



AUG 08 2005

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Mr. Sudboy
123 Main Street
Sometown, USA

Dear Mr. i Sudboy

This refers to your letter, received by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), June 13, 2005, pertaining to assembling a semiautomatic copy of a Romanian AK47-type rifle. Additionally, you asked us a series of questions.

As you may be aware, the Gun Control Act of 1968 (GCA), 18 U.S.C. § 922(r), prohibits assembly of certain semiautomatic rifles and shotguns from imported parts. The implementing regulations contained in 27 CFR § 478.39 (formerly 178.39) include the stipulation that "no person shall assemble a semiautomatic rifle or any shotgun using more than 10 of certain imported parts, if the assembled firearm is prohibited from importation under 18 U.S.C. § 925(d)(3) as not being particularly suitable for or readily adaptable to sporting purposes."

These parts are as follows:

(1) Frames, receivers, receiver castings, forgings, or castings.	(11) Triggers.
(2) Barrels.	(12) Hammers.
(3) Barrel extensions.	(13) Sears.
(4) Mounting blocks (trunnions).	(14) Disconnectors.
(5) Muzzle attachments.	(15) Buttstocks.
(6) Bolts.	(16) Pistol grips.
(7) Bolt carriers.	(17) Forearms, handguards.
(8) Operating rods.	(18) Magazine bodies.
(9) Gas pistons.	(19) Followers.
(10) Trigger housings.	(20) Floor plates.

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Because certain AK-type semiautomatic rifles are currently prohibited from importation, the assembly of such rifles using more than 10 of the above imported parts is prohibited under § 922(r). However, assembly of AK-type semiautomatic rifles using 10 or fewer of these imported parts is not prohibited under this section.

With respect to the series of questions in your letter, we will answer them in the order they were posed, as follows:

Question 1: *Since I am currently a licensed collector of Curios or Relics, am I therefore prohibited from making an otherwise legal rifle for my personal use?*

Answer: No, you are not prohibited from making a firearm for you personal use. Although you are licensed as a collector of Curios or Relics, you are not licensed as a manufacturer of firearms. Therefore, you are considered an unlicensed individual as it pertains to firearms manufacturing.

For your information, per provisions of the GCA, 18 U.S.C. Chapter 44, an unlicensed individual may make a "firearm" as defined in the GCA for his own personal use, but not for sale or distribution. Individuals manufacturing a firearm for their own personal use are not required to submit a sample to ATF for approval. However, if the design of the firearm were questionable, it would be prudent for such individuals to seek the advice of ATF prior to manufacture.

Also, based on the GCA, manufacturer's marks of identification are not required on firearms that are produced by individuals for their own personal use. Nevertheless, ATF recommends the placing of marks of identification on these weapons at the time of manufacture. This procedure would aid law enforcement authorities in identifying the firearm should it become lost or stolen. Additionally, these marks would be required if the firearm were transferred to another individual at a later date.

Question 2: *Is the metal mounting block that is used to attach the butt stock to the rear of an AK-type stamped sheet metal receiver considered to be a trunnion as defined by 27 CFR 178.39 [now 27 CFR 478.39] section(c)?*

Answer: No. In the case of AK-type firearms which use a stamped sheet metal receiver, the trunnion is a barrel support. The part to which you refer is actually called the *back plate*. We do not consider the back plate to be a trunnion.

Question 3: *Is it legal to use the imported barrel from a Romanian parts kit to build a semiautomatic AK-type rifle?*

Answer: Yes, provided you don't use more than 10 of the above imported parts per 922(r).

Question 4: *If I permanently attach a US-made muzzle brake to an imported Romanian barrel, would the barrel still be considered an imported part?*

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Answer: Yes.

Question 5: *Which (if any) of the 20 parts enumerated in Title 27 CFR 178.39 [now 478.39] apply only to a semiautomatic AK-type rifle? Specifically, are there parts listed in section (c) that simply do not exist in a semiautomatic AK rifle?*

Answer: Typically, there is no barrel extension, trigger housing, sear, or operating rod (the bolt carrier and operating rod are considered one piece).

Question 6: *Is it legal to build a semiautomatic-only AK-type rifle that consists of the following parts content:*

- a) US-made stamped sheet metal receiver.
- b) US-made trigger.
- c) US-made disconnector.
- d) US-made gas piston.
- e) US-made pistol grip.
- f) US-made magazine follower.
- g) US-made magazine floor plate.
- h) Imported barrel.
- i) Imported slant-style muzzle brake.
- k) Imported bolt carrier.
- l) Imported bolt.
- m) Imported front trunnion (used to mount barrel to receiver).
- n) Imported rear trunnion (used to mount butt stock to receiver).
- o) Imported magazine body.
- p) Imported butt stock.
- q) Imported hand guards (both top and bottom, the bottom hand guard having an integral pistol grip that extends downward from the base of the hand guard).

Answer: Yes; however, FTB does not recognize the back plate in a stamped sheet metal receiver as a rear trunnion.

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

Sincerely yours,

Sterling Nixon
Chief, Firearms Technology Branch