



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

*Firearms Technology Industry Services Branch*

Martinsburg, WV  
www.atf.gov

MAY 22 2017

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3311/305932

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Dear (b) (6)

This refers to your letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), in which you ask several questions about the classification of an AR-type pistol under the Gun Control Act (GCA) and the National Firearms Act (NFA). Specifically, you ask if the addition of a Magpul AFG and a Shockwave Arm Brace (to an AR-type pistol) will change its classification. You also emphasize that you wish to avoid making a NFA firearm such as an Any Other Weapon (AOW) or Short Barreled Rifle (SBR.)

As a background to your inquiry, the Gun Control Act (GCA) § 921(a)(3) defines the term "**firearm**" to mean: (A) any weapon (including a starter gun) which will or is designed to or may readily be 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 firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

The GCA, § 921(a)(7) defines the term "**rifle**" to mean: a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.

Additionally, 27 CFR, § 479.11 defines the term "**pistol**" to mean: 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 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).

The National Firearms Act (NFA) § 5845(a) defines the term "**firearm**" to mean: (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in

*length; (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; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) any silencer (as defined in section 921 of title 18, United States Code); and (8) a destructive device...*

Additionally, the NFA, § 5845(e) defines the term "**any other weapon**" to mean: *any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.*

FTISB has determined that the addition of a forward grip to a handgun would result in the making of a NFA-category firearm. If an individual attaches a forward grip to a pistol, it is no longer designed to be held and fired by the use of a single hand and cannot qualify as a handgun or pistol as defined above in Federal statutes and regulations. Therefore, it would no longer be exempt from classification as an "AOW."

We have found that, despite its name, the MagPul AFG is not a forward grip. Consequently, the addition of a MagPul AFG does not result in the making of a firearm subject to NFA controls and may be added to your firearm without changing its GCA "pistol" classification.

The device you refer to as a "Shockwave Arm Brace" has not been evaluated by our branch, but similar devices such as the **Blade AR Pistol Stabilizer**, by Shockwave Technologies, was evaluated on December 15, 2014, (ATF Letter 907010:EAG 3311/302672), and was found not to be a shoulder stock. However, it is different in design and dimension to the *Shockwave Blade Pistol Stabilizer* and the *KAK Shockwave Brace*, which have not been submitted to FTISB for evaluation.

Therefore, adding a **Blade AR Pistol Stabilizer** specifically to an AR-type pistol (as depicted in ATF Letter dated December 15, 2014, 907010:EAG 3311/302672) would not change its classification provided the device is used as originally designed.

It should be noted that correspondence from our Branch is dependent upon the particular facts, designs, characteristics, or scenarios presented. Although other items submitted to our Branch may appear to present similar issues, FTISB classifications only pertains to the particular item submitted and evaluated. We caution against applying the classification in our correspondence to other items, because complex legal or technical issues may exist that differentiate one item from another that only appear to be the same.

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Finally, please check with your state and local authorities to make sure that the assembly and possession of the subject AR-type firearm, does not violate any State laws or local ordinances.

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

Sincerely yours,  
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Chief, Firearms Technology Industry Services Branch