



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405

www.atf.gov

903050:RKD
3311/300116

April 2, 2013

Mr. Alan Thordsen
President
Thordsen Customs, LLC
214 Ryan Way
South San Francisco, CA 94080-6308

Dear Mr. Thordsen,

This refers to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), received on January 23, 2013, concerning the classification of a product you intent to market that is designed for AR-15 type firearms; you also inquired regarding the installation of your product—a “buffer tube cover with Cheek rise” (samples of which were provided)—on AR-15 type pistols.

Basically, you asked five questions, which will be reiterated below in italics and followed-up with FTB’s answers. At present, to serve as background to your inquiry and our responses, we should point out that the amended Gun Control Act of 1968 (GCA), 18 U.S.C. § 921(a)(29), defines “**handgun**” to include a *firearm which has a short stock and is designed to be held and fired by the use of a single hand....*

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)....*

Further, the GCA, 921(a)(7), defines “**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.*

Moreover, the GCA, 921(a)(8) defines the term “**short barreled rifle**” as... *a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.*

Additionally, the National Firearms Act, 26 U.S.C. § 5845, defines “firearm” and “rifle” “as follows:

5845(a) Firearm. *The term “firearm” means (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) 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; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) any silencer (as defined in section 921 of title 18, United States Code); and (8) a destructive device. The term ‘firearm’ shall not include an antique firearm or any device (other than a machinegun or destructive device) which, although designed as a weapon, the ...[Attorney General] ... finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector’s item and is not likely to be used as a weapon.*

5845(c) Rifle. *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 the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.*

Your five essential questions, paraphrased below in italics, are followed by FTB’s answers:

Question 1: *Is the FRS-15 rifle stock fixed position and non adjustable?*

Answer 1: Yes, the FRS-15 rifle stock is fixed position and non adjustable.

Q2: *Is the position and angle of the grip (or grasp) of the FRS-15 stock consistent with the position and angle of grip (or grasp) of a traditional hunting rifle?*

A2: A definition indicating the “*angle of the grip (or grasp)*” with respect to a “*traditional hunting rifle*” does not currently exist under Federal law. For informational purposes, the following terms were obtained from the *OLSON’S Encyclopedia of Small Arms*, ISBN 0-8329-0374-4, Copyright 1985 (with similar definitions found in a variety of firearms related publications)—

Stock. *The rigid member of wood, plastic or other material in a rifle, carbine or shotgun to which the barrel assembly is attached and which provides a means of holding the weapon to the shoulder.*

Stock, English. *A type of shotgun stock noted for its slim lines and light weight. English shotgun stocks are made with a straight grip and a small, narrow fore-end.*

Stock, modified pistol grip. *A type of rifle or shotgun stock in which a small pistol grip is shaped in the form of a rounded knob.*

Stock, pistol grip. *A rifle or shotgun stock shaped with a simulated pistol grip for the trigger hand.*

As you noted, under the now expired **Violent Crime Control and Law Enforcement Act of 1994**, a pistol grip that protrudes conspicuously beneath the action of the weapon, was one of the features used to define a “semiautomatic assault rifle.” We are not able to speculate concerning what, if any, changes to past or currently existing definitions or regulations may occur in the future.

Q3: *Since the FRS-15 stock and buffer tube (regardless of an accessory buffer tube cover being included) are clearly separated, and neither relies on support from the other, would the two be considered “combined” as a singular feature of the firearm or do they now become two separate and unrelated features?*

A3: The FRS-15 stock and the “buffer tube” would be considered two separate features.

Q4: *Given that the buffer tube no longer serves as the support for a standard stock, would the open space between the FRS-15 stock and the buffer tube (with or without optional cover) be considered a “thumbhole” regardless of the ¼” gap between the two?*

A4: The open space between the FRS-15 stock and the buffer tube of an AR-15 type weapon would not cause the FRS-15 stock to be defined as a “thumbhole”-type stock.

Q5: *Would our buffer tube cover with cheek rise cause an AR pistol to be classified as a short barreled rifle under the National Firearms Act or would it be classified as simply a cheek rise along with other similar products?*

A5: Shoulder stocks normally attach to the receiver of a shoulder-fired firearm. However, in the case of an AR-type firearm, such stocks attach to the buffer tube. The shoulder stock provides a means for the shooter to support the firearm and easily aim it. FTB finds that the depicted “cheek rest” is not designed to support the AR-15 pistol in the shoulder of the shooter during firing but, rather, to rest against the shooter’s cheek. Consequently, the attachment of the cheek rest to the AR-type pistol would not change the classification of the pistol to SBR.

Please provide specific instructions detailing your wishes concerning the disposition of the submitted samples in writing within 60 days of receipt of this letter. In order to return your FRS-15 butt stock and cheek rise, FTB will need a FedEx shipping number or a prepaid, common-carrier shipping label.

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

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Earl Griffith", with a stylized flourish extending from the end of the name.

Earl Griffith
Chief, Firearms Technology Branch