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6
7 IN THE UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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11 CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INCORPORATED,

12 Plaintiff,

13 v.

14 BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES, et al.,

15 Defendants.
16

CASE NO. 1:14-cv-01211

**ATF'S CERTIFIED SET OF DOCUMENTS
COMPRISING THE RECORD**

1 I, Earl Griffith, Acting Chief, Firearms and Ammunition Technology Division, Bureau of
2 Alcohol, Tobacco, Firearms, and Explosives, certify that the documents provided comprise a true and
3 complete copy of the administrative record in the above referenced civil action.

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5 
6 Earl Griffith
7 Acting Chief
8 Firearms and Ammunition Technology Division
9 Bureau of Alcohol, Tobacco, Firearms, and
10 Explosives

11 Executed this 9th January 2015, at Martinsburg, West Virginia.
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26-33	March 2010	Classification Letter (Quentin Laser)
34-36	November 2013	Classification Letter (Bradley Reece)
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Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

PART 178—COMMERCE IN FIRE- ARMS AND AMMUNITION

On November 6, 1968, a notice of proposed rule making and hearing to issue 26 CFR Part 178, with respect to commerce in firearms and ammunition, was published in the FEDERAL REGISTER (33 F.R. 16285). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions, or to be heard at a hearing held on November 21, 1968. After consideration of all written and oral comments, the regulations as published, including the correction published in the FEDERAL REGISTER (33 F.R. 16647) are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. § 178.1 is changed as follows:

(A) By striking in paragraph (a) "(82 Stat. 236)" and by inserting in lieu thereof "(82 Stat. 236; 18 U.S.C. Appendix)".

(B) By striking the word "of" after the word "business" in paragraph (b) (3) and inserting in lieu thereof the words "or activity by".

PAR. 2. Section 178.2 is changed by striking the word "traffic" and inserting in lieu thereof the word "commerce".

PAR. 3. Section 178.11 is changed as follows:

(A) The definition of "Ammunition" is changed by striking the period at the end thereof and inserting in lieu thereof "other than an antique firearm. The term shall not include (a) any shotgun shot or pellet not designed for use as the single, complete projectile load for one shotgun hull or casing, nor (b) any unloaded nonmetallic shotgun hull or casing not having a primer."

(B) The definition of "Antique firearm" is changed by striking the designations "(1)", "(2)", "(1)", "(1)", and "(ii)" and inserting in lieu thereof "(a)", "(b)", "paragraph (a)", "(1)", and "(2)", respectively.

(C) Immediately after the definition of "Business premises" there is inserted a new definition.

(D) The definition of "Crime punishable by imprisonment for a term exceeding 1 year" is revised to reflect editorial changes.

(E) The definition of "Customs officer" is changed.

(F) The definition of "Date of importation" is deleted.

(G) The definition of "Destructive device" is changed by striking the word

"clauses" in paragraph (a) (6) and inserting in lieu thereof the words "subparagraphs of this definition"; and by inserting in paragraph (c) the word "paragraph" immediately before the designations "(a) or (b)".

(H) The definition of "Firearm frame or receiver" is changed by striking the word "brecclock" and inserting in lieu thereof the word "breccblock".

(I) The definitions of "Licensed dealer", "Licensed importer", and "Licensed manufacturer" are changed by striking the words "Public Law 90-351" and inserting in lieu thereof the words "the Omnibus Crime Control and Safe Streets Act of 1968".

(J) The definition of "Replica", immediately following the definition of Regional Commissioner, is deleted.

(K) Immediately following the definition of "State" there is inserted a new definition.

PAR. 4. Section 178.23 is revised to provide clarifying changes.

PAR. 5. Section 178.26 is changed by striking the word "testing" in each place it appears and inserting in lieu thereof the word "evaluation".

PAR. 6. Section 178.27 is changed by striking from the second sentence thereof the words "to the Assistant Regional Commissioner for transmittal"; by striking from the fourth sentence thereof the words ", or to an officer designated by him,"; by striking from the fourth sentence the words "or testing." and by inserting in lieu thereof the words "and evaluation."; by striking from the fifth sentence the word "impracticable" and the word "testing.", and inserting in lieu thereof the word "impracticable" and the word "evaluation.", respectively.

