



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

DEC 11 2009

Martinsburg, WV 25405
www.atf.gov

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Dear Mr. ~~Callahan~~:

This is in response to your undated letter received September 14, 2009, by the National Firearms Act (NFA) Branch which posed five questions concerning the assembly, registration, and transfer of short barreled rifles (SBR).

The pertinent authorities to your questions include definitions under the Gun Control Act (GCA) and the National Firearm Act (NFA). Those definitions are listed as follows:

Title 18 United States Code § 921(a) (7) states: the term rifle means "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."

Title 26 United States Code § 5845(a) defines a short barreled rifle as "a rifle having a barrel or barrels of less than 16 inches in length; or 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"

The following responses are your questions with our response in numerical order:

Q1: What is the registered part of a SBR?

A1: There is no one registered part of a short barreled rifle. A firearm which meets the definition of a short barreled rifle would consist of a rifle as defined by Title I of the Gun Control Act (GCA) cited above that has either a barrel less than 16 inches in length, or has been modified to an overall length of less than 26 inches as specified by the NFA. However, it is the serialized receiver that is recorded for registration.

Q2: If a registered SBR has the short barrel permanently removed, does this (without notification to BATFE) remove it from the purview of the NFA?

A2: If the registrant retains control over the parts required to assemble the short barreled rifle, the firearm would still be subject to NFA registration, transfer, and possession regulations. Installation of a barrel greater than 16 inches in length or permanent removal of the short barrel would render the receiver no longer subject to NFA transfer and possession regulations provided the registrant did not maintain control over the parts necessary to configure the firearm as a SBR.

Whether the change is permanent or temporary would be determined by the registrant's intent or retention of the parts to return the firearm to SBR status. If the change is permanent, no notification to ATF is necessary to transfer the Title I firearm as it would not meet the definition of a SBR under the NFA.

Q2a: What about in the case of a temporary removal?

A2a: See A2.

Q3: Does simply removing the short barrel from a registered rifle convert it back to a "Title I" firearm? e.g. An AR15 type has the short barreled upper removed and either a barrel over 16" placed or simply left off.

← See A2

Q4: Is it necessary to send notification to BATFE and receive acknowledgement of same that the rifle no longer has a short barrel before it may be sold without an NFA transfer being involved?

A4: There is no requirement for the registrant of an NFA firearm to notify ATF of the removal from the purview of the NFA; however, ATF recommends the owner notify the NFA Branch in writing if a firearm is permanently removed from the NFA. If, at the time of transfer, the firearm does not meet the definition of a SBR, it should be transferred with no tax payment or registration. Transfer of a Title I firearm under the NFA by providing false information concerning its configuration would be a violation of 26 U.S.C. 5871(t) which states "It shall be unlawful for any person to make, or cause the making of on any application, return, or record required by this chapter, knowing such entry to be false". Any subsequent owner who assembles or acquires the parts needed to assemble a SBR using the same firearm frame or receiver would be subject to the registration and marking requirements of the NFA.

Q5: Is it correct that interstate transportation of an SBR that has the short barrel removed does not require the submission and receipt of an 'approved' 5320.20?

A5: If the registrant retains control over the parts required to assemble the short barreled rifle, the firearm would still be subject to NFA transfer and possession regulations. A person may transport a registered SBR interstate without prior approval if the firearm does not meet the definition of a SBR provided that person is not in control of the parts necessary to configure the firearm as a SBR. ATF recommends contacting law enforcement officials in the destination state to ensure compliance with state and local law.

A6: There is no specified time frame for a "temporary" change in configuration. Whether tl change is permanent or temporary would be determined by the intent and actions of the registrant. ATF recommends written notification to the NFA Branch when a firearm's configuration is permanently changed or removed from the purview of the NFA.

Q7: Can a receiver from a previously registered short barreled rifle be sold as a non NF firearm (GCA regs only) if the short barrel has permanently been removed and is any notification of ATF required prior to the sale?

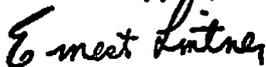
A7: There is no requirement for the registrant of an NFA firearm to notify ATF of the removal from the purview of the NFA; however, ATF recommends the owner notify the NFA Branch writing if a firearm is permanently removed from the NFA.

Q7a: If the stripped receiver is transferred to another FFL holder as a (GCA) firearm to an individual using a 4473, who's responsibility is it to ensure that the previously registered SBR is no longer in the NFA registry? If it is the form 2 manufacturer's responsibility, please cite any relevant "deregistering" statute(s) for our records.

A7a: There is no requirement for the transferor or transferee of a Title I firearm to verify possible previous registration history under the NFA. As you may know, ATF is restricted in disclosure of information regarding applications received to register and transfer NFA firearm by 26 U.S.C. § 6103(o).

If we can be of further assistance, please do not hesitate to call us at 304-616-4500, or write to U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, NFA Branch Suite 1250, 244 Neeley Road, Martinsburg, WV 25405-9431.

Sincerely yours,



Ernest A. Lintner
Acting Chief, National Firearms Act Branch