



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405

www.atf.gov

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O.F. Mossberg & Sons, Inc.
7 Grasso Ave
P.O.Box 497
North Haven, CT 06473-3237

This refers to your letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB). Specifically, you requested confirmation that a particular firearm is not subject to National Firearms Act (NFA) provisions.

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....*

Further, the NFA defines "firearm" to include *...a shotgun having a barrel or barrels of less than 18 inches in length...[and] ...any other weapon, as defined in subsection (e)....* (See 26 U.S.C. §§ 5845(a)(1) and (5).)

Finally, the NFA, 26 U.S.C. § 5845(e), defines "any other weapon" as follows:

...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 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 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.

In your letter, you asked about the classification of a firearm that (1) has never been assembled as, or has been made from a shotgun, (2) has an overall length exceeding 26 inches, and (3) has a barrel length of 14 inches.

Certain firearms, having attributes similar to that which you inquire about, have been previously classified by our Branch, such as the weapon described below:

- Utilizes a shotgun-type receiver that has never had a shoulder stock attached.
- Fitted with a "bird's head" grip in lieu of a shoulder stock.
- Pump action.
- 12 gauge, 14-inch smooth-bore barrel.
- Overall length of 26.5 inches.

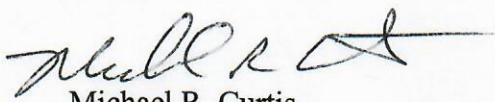


This weapon, as described and depicted above, is a "firearm" subject to GCA provisions; however, it is not a "firearm" as defined by the NFA. Please note that if the subject firearm is concealed on a person, the classification with regard to the NFA may change.

However, we cannot provide a formal determination on the weapon described in your correspondence without examining a physical sample.

We trust that the foregoing has been responsive to your request. If we can be of any further assistance, please contact us.

Sincerely yours,



Michael R. Curtis

Chief, Firearms Technology Industry Services Branch