



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405

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www.atf.gov

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Merc Arms, LLC
IC13 Arms & Accessories
2380 Colebrook Road
Lebanon, PA 17042

Dear (b) (6)

This is in reference to your correspondence, with enclosed sample, 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 "SBP Protector" for use in conjunction with the Shockwave Blade Stabilizer. Specifically, you requested an evaluation, examination, and classification of the submitted sample.

Background

The Gun Control Act of 1968 (GCA), as amended, defines "**firearm**" to include:

"...(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;" (See 18 U.S.C. § 921(a)(3).)

Please note also that the GCA, 18 U.S.C. § 921(a)(7), defines the term "rifle" to include *...a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder....*

Additionally, the National Firearms Act (NFA), 26 U.S.C. § 5845(a)(3), defines "firearm" to include *"...a rifle having a barrel or barrels of less than 16 inches in length..."*

Pursuant to the plain language of the statute, ATF and its predecessor agency have long held that a pistol with a barrel less than 16 inches in length and an attached shoulder stock is a NFA "firearm."

FTISB has determined if a shooter/possessor takes affirmative steps to configure a device for use as a shoulder-stock—for example, configuring a brace so as to permanently affix it to the end of

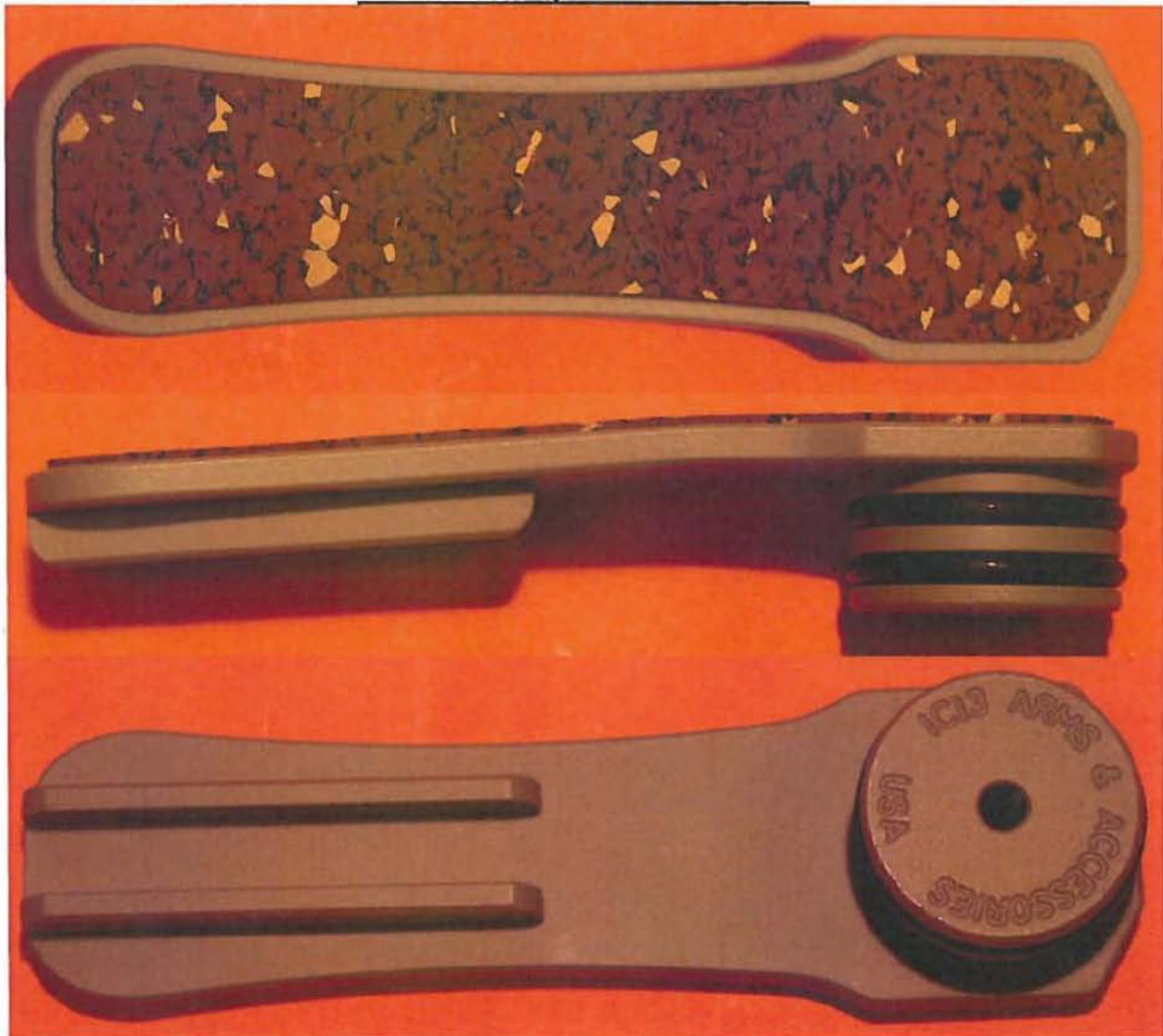
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a buffer tube, (thereby creating a length that has no other purpose than to facilitate its use as a stock), removing the arm-strap, or otherwise undermining its ability to be used as a brace—and then in fact shoots the firearm from the shoulder using the accessory as a shoulder stock, that person has objectively “redesigned” the firearm for the purposes of the NFA.

In that regard, FTISB also notes that the “making” of an NFA firearm pursuant to 26.U.S.C. § 5821 includes the altering of an existing firearm such that, after the alteration, the firearm meets one of the enumerated descriptions in 26 U.S.C. § 5845(a), whether or not that alteration is permanent.

Similarly, an item that functions as a stock if attached to a handgun in a manner that serves the objective purpose of allowing the firearm to be fired from the shoulder may result in “making” a short-barreled rifle, even if the attachment is not permanent. The fact that the item may allow, or even be intended by its manufacturer for other lawful purposes, does not affect the NFA analysis.

Submitted Sample “SBP Protector”



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Submitted Sample “SBP Protector” Installed on a Shockwave Blade Stabilizer



The Shockwave Blade Stabilizer brace is not designed or intended to be used with the “SBP Protector”. The addition of the “SBP Protector” changes the Shockwave Blade Stabilizer brace so that it is no longer an arm brace.

FTISB finds that the Shockwave Blade Stabilizer brace as modified by the installation of the “SBP Protector”, would constitute the “making”, and redesign, of the Shockwave Blade Stabilizer in a manner that if attached to a handgun, with a barrel of less than 16 inches, would result in “making” a short-barreled rifle.

This “making” of a short-barreled rifle meets the description of a NFA “firearm” in 26 U.S.C. § 5845(a).

We caution that these findings are based on the sample as submitted. If the design, dimensions, configuration, method of operation, or materials used were changed, our determination would be subject to review.

The submitted sample will be returned to you under separate cover.

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We trust that the foregoing has been responsive to your request for an evaluation. If we can be of any further assistance, please contact us.

Sincerely yours,

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Chief, Firearms Technology Industry Services Branch