



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405
www.atf.gov

NOV 10 2014

907010:EEE
3311/302660

This refers to your letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), in which you inquire about the assembly of a particular AR-15 pistol from a frame marked as "Other", the addition of a SIG SB-15 Stabilizing Brace, a Noveske Flaming Pig flash suppressor, and a MagPul AFG fore grip.

As background to your inquiry, we should point out that the amended Gun Control Act (GCA), 18 U.S.C. Section 921(a)(7) defines the term "**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.*

Additionally, 27 CFR § 478.11, a regulation implementing the GCA, defines "**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) 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.)....*

The National Firearms Act (NFA), 26 U.S.C. Section 5845(a) (3) (a) (4), defines "**firearm**", in part, as *...a rifle having a barrel or barrels of less than 16 inches in length; 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....*

Your question is paraphrased below, followed by FTISB's response:

Question: *Will it be lawful, without a Form 1, to build an AR Pistol of any such caliber with a SIG Brace, a Noveske flash suppressor, and MagPul Angled Forward Grip, from a lower receiver marked as "OTHER"?*

Answer: It is lawful to utilize an AR receiver to manufacture an AR pistol as long as it has never been assembled as a rifle. Your first step should be to obtain certification, from the manufacturer of the receiver, verifying that it has never been assembled into a rifle configuration.

We caution that manufacturing a pistol from a receiver previously assembled in rifle configuration would constitute manufacturing an item classified as a "weapon made from a rifle" under the NFA, and the firearm would be subject to NFA controls.

Individuals desiring to manufacture a firearm subject to NFA provisions (machineguns excepted) may do so, but must first submit and secure approval of an ATF Form 1, *Application to Make and Register a Firearm*, and pay the applicable \$200 making tax.

The Sig Sauer SB-15 pistol stabilizing brace is designed so that a shooter would insert his or her forearm into the device while gripping the pistol's handgrip—then tighten the Velcro straps for additional support and retention. As designed, the device provides the shooter with additional support of a firearm while it is still held and operated with one hand. Consequently, a Sig SB-15 shooting brace is not designed or intended for firing a weapon from the shoulder.

Consequently, the attachment of the SB-15 brace to an AR-type pistol alone; would not change the classification of the pistol to an SBR. However, if this device, *un-modified or modified*; is assembled to a pistol and used as a shoulder stock, thus designing or redesigning or making or remaking of a weapon design to be fired from the shoulder; this assembly would constitute the making of a "rifle" as defined in 18 U.S.C. Section 921(a)(7).

However, if an individual utilizes a receiver that has already been assembled as a rifle, in the assembly of a firearm with a SIG SB-15 brace installed—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 as described above—such an assembled firearm; would constitute a "weapon made from a rifle" as defined in the NFA.

Further, if this device, *un-modified or modified*; is assembled to a pistol and used as a should stock, in the designing or redesigning or making or remaking of a weapon designed to be fired from the shoulder, which incorporates a barrel length of less than 16 inches; this assemble would constitute the making of "***a rifle having a barrel or barrels of less than 16 inches in length***"; an NFA firearm as defined in 26 U.S.C., Section 5845(a)(3).

FTISB has determined that the addition of a forward grip to a handgun would result in the making of a NFA-category firearm. However, we have also found that the MagPul AFG is not a forward grip. Consequently, the addition of a MagPul AFG to a handgun does not result in the making of a firearm subject to NFA controls and may lawfully be added to your pistol without changing its GCA classification.

Regarding the Noveske Flaming Pig flash suppressor, the attaching of a removable muzzle device does not change the classification of your proposed AR type pistol.

Finally, please check to make sure that the desired AR type configuration also does not violate any State laws or local ordinances.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Kingery', written in a cursive style.

Max M. Kingery
Acting Chief, Firearms Technology Industry Services Branch