PAR. 7. Section 178.28 is changed as follows:

(A) The first sentence of paragraph (a) is changed to read as follows: "(a) The Assistant Regional Commissioner for the internal revenue region in which a person resides may authorize that person to transport in interstate or foreign commerce any destructive device, machine gun, short-barreled shotgun, or short-barreled rifle, if he finds that such transportation is reasonably necessary and is consistent with public safety and applicable State and local law."

(B) Paragraph (c) is changed.

PAR. 8. Section 178.30 is changed by inserting after the word "give" in the first sentence thereof a ",,".

PAR. 9. Immediately after § 178.34 there is inserted a new § 178.35.

PAR. 10. Paragraph (b) of § 178.41 is revised to make editorial changes; paragraph (c) is redesignated as paragraph (d); and a new paragraph (c) is added.

PAR. 11. Section 178.43 is changed by adding a new sentence at the end thereof to read as follows: "However, the license fee submitted with an application for a

license shall be refunded if that application is denied."

PAR. 12. Section 178.44 is changed by striking from the first sentence of paragraph (b) the words "engage in such activity" and inserting in lieu thereof the words "maintain his collection premises"; and by inserting in the second sentence of paragraph (c) the word "Firearms" immediately following the word "Federal".

PAR. 13. Section 178.46 is changed.

PAR. 14. Paragraphs (b) (6) and (c) of § 178.47 are changed.

PAR. 15. Section 178.48 is changed by striking the words ", and the copy thereof furnished with the license," from each place they appear; by striking the words "and the copy thereof" and ", and the copy thereof," from each place they appear; and by striking the word "may" in the last sentence of paragraph (b) and inserting in lieu thereof the word "shall".

PAR. 16. Section 178.52 is changed by revising the first sentence thereof to read: "A licensee may during the term of his current license remove his business or activity to a new location at which he intends regularly to carry on such business or activity, without procuring a new license."

PAR. 17. Immediately after § 178.58 there are inserted two new sections, §§ 178.59 and 178.60.

PAR. 18. The first sentence of § 178.78 is changed by striking the words "If, after" and inserting in lieu thereof the word "After".

PAR. 19. Section 178.81 is changed by striking the words "such as meets the needs of the parties;" and inserting in lieu thereof the words "at a location convenient to the aggrieved party:."

PAR. 20. The first sentence of § 178.82 is changed by adding a ",," immediately following the words "has expired"; and by adding a proviso immediately following the words "licensee has passed" to read as follows: "Provided, That under the condition of paragraph (a) of this section, the licensee has timely filed an application for the renewal of his license".

PAR. 21. Section 178.92 is changed (A) by striking the designation "(a)"; (B) by striking the designation "(b)" and inserting in lieu thereof the words "and by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame, receiver, or barrel thereof in a manner not susceptible of being readily obliterated, altered or removed."; (C) by striking the designation ", (c)" and inserting in lieu thereof ";;"; (D) by striking the words "gauge, (d)" and inserting in lieu thereof the word "gauge;"; (E) by striking the designation ", (e)" and inserting in lieu thereof ";;" and (F) by striking the words

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“, and (f)” and inserting in lieu thereof the word “; and”.

PAR. 22. Section 178.93 is changed by striking the word “shipments” in paragraph (a) thereof and inserting in lieu thereof the word “shipment”; and by striking the text following “and (b)” and inserting in lieu thereof “any transaction with a nonlicensee involving any firearm or ammunition other than a curio or relic. (See also § 178.50.)”

PAR. 23. Section 178.94 is changed.

PAR. 24. Section 178.95 is changed as follows:

(A) by changing paragraph (b) thereof to read: “(b) Make a reproduction of his license, enter upon such reproduction the statement: ‘I certify that this is a true copy of a license issued to me to engage in the business specified in Item 5,’ and sign his name adjacent thereto, or”; and

(B) by striking the word “additional” in the first sentence of paragraph (c) thereof and inserting in lieu thereof the word “certified”.

PAR. 25. Paragraphs (b), (c), and (d) of § 178.96 are changed.

PAR. 26. Sections 178.97 and 178.98 are changed.

PAR. 27. Paragraphs (a) and (c) of § 178.99 are changed.

PAR. 28. Section 178.100 is changed by adding the words “and ammunition” immediately following the word “firearms”.

PAR. 29. Paragraph (b) (1) of § 178.111 is changed, and paragraph (c) is added.

