of the weapon, FTB recommends that you identify it for tracing purposes. Finally, there are no required minimum barrel or overall lengths for a pistol or revolver under Federal firearms statutes. Nevertheless, we advise that you contact your local authorities regarding any local ordinances or State laws that may govern such activities.

Also, a semiautomatic copy of a machinegun may be assembled if the weapon is redesigned to fire in the closed-bolt position, has a firing pin separate from the bolt, and incorporates a new receiver that is incapable of accepting any of the original machinegun components.

Of course, you should consider this assessment general in nature because our Branch cannot render a formal classification and related determinations based solely on the written descriptions of the subject replica or semiautomatic copy. In order to provide you with a final determination, FTB would need to examine a finished product. However, if such manufacture would result in the production of a *machinegun* as defined within the NFA, FTB could neither solicit nor sanction an unlawful manufacture of such an item.


Mr. Patrick Martin

Finally, with respect to the term "80% complete receiver," we should point out that this is industry vernacular for an "unfinished receiver." This phrase does not exist within the Federal firearms statutes or their supplemental regulations.

To provide you with further information on this topic, we are enclosing ATF's *Federal Firearms Regulations Reference Guide* (ATF P 5300.4).

We thank you for your inquiry and trust the foregoing has been responsive.

Sincerely yours,


for Sterling Nixon
Chief, Firearms Technology Branch

Enclosure