



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Martinsburg, WV 25405

www.atf.gov

DEC 20 2015

907010: WJS  
3311/304221

[REDACTED]  
Broken Arms  
[REDACTED]

San Jose, California 95131

Dear [REDACTED]:

This is in reference to your correspondence, with enclosed sample, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB). In your letter, you asked for a classification of the partially completed AR-10 type receiver blank your company is planning to manufacture (see enclosed photos). Specifically, you wish to know if this item would be classified as a "firearm" under the Gun Control Act of 1968 (GCA).

For your reference in this matter, the amended GCA, 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....*

Additionally, please note that 27 CFR § 478.92 states the following:

*...each licensed manufacturer or licensed importer of any firearm manufactured or imported shall legibly identify each such firearm by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof in a manner not susceptible of being readily obliterated, altered, or removed, an individual serial number not duplicating any serial number placed by the manufacturer or importer on any other firearm, and by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed), or placed on the frame or receiver, or barrel thereof in a manner not susceptible of being readily obliterated, altered or removed, the model, if such designation has been made; the caliber or gauge; the name (or recognized abbreviation of same) of the manufacturer and also, when applicable, of the importer; in the case of a domestically made firearm, the city and State*

[REDACTED]

(or recognized abbreviation thereof) wherein the licensed manufacturer maintains its place of business; and in the case of an imported firearm, the name of the country in which manufactured and the city and State (or recognized abbreviation thereof) of the importer.

Furthermore, for firearms manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and a minimum height of 1/16 inch. All other markings must be of a minimum depth of .003 inch.

Also, the AECA, 27 CFR § 447.11, defines “**defense articles**” as—

*...Any item designated in § 447.21 or § 447.22. This includes models, mockups, and other such items which reveal technical data directly relating to § 447.21 or § 447.22.*

Finally, the U.S. Munitions Import List (USMIL), Section 447.22, **FORGINGS, CASTINGS, and MACHINED BODIES** states:

*Articles on the USMIL include articles in a partially completed state (such as forgings, castings, extrusions, and machined bodies) which have reached a stage in manufacture where they are clearly identifiable as defense articles. If the end-item is an article on the U.S. Munitions Import List, (including components, accessories, attachments and parts) then the particular forging, casting, extrusion, machined body, etc., is considered a defense article subject to the controls of this part, except for such items as are in normal commercial use.*

During the examination of your sample, FTISB found that the following machining/drilling operations performed on the submitted sample:

1. Front and rear assembly/pivot pin holes drilled.
2. Selector-retainer hole drilled.
3. Magazine release and catch slots cut.
4. Trigger-guard machined.
5. Rear of receiver drilled and threaded to accept buffer tube.
6. Buffer-retainer hole drilled.
7. Pistol-grip mounting area faced off, drilled, and threaded.
8. Magazine well completed.

The machining operations not yet performed are as follows:

1. Milling out of fire-control cavity.
2. Selector-lever hole drilled.
3. Cutting of trigger slot.
4. Drilling the trigger-pin hole.
5. Drilling the hammer-pin hole.

FTISB personnel also noted the following external markings on the submitted sample:

- [Broken Arms logo]

- **MADE IN USA** [*On front of magazine well*]
- **www.brokenarmory.com** [*rear of receiver below buffer tube hole*]

FTISB has determined that an AR-10 type receiver blank could have all other machining operations performed, including front receiver pivot-pin and rear take down pin hole and clearance for the front receiver lug and rear take down pin lug clearance area, (not to exceed 1.60 inches) but must be completely solid and un-machined in the fire-control recess area. The rear take down pin lug clearance area must be no longer than 1.60 inches, measured from immediately forward of the front of the buffer-retainer hole.

The FTISB examination of your submitted item, found that the most forward portion of the rear take down pin lug clearance area measures approximately 1.52 inches in length, less the maximum allowable 1.60 inch threshold. As a result, the submitted item is not sufficiently complete to be classified as the frame or receiver of a firearm and thus is not a "firearm" as defined in the GCA. Consequently, the aforementioned item is therefore not subject to GCA provisions and implementing regulations. We caution that this determination applies only to the sample as submitted. Any alterations or modifications to the design or production of this AR-10-type receiver blank would make it subject to further review.

Please be aware, while not classified as a "firearm"; the submitted item is classified as a "defense article" as defined in 27 CFR Section 447.11. The U.S. Department of State (USDS) regulates all exports from, and particular imports into, the United States. Firearms, parts, and accessories for firearms are all grouped as "defense articles" by the USDS and overseen by their Directorate of Defense Trade Controls. Information regarding import/export of defense articles can be found on their web site at [www.pmdrtc.state.gov](http://www.pmdrtc.state.gov).

In conclusion, correspondence from our Branch is dependent upon the particular facts, designs, characteristics or scenarios presented. Please be aware that although other cases (submissions to our Branch) may appear to present identical issues, this correspondence pertains to a particular issue or item. We caution applying this guidance in this correspondence to other cases, because complex legal or technical issues may exist that differentiate this scenario or finding from others that only appear to be the same.

To facilitate return of your sample, FTISB will return the submitted sample via the accompanying envelope with a prepaid USPS Priority Mail label applied. If you have any additional questions regarding our findings, you may contact our Branch at any time.

Sincerely yours,



Michael R. Curtis

Chief, Firearms Technology Industry Services Branch

Enclosures

Broken Arms AR-10 type Sample Submitted  
11/5/15