PAR. 30. Section 178.112 is changed as follows:

(A) Paragraph (a) is changed by striking “) unless (1) if a firearm, it is identified as required by this part, and (2)” and by deleting “(3)” immediately following “ammunition, or”.

(B) Paragraphs (b) and (d) are changed by striking “(if ammunition)” immediately following the word “size”.

PAR. 31. Section 178.113 is changed as follows:

(A) Paragraph (b) is changed by deleting “(if ammunition)” immediately following the word “size” in subparagraph (2), by inserting the word “and” following existing text of subparagraph (5), by deleting all of subparagraph (6), and by renumbering subparagraph “(7)” as “(6)”.

(B) Paragraph (c) is changed by revising the second sentence to read “In obtaining the release of the firearm or ammunition from Customs custody, the licensee importing same shall furnish a Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition.”

(C) Paragraphs (d) and (e) are deleted.

PAR. 32. Section 178.114 is changed by deleting paragraph (a); redesignating paragraphs (b) and (c) as paragraphs (a) and (b), respectively, and revising such redesignated paragraphs; and adding a new paragraph (c).

PAR. 33. Section 178.115 is changed by adding at the end of paragraph (a), “Registration on Customs Form 4457 or on any other registration document available for this purpose may be completed before departure from the United

States at any U.S. customhouse or any office of an Assistant Regional Commissioner. A bill of sale or other commercial document showing transfer of the firearm or ammunition in the United States to such person also may be used to establish proof that the firearm or ammunition was taken out of the United States by such person. Firearms and ammunition furnished under the provisions of section 925(a)(3) of the Act to military members of the U.S. Armed Forces on active duty outside of the United States also may be imported into the United States or any possession thereof by such military members upon establishing to the satisfaction of Customs that such firearms and ammunition were so obtained.”; and by adding a new paragraph (d).

PAR. 34. Section 178.116 is changed by adding, in the last sentence and immediately following the words “released from Customs custody” the words “upon the payment of customs duties, if applicable, and”.

PAR. 35. A new section, § 178.117, is added immediately following § 178.116.

PAR. 36. Paragraph (a) of § 178.121 is changed.

PAR. 37. Paragraphs (a), (b), and (d) of §§ 178.122 and 178.123 are changed.

PAR. 38. Sections 178.124 and 178.125 are changed.

PAR. 39. Paragraph (b) of § 178.144 is changed by revising the last sentence to read “The application shall be filed, in triplicate, with the Assistant Regional Commissioner for the internal revenue region wherein the applicant resides.”

PAR. 40. Section 178.166 is changed by striking “5848(a)” and by inserting in lieu thereof “5845(a)”.

Because these regulations implement Title I, State Firearms Control Assistance (18 U.S.C., chapter 44) of the Gun Control Act of 1968 (82 Stat. 1213) which becomes effective December 16, 1968, it is found that it is impracticable and contrary to the public interest to publish these regulations subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, these regulations shall become effective on December 16, 1968.

SHELDON S. COHEN,

Commissioner of Internal Revenue.

Approved: December 12, 1968.

JAMES FENEROY HENDRICK,

*Special Assistant to the Secretary
(for Enforcement).*

In order to implement the provisions of Title I, State Firearms Control Assistance (18 U.S.C., chapter 44), of the Gun Control Act of 1968 (82 Stat. 1213), and Title VII, Unlawful Possession or Receipt of Firearms (82 Stat. 236; 18 U.S.C., Appendix), of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 197), as amended by Title III of the Gun Control Act of 1968 (82 Stat. 1236), the following regulations are hereby prescribed as Part 178 of Title 26 of the Code of Federal Regulations:

Preamble. 1. These regulations, 26 CFR Part 178, “Commerce in Firearms and Ammunition,” supersede regula-

tions 26 CFR Part 177 issued under the Federal Firearms Act (U.S.C., title 18, chapter 18).

2. These regulations shall not affect any act done or any liability or right accruing, or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. These regulations shall be effective on and after December 16, 1968.

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

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AUTHORITY: The provisions of this Part 178 issued under 82 Stat. 1213-1226, 18 U.S.C. 921-928, 82 Stat. 236, as amended, unless otherwise noted.

