



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Martinsburg, West Virginia 25405

www.atf.gov

903050:MRC  
3311/2010-1001

NOV 26 2010

James O. Bardwell, Esq.  
2314 Flagstaff Drive  
Longmont, Colorado 80504

Dear Mr. Bardwell:

This is in response to your letter, along with accompanying MK-2 technical manual, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), in which you inquired about the legality of servicing an Automatic Weapons Company (AWC) silencer.

As you are aware, the amended Gun Control Act of 1968 (GCA), 18 U.S.C. 921(a)(3), defines a *firearm* to include any firearm muffler or firearm silencer. The GCA, 18 U.S.C. 921(a)(24), further defines "firearm silencer" and "firearm muffler" to mean *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 NFA, 26 U.S.C. 5845(a)(7), also defines the term "firearm" to include a silencer.

In your correspondence, you explain that you are an attorney and that the client you represent has an AWC, Model MK-2 silencer. You further explain that the silencer is of the integral type installed on a Ruger, MK 2, .22 caliber pistol. Inside the tube and encompassing the barrel are copper-mesh ropes. Further, forward of the copper-mesh ropes is a piece of insulation similar to the type used to wrap water pipes. Additionally, these interior materials are used to aid in muffling the sound of a gunshot.

Presented below, paraphrased and italicized, are questions from your letter, followed by FTB's answers:

*Q. Does sound/gas absorbing materials manufactured from Chore Boy copper cleaning pads, along with fiberglass insulation, constitute a silencer part as define in 18 U.S.C. 921(a)(24)?*

A. Yes, gas/sound-absorbing material is the same as a baffle in that it is designed to redirect/trap hot gases within the expansion tube to allow cooling before they are released from the silencer, subsequently reducing sound.

James O. Bardwell, Esq.

*Q. Would there be a violation of the NFA or GCA if an owner of a lawfully registered AWC, MK-2 silencer removes the deteriorated sound-absorbing material and replaces it with serviceable sound-absorbing materials?*

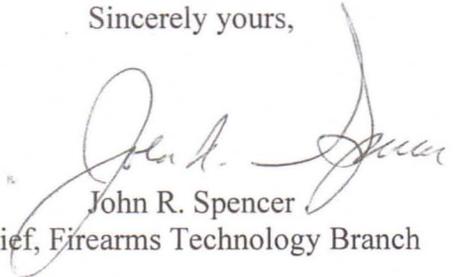
A. Yes, replacement of any component part or parts of a registered silencer, other than a silencer wipe, would be a violation of the NFA if performed by a non-licensed manufacturer. The only option your client would have is to submit an ATF Form 1, "Application to Make and Register a Firearm," and pay the \$200.00 making tax. Further, he would have to submit a "no-marking" variance to FTB since there is no viable area in which to apply a serial number to the sound-absorbing material.

*Q. May the owner of a MK-2 silencer, which is otherwise lawfully owned by him, have a stockpile of sound-absorbing materials for his own use in replacing deteriorated sound-absorbing material?*

A. No

We regret that your 2008 letter to FTB received no reply, but trust the foregoing has been responsive to your current request.

Sincerely yours,



John R. Spencer  
Chief, Firearms Technology Branch