



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

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Martinsburg, WV 25401
www.atf.gov

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Dear Mr. Wilcoxon:

This refers to your recent correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), which accompanied your submitted sample of a semiautomatic FG42 "receiver casting." Your company wishes to import this casting, and you want to know if the submitted sample would be classified as a firearm receiver subject to regulation or as an unregulated, unfinished receiver casting.

As background, the Gun Control Act of 1968 (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....*

Further, the Arms Export Control Act of 1976 (AECA), 22 U.S.C. § 2778(1)(A)(i), notes the following:

As prescribed in regulations issued under this section, every person (other than an officer or employee of the United States Government acting in unofficial capacity) who engages in the business of manufacturing, exporting, or importing any defense articles or defense services designated by the President under subsection (a)(1) of this section shall register with the United States Government agency charged with the administration of this section, and shall pay a registration fee which shall be prescribed by such regulations.

Also, the AECA, Section 2778(a)(1), states—

...The President is authorized to designate those items which shall be considered as defense articles and defense services for the purposes of this section and to promulgate regulations for the import and export of such articles and services. The items so designated shall constitute the United States Munitions List.

Further, the U.S. Munitions Import List, 27 CFR. 447.22, includes the following items:

...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

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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.

Finally, the Munitions Import List, "Category I Firearms," includes—

...Nonautomatic and semiautomatic firearms, to caliber .50 inclusive, combat shotguns, and shotguns with barrels less than 18 inches in length, and all components and parts for such firearms...and all components and parts for such firearms to caliber .50 inclusive.

The FTB examination of the sample receiver casting (see enclosed pictures) shows that numerous machining operations still need to be completed, including the following:

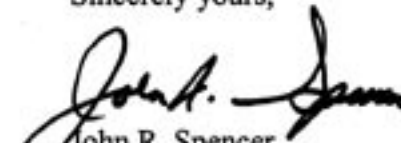
1. Cutting of the slot for the charging handle.
2. Cutting the opening for the magazine well.
3. Cutting the opening for the ejection port.
4. Cutting and drilling for the mounting of the firing mechanism components.
5. Enlarging the op-rod tunnel.
6. Enlarging and threading the barrel mounting area and cutting the camming slots.
7. Drilling the hole for the barrel mounting pin.

In its current configuration, this item would **not** be classified as a functioning receiver, but rather as an unfinished receiver casting. However, since the receiver casting is clearly identifiable as a defense article on the U.S. Munitions Import List (semiautomatic rifles and components, as noted in Category I above), its importation is subject to regulation under AECA.

For further information regarding the correct licenses, fees, and forms which your company is required to complete to ensure compliance with the above-cited statutes and regulations, you may contact ATF's Imports Branch at 304-616-8330.

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

Sincerely yours,


John R. Spencer
Chief, Firearms Technology Branch

Enclosures