Subpart A—Introduction**§ 178.1 Scope of regulations.**

(a) *In general.* The regulations contained in this part relate to commerce in firearms and ammunition and are promulgated to implement Title I, State Firearms Control Assistance (18 U.S.C. Chapter 44), of the Gun Control Act of 1968 (82 Stat. 1213), and Title VII, Unlawful Possession or Receipt of Firearms (82 Stat. 236; 18 U.S.C. Appendix) of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 197) as amended by Title III of the Gun Control Act of 1968 (82 Stat. 1236).

(b) *Procedural and substantive requirements.* This part contains the procedural and substantive requirements relative to:

- (1) The interstate or foreign commerce in firearms and ammunition;
- (2) The licensing of manufacturers, importers, and collectors of, and dealers in, firearms and ammunition;
- (3) The conduct of business or activity by licensees;
- (4) The importation of firearms and ammunition;
- (5) The records and reports required of licensees;
- (6) Relief from disabilities under this part; and
- (7) Exempt interstate and foreign commerce in firearms and ammunition.

(c) *Federal Firearms Act licensees.* This part fully applies to operations by persons licensed under the Federal Firearms Act and Part 177 of this chapter who are continuing their operations under such license pursuant to section 907 of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 235). Any reference in this part to "license," "licensee," "licensed dealer," "licensed importer," "licensed manufacturer," etc., shall apply equally as the case may be to licenses and persons licensed under the Federal Firearms Act who are continuing operations pursuant to a license issued under that Act.

§ 178.2 Relation to other provisions of law.

The provisions in this part are in addition to, and are not in lieu of, any other provision of law, or regulations, respecting commerce in firearms or ammunition. For regulations applicable to traffic in machine guns, destructive devices, and certain other firearms, see Part 179 of this chapter. For statutes applicable to the registration and licensing of persons engaged in the business of manufacturing, importing or exporting arms, ammunition, or implements of war, see section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), and regulations thereunder. For statutes applicable to non-mailable firearms, see 18 U.S.C. 1715 and regulations thereunder.

Subpart B—Definitions**§ 178.11 Meaning of terms.**

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude other things not enumerated which are in the same general class or are otherwise within the scope thereof. Act, Chapter 44 of title 18 of the United States Code.

Ammunition. Ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm other than an antique firearm. The term shall not include (a) any shotgun shot or

pellet not designed for use as the single, complete projectile load for one shotgun hull or casing, nor (b) any unloaded, non-metallic shotgun hull or casing not having a primer.

Antique firearm. (a) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and (b) any replica of any firearm described in paragraph (a) of this definition if such replica (1) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (2) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Assistant Regional Commissioner. An Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, a Regional Commissioner of Internal Revenue.

Business premises. The property on which firearms or ammunition importing, manufacturing or dealing business is or will be conducted. A private dwelling, no part of which is open to the public, shall not be recognized as coming within the meaning of the term.

Collection premises. The premises described on the license of a collector as the location at which he maintains his collection of curios and relics.

Collector. Any person who acquires, holds, or disposes of firearms or ammunition as curios or relics.

Commerce. Travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country.

Commissioner. The Commissioner of Internal Revenue.

Crime punishable by imprisonment for a term exceeding 1 year. Any offense for which the maximum penalty, whether or not imposed, is capital punishment or imprisonment in excess of 1 year. The term shall not include (a) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulations of business practices excluded from the meaning of the term under provisions contained in this part, or (b) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of 2 years or less.

Curios or relics. Firearms or ammunition which are of special interest to collectors by reason of some quality other than is ordinarily associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms and ammunition must fall within one of the following categories:

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(a) Firearms and ammunition which were manufactured at least 50 years prior to the current date, but not including replicas thereof;

(b) Firearms and ammunition which are certified by the curator of a municipal, State, or Federal museum which exhibits firearms to be curios or relics of museum interest; and

(c) Any other firearms or ammunition which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm or item of ammunition under this category may be established by evidence of present value and evidence that like firearms or ammunition are not available except as collector's items, or that the value of like firearms or ammunition available in ordinary commercial channels is substantially less.

Customs officer. Any officer of the Bureau of Customs or any agent or other person authorized by law or by the Secretary of the Treasury, or appointed in writing by a Regional Commissioner of Customs, or by another principal customs officer under delegated authority, to perform the duties of an officer of the Bureau of Customs.

Dealer. Any person engaged in the business of selling firearms or ammunition at wholesale or retail; any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms; or any person who is a pawnbroker.

