



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405

www.atf.gov

907010: (b) (6)
3311/302972

MAR 25 2015

(b)(3)-(26 USC 6103), (b) (6)

Dear (b) (6)

This is in reference to your correspondence, with enclosed samples, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB). In your letter, you asked for a classification of a "forearm brace" as depicted in the accompanying photos. Specifically, you ask if the submitted components with the accompanying forearm brace; can be assembled to an AK-type pistol without making an NFA-class weapon. Additionally, you inquire as to the formal classification of an AR-type pistol; with your "forearm brace" attached.

The FTISB evaluation revealed that the submitted components enumerated below, incorporate the following physical characteristics:

1. A fore-arm brace made of a rubber-type material that incorporates slots, which have Velcro straps. As received, the rubber portion of the device is molded to form an upside down (b)(3)-(26 USC 6103). This item is designed to attach to an AR-type buffer tube or similarly designed receiver extension. This forearm brace is compatible with component (#3) and (#4).
2. A non-ferrous metal trunnion "adapter" measuring approximately (b) (4) inch (b) (4) inch. This adapter incorporates an externally threaded stud measuring approximately (b) (4) inch in length. A machine screw is found installed, at the top of this adapter. This screw permits the adapter to be assembled to the rear trunnion area on an AK-type firearm.

3. A non-ferrous metal tube, measuring approximately (b) (4) inches in length and approximately (b) (4) inch in diameter. This tube incorporates an internally threaded piece which appears to be assembled to the tube portion by press fitment. The internal threading allows this tube portion to be attached to the adapter (#2).
4. A non-ferrous metal piece, measuring approximately (b) (4) inch in length and approximately (b) (4) in diameter. The examination found this piece is internally threaded and compatible with the externally threaded stud found on the submitted adapter component (#2).

The FTISB found the following: when the submitted components (#1, #2 and #3) are assembled as designed; to an AK-type pistol; a shooter would insert his or her forearm into the device while gripping the pistol's handgrip—then tighten the Velcro straps for additional support and retention. Thus configured, the device provides the shooter with additional support of a firearm while it is held and operated with one hand. When assembled in the aforementioned configuration, our Branch finds that the addition of these items does not change the subject firearm's classification.

Based on our evaluation, our Branch finds that the aforementioned submitted forearm brace assembly (#1, #2 and #3), when attached to an AK-type pistol type firearm, does not convert that weapon to be fired from the shoulder and would not alter the classification of the subject pistol. While a pistol so equipped would still be regulated by the Gun Control Act, 18 U.S.C. § 921(a)(3), such a firearm would not be subject to NFA controls. However, if a pistol utilizing the aforementioned items is fired from the shoulder, intent to design or redesign such a weapon is demonstrated.

Further, if the following assembly (#1, #2 and #3), as evaluated by our Branch or modified; is assembled to a pistol and used as a shoulder stock, in the designing or redesigning or making or remaking of a weapon designed to be fired from the shoulder, which incorporates a barrel length of less than 16 inches; this assembly would constitute the making of "a rifle having a barrel or barrels of less than 16 inches in length"; an NFA firearm as defined in 26 U.S.C. § 5845(a)(3).

As a part of this FTISB evaluation, our Branch has determined the attachment of (#2) and (#4) to an AK-type pistol, while not classified as a shoulder stock, serve to protect the threading of (#2). These components alone do not convert that weapon to be fired from the shoulder and would not alter the classification of the subject pistol. While a pistol so equipped, would still be regulated by the Gun Control Act, 18 U.S.C. § 921(a)(3); such a firearm would not be subject to NFA controls.

Spare components for rifles and pistols may legally be possessed with these firearms. However, these components should not be aggregated in any way that demonstrates that they are to be configured as an NFA firearm. Please be aware, the assembling of components (#2 and #3) alone to an AK-type pistol, serve no other purpose than to be an aggregate of parts used in the assembly of a firearm as defined in 26 U.S.C. § 5845(a)(3).

Components **(#1, #2 and #4)**, when attached to an AK-type pistol type firearm, does not demonstrate intent to design or redesign the weapon to be fired from the shoulder and would not alter the classification of the subject pistol. While a pistol so equipped would still be regulated by the Gun Control Act, 18 U.S.C. § 921(a)(3), such a firearm would not be subject to NFA controls.

However, if these components **(#1, #2 and #4)** as evaluated, were assembled to a pistol, and fired from the shoulder, intent to design or redesign such a weapon is demonstrated and this assembly would constitute the making of a "a rifle having a barrel or barrels of less than 16 inches in length"; an NFA firearm as defined in 26 U.S.C. § 5845(a)(3).

Regarding the attachment of your submitted items to an AR-type pistol; the attachment of the submitted "forearm brace" **(#1)** to an AR-type pistol alone; When assembled in the aforementioned configuration, our Branch finds that the addition of these items does not change the subject firearm's classification. However, if a pistol utilizing the aforementioned item is fired from the shoulder, intent to design or redesign such a weapon is demonstrated and this assembly would constitute the making of a "rifle" as defined in 18 U.S.C. § 921(a)(7).

Further, if this device **(#1)**, as evaluated by our Branch or modified; is assembled to a pistol and *used* as a shoulder stock, in the designing or redesigning or making or remaking of a weapon designed to be fired from the shoulder, which incorporates a barrel length of less than 16 inches; intent to design or redesign is demonstrated and this assembly would constitute the making of "a rifle having a barrel or barrels of less than 16 inches in length"; an NFA firearm as defined in 26 U.S.C. § 5845(a)(3).

When assembled in the aforementioned configuration, our Branch finds that the addition of these items alone, does not change the subject firearm's classification. However, if a pistol utilizing the aforementioned items is fired from the shoulder, intent to design or redesign such a weapon is demonstrated.

We should remind you that the information found in correspondence from FTISB is intended only for use by the addressed individual or company with regard to a specific scenario(s) or item(s) described within that correspondence.

We recommend you to communicate to purchasers of the subject accessories to ensure an AR-type firearm assembled utilizing the aforementioned firearm accessories does not violate any State laws or local ordinances where they reside. For your convenience, a copy of the recently published ATF- *Open Letter on the Redesign of "Stabilizing Braces"*; is enclosed.

In conclusion, individuals desiring to manufacture a firearm subject to NFA provisions (machineguns excepted) may do so, but must first submit and secure approval of an ATF Form 1, *Application to Make and Register a Firearm*, and pay the applicable \$200 making tax.

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To facilitate return of your sample, please provide FTISB with the appropriate FedEx account information or similar; within 60 days of receipt of this letter.

We thank you for your inquiry and trust the foregoing has been responsive to your evaluation request. Please do not hesitate to contact us if additional information is needed.

Sincerely yours,

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Acting Chief, Firearms Technology Industry Services Branch

Enclosure

Forearm Brace and Accessories Submitted by (b)(3)-(26 USC 6103) on 12/17/14













