



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405

www.atf.gov

JAN 05 2018

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Dear (b) (6)

This refers to your correspondence and accompanying sample sent to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), for evaluation.

You ask several questions, if the addition of this sample, a **BP15 "AR15-type" Pistol Stabilizing Arm Brace** would design or redesign and change the classification of the host firearm in a manner that would cause it to be classified as a "rifle" and thus a "firearm" regulated by the National Firearms Act (NFA), specifically, 26 U.S.C. § 5845(a)(3). You describe this item as "*while shooting it in an AR type pistol configuration-with no provision/intent to shoulder weapon via means of a buttstock.*" Prior to delineating our response, a review of the pertinent definitions is necessary:

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

"...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...the frame or receiver of any such weapon...[and]...any firearm muffler or firearm silencer...." (See 18 U.S.C. § 921(a)(3).)

The GCA, 18 U.S.C. § 921(a)(7), defines "**rifle**" as "*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.*"

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Further, the GCA, 18 U.S.C. § 921(a)(8), defines “**short-barreled rifle**” as—

“... a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.”

Also, the GCA, 18 U.S.C. § 921(a)(29), defines “**handgun**” to include “a firearm which has a short stock and is designed to be held and fired by the use of a single hand.”

In addition, 27 CFR § 478.11 defines a “**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 integral part(s) of, or permanently aligned with, the bore(s); and (b) a short stock designed to be gripped by one hand at an angle to and extending below the line of the bore(s).”

The National Firearms Act (NFA), 26 U.S.C. § 5845(a), defines “**firearm**” as:

“... (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 (6) a machinegun; (7) any silencer (as defined in 18 U.S.C. § 921); and (8) a destructive device. The term ‘firearm’ shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the ...[Attorney General]... finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.”

Finally, the NFA, § 5842, “**Identification of firearms**,” states as follows:

“...(a) Identification of firearms other than destructive devices. - Each manufacturer and importer and anyone making a firearm shall identify each firearm, other than a destructive device, manufactured, imported, or made by a serial number which may not be readily removed, obliterated, or altered, the name of the manufacturer, importer, or maker, and such other identification as the...[Attorney General]...may by regulations prescribe. (b) Firearms without serial number. - Any person who possesses a firearm, other than a destructive device, which does identify the firearm with a serial number assigned by the...[Attorney General]...and any other information the...[latter]... may by regulations prescribe.”

The FTISB evaluation of the submitted sample revealed that the device is constructed of 6061-type metal alloy and includes an AR-type carbine buffer tube. This product is similar in overall appearance to other items FTISB has previously evaluated except for several design features.

The submitted sample has one attachment point for a strap, which is designed to further secure the device to the operator's forearm to stabilize their firearm in both the horizontal and vertical planes. The submitted item incorporates a Velcro-type strap. A quick-detach (QD) sling swivel attachment point was also observed on the submitted item.

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The submitted item includes a metal carbine buffer tube adjustment lever to enable the operator to secure the BP15 "AR15-type" Pistol Stabilizing Arm Brace in various positions on a 6-position, AR-type carbine buffer tube. FTISB personnel noted that as received, the "BP15" brace is not *"permanent/non-adjustable"* as you describe in your accompanying letter.

FTISB personnel found the submitted BP15 "AR15-type" Pistol Stabilizing Arm Brace can be secured in place, in six distinct positions with the use of a set screw as found on the BP15 "AR15-type" Pistol Stabilizing Arm Brace depicted below.

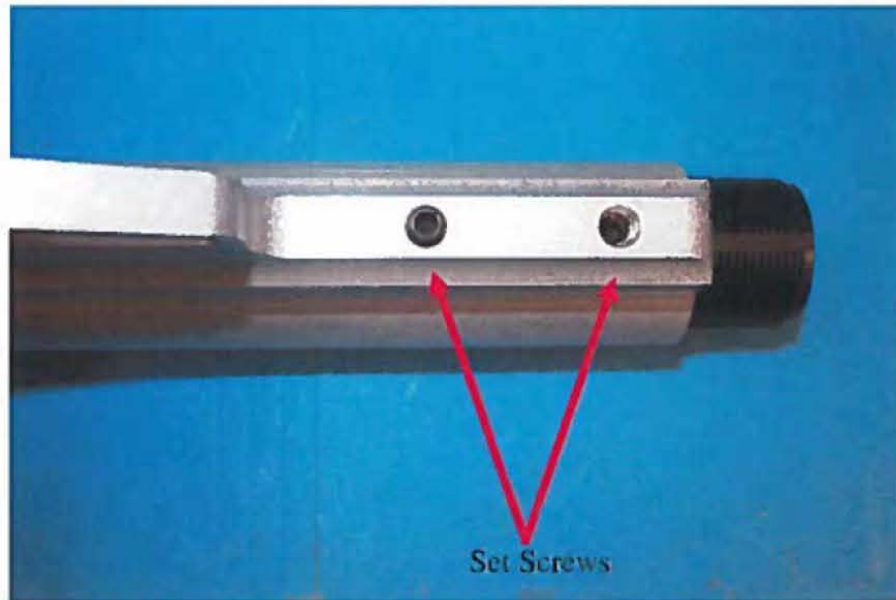


BP15 "AR15-type" Pistol Stabilizing Arm Brace



BP15 "AR15-type" Pistol Stabilizing Arm Brace Disassembled

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BP15 "AR15-type" Pistol Stabilizing Arm Brace

We should note, that while you describe this item as a **BP15 "AR15-type" Pistol Stabilizing Arm Brace**, such a model designation is not marked on the submitted item.