Destructive device. (a) Any explosive, incendiary, or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than 4 ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine, or (6) device similar to any of the devices described in the preceding subparagraphs of this definition; (b) any type of weapon (other than a shotgun or a shotgun shell which the Director finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (c) any combination of parts either designed or intended for use in converting any device into any destructive device described in paragraph (a) or (b) of this definition and from which a destructive device may be readily assembled. The term shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10, United States Code; or any other device which the Director finds is not likely to

be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting purposes.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D.C. 20224.

Discharged under dishonorable conditions. Separation from the U.S. Armed Forces resulting from a Bad Conduct Discharge or a Dishonorable Discharge.

District Director. A District Director of Internal Revenue.

Executed under penalties of perjury. Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the return, form, or other document or, where no form of declaration is prescribed, with the declaration: "I declare under the penalties of perjury that this—(insert type of document, such as, statement, application, request, certificate), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete."

Federal Firearms Act. Chapter 18 of title 15, United States Code, as in effect on December 15, 1968.

Felony. Any offense punishable by imprisonment for a term exceeding 1 year. The term shall not include any offense (other than one involving a firearm or explosive) classified as a misdemeanor under the laws of a State and punishable by a term of imprisonment of 2 years or less.

Firearm. Any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device; but the term shall not include an antique firearm. In the case of a licensed collector, the term shall mean only curios and relics.

Firearm frame or receiver. That part of a firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

Fugitive from justice. Any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

Importation. The bringing of a firearm or ammunition into the United States; except that the bringing of a firearm or ammunition from outside the United States into a foreign-trade zone for storage pending shipment to a foreign country or subsequent importation into this country, pursuant to this part, shall not be deemed importation.

Importer. Any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution.

Indictment. Includes an indictment or information in any court under which a crime punishable by imprisonment for a term exceeding 1 year may be prosecuted.

Internal Revenue Code of 1954. Title 26, United States Code.

Internal revenue district. An internal revenue district under the jurisdiction of a District Director of Internal Revenue.

Internal revenue region. An internal revenue region under the jurisdiction of a Regional Commissioner of Internal Revenue.

Interstate or foreign commerce. Includes commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia. The term shall not include commerce between places within the same State but through any place outside of that State.

Licensed collector. A collector of curios and relics only and licensed under the provisions of this part.

Licensed dealer. A dealer licensed under the provisions of this part, and a dealer licensed under the Federal Firearms Act if such license is deemed valid under section 907 of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 235).

Licensed importer. An importer licensed under the provisions of this part, and a manufacturer (as that term was defined in the Federal Firearms Act) licensed under the Federal Firearms Act if such license is deemed valid under section 907 of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 235).

Licensed manufacturer. A manufacturer licensed under the provisions of this part, and a manufacturer (as that term was defined in the Federal Firearms Act) licensed under the Federal Firearms Act if such license is deemed valid under section 907 of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 235).

Machine gun. Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination or parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

Manufacturer. Any person engaged in the manufacture of firearms or ammunition for purposes of sale or distribution.

National Firearms Act. Chapter 53 of the Internal Revenue Code of 1954.

Pawnbroker. Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm or ammunition as security for the payment or repayment of money.

Person. Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

Published ordinance. A published law of any political subdivision of a State which the Director determines to be relevant to the enforcement of this part and which is contained on a list compiled by the Director, which list is published in the FEDERAL REGISTER, revised annually, and

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furnished to each licensee under this part.

Regional Commissioner. A Regional Commissioner of Internal Revenue.

Rifle. 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 metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Short-barreled rifle. A rifle having one or more barrels less than 16 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 26 inches.

Short-barreled shotgun. A shotgun having one or more barrels less than 18 inches in length, and any weapon made from a shotgun, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than 26 inches.

Shotgun. 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 shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

State. A State of the United States. The term shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

State of residence. The State in which an individual regularly resides, or maintains his home, or if such person is on active duty as a member of the United States Armed Forces, the State in which his permanent duty station is located: *Provided*, That an alien who is legally in the United States shall be considered to be a resident of the State in which (a) he is residing and has so resided for a period of at least 90 days prior to the date of sale or delivery of a firearm or ammunition, or (b) his embassy or consulate is located if the principal officer of such embassy or consulate issues a written statement to such alien authorizing his acquisition of a firearm or ammunition. Temporary sojourn in a State does not make the State of temporary sojourn the State of residence.

