



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

*Firearms Technology Industry Services Branch*

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Martinsburg, WV

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This refers to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and received by the Firearms and Ammunition Technology Division on October 12, 2017, regarding an Extar Model EXP556, .300 Blackout caliber firearm, serial number EP06684 reconfigured as an "other firearm" with a forward grip, a flash redirector and an overall length of over twenty-six inches.

As background, the GCA, 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)(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...*"

Further, 27 CFR § 478.11 defines a "**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) 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)."*

Also, the GCA, 18 U.S.C. § 921(a)(24) defines "**firearm silencer**" and "**firearm muffler**" as—

(b) (6)

“...any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.”

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

*“... (5) any other weapon, as defined, as defined in subsection (e) and (7) any silencer (as defined in 18 U.S.C. § 921 of Title 18 United States Code).*

As you are aware, the term “any other weapon” is defined in the NFA, 26 U.S.C. § 5845(e), as: *“...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.”*

Finally, the NFA, §5842, “Identification of firearms,” states”

*“...(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 not bear the serial number and other information required by subsection (a) of this section shall identify the firearm with a serial number assigned by the...[Attorney General]...and any other information the...[latter]... may by regulations prescribe.”*

The law encompasses any combination of parts designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or muffler, and any part intended only for use in such assembly or fabrication. Moreover, “the statute does not limit the definition of silencer to “a device that silences, muffles or diminishes” the report of a portable firearm, because functionality of any particular part is not determinative. *United States v. Syverson*, 90 F.3d 227, 232 (7<sup>th</sup> Cir. 1996). Further, while FTISB considers a manufacturer’s stated intent in classifying any product, it is not required simply to accept those statements when contradicted by objective evidence including the design of the item in question. *See Sig-Sauer v. Brandon*, 826 F.3d-598 (1<sup>st</sup> Cir.2016).



(b) (6)

The submitted firearm seen below and was described in your letter as having the following features and characteristics:

- Cylindrical device which you refer to as a “flash redirector”;
- Vertical fore grip;
- Pistol grip.

An additional feature noted is a hinged adapter with a screw and a Shockwave Technologies brand Blade Pistol Stabilizer.



The hinged adapter permits the Stabilizer to fold against the left side of the firearm. With the Stabilizer extended and the cylindrical device removed, as it is not permanently attached to the firearm, the overall length was measured. This measurement was achieved by laying the firearm on its side on a table, with the rearmost end of the firearm, in this case just forward of the hinged adapter in line and next to the right-angle edge. Keeping this area against one edge, the barrel of the weapon was then brought in line, measuring from the end of the muzzle to the rearmost end of the firearm (just forward of the hinged adapter). This measurement was determined to be approximately (b) (4) inches. The barrel length which does not incorporate the non-permanently attached cylindrical device is approximately (b) (4) inches.

Due to the attachment of the forward vertical grip, the Extar Model EXP556 in its current configuration is not designed to be fired when held in one hand and is und (b) (4) inches in overall length. Therefore, it is not considered to be a “pistol” as designed and is classified instead as an “any other weapon” as defined in the NFA.

Attached to the barrel of the EXTAR Model EXP556 is a metal cylindrical device, silver in color. The device is assembled to the firearm barrel by threads. The device is approximately (b) (4) inches in overall length and approximately (b) (4) inches at its major diameter. The device consists of an outer sleeve with one end of a lock-n-load die bushing internally housed at the rear by threads and a rubber O-ring is attached. The forward end of the outer sleeve is internally

**(b) (6)**

threaded as well. Housed underneath the outer sleeve is a ported metal tube. At the muzzle end of the tube, a knurled thread protector and a metal washer are assembled. At the rear of the ported metal tube, the mate for the lock-n-load type die bushing and rubber O-ring are housed, followed by a one-piece clamping collar. The ported holes permit gas to escape into the outer sleeve which serves as an expansion chamber, thereby decreasing the gas pressure and allowing them to cool. The one-piece clamping collar serves as a rear end cap. Although a front end cap is absent, the internal threads at the forward end of the outer sleeve, as well as those present underneath the thread protector, provide a means to assemble a front end cap.

Firearm  
barrel



Silencer assembled onto barrel



Silencer as viewed from  
muzzle end

(b) (6)



Outer tube (rear view)  
removed from firearm barrel



Internal component  
assembly

Outer tube

When evaluating a particular item as a potential silencer, FTISB looks specifically for physical characteristics that are consistent with those of known firearm silencers. These characteristics include (but are not limited to):



(b) (6)

- *Ported inner sleeve or tube (bleed holes).*
- *Expansion chambers.*
- *Baffles or washers that create separate expansion chambers.*
- *Sound dampening material such as foam, steel wool, and other substances.*
- *End caps.*
- *Spirals.*
- *Encapsulators.*

Firearm silencers work by slowing the velocity, cooling, and reducing the pressure of propellant gasses exiting a portable firearm. The result being a reduced pressure wave or report when the firearm is fired.

As stated previously, FTISB found a ported tube (bleed holes) and outer tube permitting gas to escape into the outer sleeve which serves as an expansion chamber, thereby decreasing the gas pressure and allowing them to cool.

FTISB performed sound-level testing of this device and found it did reduce the report of a portable firearm; however, the definition of a silencer is not limited to those devices that silence, muffle, or diminish the report of a portable firearm.

Finally, as previously stated the firearm has a forward vertical grip assembled and therefore in its current configuration, is not designed to be fired when held in one hand and is under 26 inches in overall length. It is therefore classified as an "any other weapon" as defined in the NFA.

The Shockwave Technologies Blade Pistol Stabilizer is a firearm accessory and therefore is not subject to the provisions of the GCA or the NFA.

The firearm has been returned to Special Agent (b) (6) of the ATF, Burlington, Vermont field office.

Sincerely yours,  
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