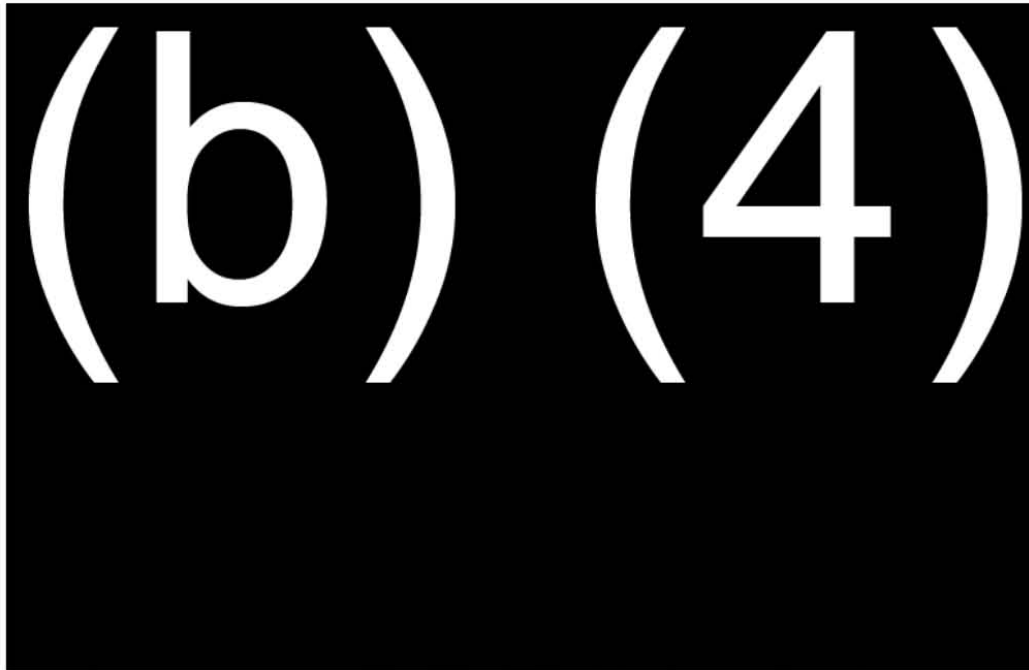


BP15 "AR15-type" Pistol Stabilizing Arm Brace Assembled to an AR-Type Pistol

FTISB has held that the "length of pull" is a measurement found on shoulder-fired weapons, generally measured from the center of the trigger to the center of the buttplate/buttstock. FTISB

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research has determined the average length of pull found on shoulder-fired weapons is approximately (b) (4) inches. FTISB personnel found that when installed to an AR-type receiver, the maximum length of pull observed was approximately (b) (4) inches.



BP15 "AR15-type" Pistol Stabilizing Brace Assembled to AR-Type Pistol, With a Length of Pull of Approximately (b) (4) Inches

Pistol stabilizing braces aid the shooter in stabilizing the firearm when firing the host pistol. Our Branch has determined such an accessory assists in the supporting of handguns, which are generally large and heavy, such as AR, AK, FAL, CZ BREN/Scorpion and HK91/93-type semiautomatic pistols.

FTISB research has found a pistol stabilizing brace is not an accessory normally used in conjunction with revolvers, single-shot pistols and standard sized semiautomatic pistols such as 1911 or Glock-type handguns. Handguns such as Smith & Wesson J-frame revolvers and Kel-tec P3ATs, Ruger LCPs and Beretta Model 21A-type pistols are generally too small to necessitate the use of a pistol stabilizing brace.

As received, the item which you describe as a BP15 "AR15-type" Pistol Stabilizing Brace is in fact a buttstock assembly, which is a firearm part that is not regulated by the GCA or NFA. However, an AR-type pistol with this assembly attached, would be classified as a "firearm" as defined in 26 U.S.C. § 5845(a)(3). Please be aware, that a weapon which is 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 is classified as a "rifle" as defined in the GCA, 18 U.S.C. § 921(a)(7).

To reiterate, FTISB personnel have determined a BP15 "AR15-type" Pistol Stabilizing Brace as evaluated, is not a firearm accessory designed to assist with the operation and use of pistols. As

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received, BP15 "AR15-type" Pistol Stabilizing Brace is a buttstock assembly. We caution that this determination applies only to the **BP15 "AR15-type" Pistol Stabilizing Brace** as submitted. Any alterations or modifications to any of the evaluated item's design, dimensions or materials used in the manufacture of this item would make it subject to further review.

Please note that the focus of FTISB is to determine whether or not an item(s) is an item regulated by the GCA or NFA. FTISB determinations are dependent upon the particular facts, designs, characteristics, or scenarios presented. Please be aware that although other cases (submissions to our Branch) may appear to present identical issues, correspondence from FTISB pertains to a particular issue or item.

We would caution from directly applying guidance wholly or in part, in correspondence from FTISB to other cases, because complex legal or technical issues may exist that differentiate this scenario or finding from others that only appear to be the same. Formal determinations by FTISB personnel are relevant to the item as submitted. An item's overall design, dimensions, configuration, method of operation, processes, utilized materials and intended use are variables considered in the evaluation of an item submitted to FTISB.

We thank you for your inquiry and trust the foregoing has been responsive to your request. Feel free to write to FTISB if you have any additional firearms-related inquiries of a technical nature.

Sincerely yours,

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Chief, Firearms Technology Industry Services Branch