Example 1. A maintains his home in State X. He travels to State Y on a hunting, fishing, business or other type of trip. He does not become a resident of State Y by reason of such trip.

Example 2. A maintains a home in State X and a home in State Y. He resides in State X except for the summer months of the year and in State Y for the summer months of the year. During the time that he actually resides in State X he is a resident of State X, and during the time that he actually resides in State Y he is a resident of State Y.

Unserviceable firearm. A firearm which is incapable of discharging a shot by means of an explosive and is incapable of being readily restored to a firing condition.

U.S.C. The United States Code.

Subpart C—Administrative and Miscellaneous Provisions

§ 178.21 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished, as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

§ 178.22 Emergency variations from requirements.

(a) The Director may approve variations from the requirements of this part when he finds that an emergency exists and that the proposed variations from the specific requirements (1) are necessary, (2) will not hinder the effective administration of this part, and (3) will not be contrary to any provisions of law.

(b) Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations with respect thereto set forth in the approval of the application. Failure to comply in good faith with such procedures, conditions, and limitations shall automatically terminate the authority for such variations, and the licensee thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variation may be withdrawn whenever in the judgment of the Director the effective administration of this part is hindered by the continuation of such variation. A licensee who desires to employ such variation shall submit a written application so to do, in triplicate, to the Assistant Regional Commissioner for transmittal to the Director. The application shall describe the proposed variation and set forth the reasons therefor. A variation shall not be employed until the application has been approved. The licensee shall retain, as part of his records, available for examination by internal revenue officers, any application approved by the Director under the provisions of this section.

§ 178.23 Right of entry and examination.

Any internal revenue officer may enter during business hours the premises, including places of storage, of any licensed importer, licensed manufacturer, licensed dealer, or licensed collector for the purpose of inspecting or examining any records or documents required to be kept by such importer, manufacturer, dealer, or collector under this part, and any firearms or ammunition kept or stored by such importer, manufacturer, dealer, or collector at such premises.

§ 178.24 Published ordinances.

The Director is authorized to compile, publish in the FEDERAL REGISTER, annually revise, and furnish to each licensee, a list of published ordinances which are relevant to the enforcement of this part.

§ 178.25 Disclosure of information.

Upon receipt of written request of any State or any political subdivision there-

of, the Assistant Regional Commissioner may make available to such State or any political subdivision thereof, any information which the Assistant Regional Commissioner may obtain by reason of the provisions of the Act with respect to the identification of persons within such State or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition.

§ 178.26 Curio and relic determination.

A licensed collector who desires to obtain a determination whether a particular firearm or ammunition is a curio or relic shall submit a written request, in duplicate, for a ruling thereon to the Assistant Regional Commissioner. Each such request shall be executed under the penalties of perjury and shall contain a complete and accurate description of the firearm or ammunition, and such photographs, diagrams, or drawings as may be necessary to enable the Assistant Regional Commissioner to make his determination. The Assistant Regional Commissioner may require the submission to him, or to an officer designated by him, of the firearm or ammunition for examination and evaluation. If the submission of the firearm or ammunition is impractical, the licensed collector shall so advise the Assistant Regional Commissioner and designate the place where the firearm or ammunition will be available for examination and evaluation.

§ 178.27 Destructive device determination.

The Director shall determine in accordance with 18 U.S.C. § 21(a)(4) whether a device is excluded from the definition of a destructive device. A person who desires to obtain a determination under that provision of law for any device which he believes is not likely to be used as a weapon shall submit a written request, in triplicate, for a ruling thereon to the Director. Each such request shall be executed under the penalties of perjury and contain a complete and accurate description of the device, the name and address of the manufacturer or importer thereof, the purpose of and use for which it is intended, and such photographs, diagrams, or drawings as may be necessary to enable the Director to make his determination. The Director may require the submission to him, of a sample of such device for examination and evaluation. If the submission of such device is impracticable, the person requesting the ruling shall so advise the Director and designate the place where the device will be available for examination and evaluation.

§ 178.28 Transportation of destructive devices and certain firearms.

