



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405

www.atf.gov

907010: (b) (6)
3311/305394

FEB 16 2017

(b) (6)

Sharps Bros.
1435 North 200 West
Logan, UT 84341

Dear (b) (6)

This refers to your correspondence submitted to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB) inquiring about the legality of manufacturing an AK-type pistol. Included with your correspondence is a submitted sample of your AK-pattern receiver, model MB47. Specifically, you requested an evaluation of an AK-type pistol built on a brand-new receiver designed to accept an AR-type receiver extension, commonly referred to as "buffer tubes."

As background, the amended Gun Control Act of 1968, 18 U.S.C. § 921(a)(3), defines the term "firearm" to include *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...[and] ...the frame or receiver of any such weapon...*

Also, with respect to the definitions of "handgun" and "pistol" under Federal statutes and regulations, you may be aware that the GCA, 18 U.S.C. § 921(a)(29), defines "handgun" to mean, in part: *...a firearm which has a short stock and is designed to be held and fired by the use of a single hand...*

Additionally, 27 CFR § 478.11, a regulation implementing the GCA, defines "pistol" as:

...a weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having (a) a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s); and (b) a short stock designed to be gripped by one hand and at an angle to and extending below the line of the bore(s).

(b) (6)

Further, the NFA, 26 U.S.C. § 5845(a), defines the term "**firearm**" to include ... (4) *a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length...*

Sharps Bros. Model MB47



In your correspondence, you describe the Model MB47 as a brand new semiautomatic configuration receiver, milled from a billet block of 4140 steel, patterned after a milled Bulgarian AK47 receiver. As the MB47 has never been assembled into a rifle, it may be used to assemble a pistol.

Additionally, the MB47 is designed to accept an AR-type buffer tube. FTISB finds that the installation of an AR-type buffer tube to a pistol built from a MB47 receiver is a redesign and a remaking of a typical AK-type pistol, but would not change its classification as a pistol. In regard to the use of a stabilizing brace with a pistol made from a MB47 receiver, FTISB does not find that this would change the classification of the pistol. A pistol stabilizing brace 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, FTISB finds that a pistol stabilizing forearm brace, when attached to an MB47 pistol type firearm, does not alone demonstrate that it is "intended" to be fired from the shoulder and therefore 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 a stabilizing brace is attached to a pistol and *used* as a shoulder stock, that person has demonstrated intent that the weapon be fired from the shoulder, and therefore has made an NFA firearm when attached to a pistol with a rifled barrel under 16 inches in length (see 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 is clearly demonstrated.

(b) (6)

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

Sincerely yours,

(b) (6)

(b) (6)

Chief, Firearms Technology Industry Services Branch