



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405

www.atf.gov

FEB 13 2018

907010 (b) (6)
3311/307487

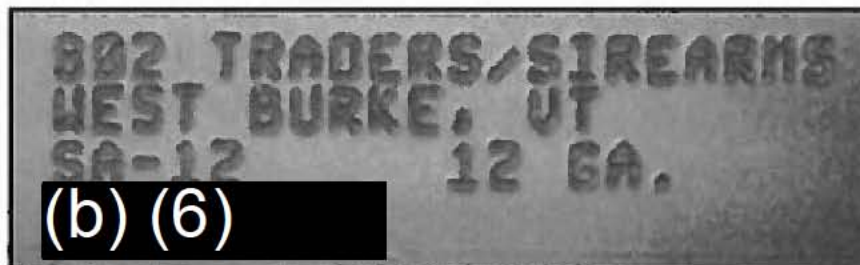
(b) (6)

802 Traders, LLC
1241 Gaskell Hill Road
West Burke, Vermont 34787

Dear (b) (6)

This refers to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), which accompanied your sample of an AK-pattern, 12 gauge, semiautomatic firearm fitted with an AR-type receiver extension and a Shockwave pistol stabilizing brace in lieu of a shoulder stock. Specifically, you wanted to verify that this firearm is outside the purview of the National Firearms Act (NFA).

In your correspondence you request an evaluation and classification of the submitted sample which you refer to as the "Zver". Zver is not marked on the submitted sample. However, the model designation "SA-12" is marked on the submitted sample, and this evaluation and classification will apply only to the submitted model SA-12.



Markings located on the left side of the receiver

Further, in addition to your request for an evaluation and classification of the model SA-12, you pose multiple questions. Each question will be paraphrased and answered following the evaluation of the submitted sample.

(b) (6)

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....”

Additionally, the GCA, 18 U.S.C. § 921(a)(5), defines the term “shotgun” 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 through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.”

Further, the NFA, 26 U.S.C. §§ 5845(a) defines “firearm” to include “...(1) a shotgun having a barrel or barrels of less than 18 inches in length....”

In your letter, you state that the receiver of the submitted firearm is manufactured by your company in Vermont, and has never been assembled as a part of a shotgun. As submitted, the weapon has the following attributes:

- Utilizes an AK-pattern receiver.
- Utilizes a fixed (non-folding) AR-15 type receiver extension known as a KAK Industries “Shockwave tube” attached to the rear of the receiver.
- KAK Industries Shockwave Blade pistol stabilizing brace attached to receiver extension.
- AK-type pistol grip.
- Semiautomatic operation.
- Utilizes a detachable magazine.
- 12 gauge, smooth-bore barrel approximately (b) (4) inches in length.
- Overall length of approximately (b) (4) inches.

If this firearm were reconfigured to incorporate a non-fixed (i.e. folding, telescoping, or collapsible) receiver extension, the length of the receiver extension would no longer be included in the overall length measurement.

802 Traders/Sirearms, model SA-12, 12 gauge semi-automatic firearm, serial number

(b) (6)



(b) (6)



Further, FTISB found the following markings:

Receiver – (left side)

802 TRADERS/SIREARMS
WEST BURKE, VT

SA-12

12 GA.

(b) (6)

[serial number]

Receiver Extension

(KAK)

SHOCKWAVE

Stabilizing Brace

PATENT PENDING

MADE IN U.S.A.

SHOCKWAVE INDUSTRIES

BLADE PISTOL STABILIZER

The submitted weapon, as described and depicted above, is a *firearm* subject to GCA provisions; however, it is not a *firearm* as defined by the NFA provided the KAK Industries Shockwave Blade pistol stabilizing brace is used as originally designed. Please note that if the subject firearm is concealed on a person, the classification with regard to the NFA may change.

Question 1: Does the submitted sample (model SA-12) meet the definition of a "shotgun" and thus a "firearm" regulated under the NFA?

Answer: The submitted sample 802 Traders/ Sirearms, model SA-12, 12 gauge firearm, as evaluated, does not meet the definition of a *shotgun* nor is it a *firearm* regulated under the NFA.

Question 2: Since the submitted sample (model SA-12) is neither a semiautomatic rifle nor a shotgun, does 18 U.S.C. § 922r apply?

Answer: The submitted sample 802 Traders/ Sirearms, model SA-12, 12 gauge firearm, as evaluated, is a domestically manufactured *firearm*, and 18 U.S.C. § 922r only applies to semiautomatic *rifles* and *shotguns* assembled from imported parts. However, if you were to attempt to import this firearm, additional information must be considered.

(b) (6)

As you may know, 18 U.S.C. § 922(l) prohibits the importation or bringing into the United States, or any possession thereof, any firearm. Section 925(d) provides limited exceptions to the general prohibition, and subsection (d)(3) requires, among other things, that firearms be "...particularly suitable for or readily adaptable to sporting purposes...." Title 27 CFR § 478.116 allows the conditional importation of a firearm for purposes of examination and testing for purposes of determining whether the criteria of 18 U.S.C. § 925(d) are met.

As stated above, 18 U.S.C. § 922(l) prohibits the importation or bringing into the United States, or any possession thereof, any firearm. However, criteria has been established to evaluate *shotguns*, *rifles*, and *handguns* to determine if they are generally recognized as particularly suitable for or readily adaptable to sporting purposes. Therefore, FTISB only evaluates and makes determinations allowing for the importability of *shotguns*, *rifles*, and *handguns*.

The submitted sample 802 Traders/ Sirearms, model SA-12, 12 gauge has been classified as a *firearm*. Criteria has not been established to evaluate weapons classified only as *firearms* to determine if they are generally recognized as particularly suitable for or readily adaptable to sporting purposes. Being a *firearm*, the 802 Traders/Sirearms, model SA-12 is non-importable.

Question 3: *Does incidental, sporadic, or situational use of the submitted sample (model SA-12) from a position at or near the shoulder sufficient to constitute "redesign" of the firearm?*

Should an individual take affirmative steps to configure utilize the KAK Industries Shockwave Blade pistol stabilizing brace on the submitted sample as a shoulder stock and then fire the weapon from the shoulder, this firearm would then be classified as a "short-barreled shotgun" as defined in the NFA, 26 U.S.C. § 5845(a)(1) because the subject brace has then been made or remade, designed or redesigned from its originally intended purpose.

We caution further that this letter pertains only to this specific firearm in the precise configuration described above and its classification under Federal law. If the design, dimensions, configuration, method of operation, materials used, or model designation were changed, our determination would be subject to review. We recommend that you check with individual States to verify that it complies with their respective State laws and local ordinances.

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

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