(a) The Assistant Regional Commissioner for the internal revenue region in which a person resides may authorize that person to transport in interstate or foreign commerce any destructive device, machine gun, short-barreled shotgun, or short-barreled rifle, if he finds that such transportation is reasonably necessary

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and is consistent with public safety and applicable State and local law. A person who desires to transport in interstate or foreign commerce any such device or weapon shall submit a written request so to do, in duplicate, to the Assistant Regional Commissioner. The request shall contain:

(1) A complete description and identification of the device or weapon to be transported;

(2) A statement whether such transportation involves a transfer of title;

(3) The need for such transportation;

(4) The approximate date such transportation is to take place;

(5) The present location of such device or weapon and the place to which it is to be transported;

(6) The mode of transportation to be used (including, if by common or contact carrier, the name and address of such carrier); and

(7) Evidence that the transportation or possession of such device or weapon is not inconsistent with the laws at the place of destination.

(b) No person shall transport any destructive device, machine gun, short-barreled shotgun, or short-barreled rifle in interstate or foreign commerce under the provisions of this section until he has received specific authorization so to do from the Assistant Regional Commissioner. Authorization granted under this section does not carry or import relief from any other statutory or regulatory provision relating to firearms.

(c) This section shall not be construed as requiring licensees to obtain authorization to transport destructive devices, machine guns, short-barreled shotguns, and short-barreled rifles in interstate or foreign commerce: *Provided*, That in the case of a licensed importer, licensed manufacturer, or licensed dealer, such a licensee is qualified under the National Firearms Act (see also Part 179 of this chapter) and this part to engage in the business with respect to the device or weapon to be transported, and that in the case of a licensed collector, the device or weapon to be transported is a curio or relic.

§ 178.29 Out-of-State acquisition of firearms by nonlicensees.

No person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, shall transport into or receive in the State where he resides (or if a corporation or other business entity, where it maintains a place of business) any firearm purchased or otherwise obtained by such person outside that State: *Provided*, That the provisions of this section (a) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State, (b) shall not apply to the transportation or receipt of a rifle or shotgun obtained in conformity with the provisions of §§ 178.30, 178.96, and 178.97, and (c)

shall not apply to the transportation of any firearm acquired in any State prior to the effective date of the Act.

§ 178.30 Out-of-State disposition of firearms by nonlicensees.

No nonlicensee shall transfer, sell, trade, give, transport, or deliver any firearm to any other nonlicensee, who the transferor knows or has reasonable cause to believe resides in any State other than that in which the transferor resides (or if a corporation or other business entity, where it maintains a place of business): *Provided*, That the provisions of this section shall not apply to (a) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or any acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence, and (b) the loan or rental of a firearm to any person for temporary use for lawful sporting purposes.

§ 178.31 Delivery by common or contract carrier.

(a) No person shall knowingly deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce to any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped: *Provided*, That any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver said firearm or ammunition into the custody of the pilot, captain, conductor or operator of such common or contract carrier for the duration of that trip without violating any provision of this part.

(b) No common or contract carrier shall transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof would be in violation of any provision of this part: *Provided, however*, That the provisions of this paragraph shall not apply in respect to the transportation of firearms or ammunition in in-bond shipment under Customs laws and regulations.

§ 178.32 Prohibited shipment, transportation, or receipt of firearms and ammunition by certain persons.

(a) No person may ship or transport any firearm or ammunition in interstate or foreign commerce, or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, who (1) is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year, (2) is a fugitive from justice, (3) is an unlawful user of or addicted to marijuana or any depressant or stimulant drug (as defined in section 201(v)

of the Federal Food, Drug, and Cosmetic Act), or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954), or (4) has been adjudicated as a mental defective or who has been committed to a mental institution.

(b) A firearm may not be received, possessed, or transported in commerce or affecting commerce by any person who (1) has been convicted by a court of the United States or of a State or any political subdivision thereof of a felony, (2) has been discharged from the Armed Forces under dishonorable conditions, (3) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, or (4) having been a citizen of the United States has renounced his citizenship, or (5) being an alien is illegally in the United States.

(c) Any individual who to his knowledge and while being employed by any person coming within a classification contained in paragraph (b) of this section, may not in the course of such employment receive, possess, or transport a firearm in commerce or affecting commerce.

(d) The provisions of paragraph (b) of this section shall not apply to any prisoner who by reason of duties connected with law enforcement has expressly been entrusted with a firearm by competent authority of the prison, and the provisions of paragraphs (b) and (c) of this section shall not apply to any person, or any employee employed by such person, who has been pardoned by the President of the United States or the chief executive of a State and has expressly been authorized by the President or such chief executive, as the case may be, to receive, possess, or transport in commerce a firearm.

§ 178.33 Stolen firearms and ammunition.

No person shall transport or ship in interstate or foreign commerce any stolen firearm or stolen ammunition knowing or having reasonable cause to believe that the firearm or ammunition was stolen, and no person shall receive, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition which is moving as, which is a part of, or which constitutes interstate or foreign commerce, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

§ 178.34 Removed, obliterated, or altered serial number.

No person shall knowingly transport, ship, or receive in interstate or foreign commerce any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered.

§ 178.35 Skeet, trap, target, and similar shooting activities.

Licensing and recordkeeping requirements, including permissible alternate records, for skeet, trap, target, and similar organized activities shall be determined by the Assistant Regional Commissioner on a case by case basis.

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Subpart D—Licenses

§ 178.41 General.

(a) Each person intending to engage in business as an importer or manufacturer of, or a dealer in, firearms or ammunition shall, before commencing such business, obtain the license required by this subpart for the business to be operated. Each person who desires to obtain the privileges granted by the Act and this part to a licensed collector may obtain such a license under the provisions of this subpart.

(b) Each person intending to engage in business as a firearms or ammunition importer, manufacturer, or dealer shall file an application, with the required fee (see § 178.42), with the District Director for the internal revenue district in which his premises are to be located, and, pursuant to § 178.47, receive the license required for such business from the Assistant Regional Commissioner. A separate license must be obtained for each business and each place at which the applicant is to do business. Such license shall, subject to the provisions of the Act and other applicable provisions of law, entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce, and to engage in the business specified by the license, at the location described on the license, and for the period stated on the license: *Provided*, That it shall not be necessary for a licensed importer or a licensed manufacturer to also obtain a dealer's license in order to engage in business on his licensed premises as a dealer in the same type of firearms or ammunition authorized by his license to be imported or manufactured: *Provided further*, That the payment of the license fee as an importer or manufacturer of, or a dealer in, destructive devices and ammunition for destructive devices includes the privilege of importing, manufacturing or dealing in, as the case may be, firearms other than destructive devices and ammunition for other than destructive devices by such a licensee at his licensed premises.

(c) Each person seeking the privileges of a collector licensed under this part shall file an application, with the required fee (see § 178.42), with the District Director for the internal revenue district in which his collection premises are to be located, and, pursuant to § 178.47, receive from the Assistant Regional Commissioner the license covering the collection of curios and relics. A separate license may be obtained for each collection premises, and such license shall, subject to the provisions of the Act and other applicable provisions of law, entitle the licensee to transport, ship, receive, and acquire curios and relics in interstate or foreign commerce, and to make disposition of curios and relics in interstate or foreign commerce to any other person licensed under the provisions of this part, for the period stated on the license.

(d) The collector license provided by this part shall apply only to transactions related to a collector's activity in acquiring, holding or disposing of curios and

relics. A collector's license does not authorize the collector to engage in a business required to be licensed under the Act or this part. Therefore, if the acquisitions and dispositions of curios and relics by a collector bring the collector within the definition of a manufacturer, importer, or dealer under this part, he shall qualify as such. (See also § 178.93 of this part.)

§ 178.42 License fees.

Each applicant shall pay a fee for obtaining a license, a separate fee being required for each business or collecting activity at each place of such business or activity, as follows:

- (a) For a manufacturer:
- (1) Of destructive devices or ammunition for destructive devices—\$1,000 per year.
 - (2) Of firearms other than destructive devices—\$50 per year.
 - (3) Of ammunition for firearms other than destructive devices—\$10 per year.
- (b) For an importer:
- (1) Of destructive devices or ammunition for destructive devices—\$1,000 per year.
 - (2) Of firearms other than destructive devices or ammunition for firearms other than destructive devices—\$50 per year.
- (c) For a dealer:
- (1) In destructive devices or ammunition for destructive devices—\$1,000 per year.
 - (2) Who is a pawnbroker dealing in firearms other than destructive devices or ammunition for firearms other than destructive devices—\$25 per year.
 - (3) Who is not a dealer in destructive devices or a pawnbroker—\$10 per year.
- (d) For a collector of curios and relics—\$10 per year.

§ 178.43 License fee not refundable.

No refund of any part of the amount paid as a license fee shall be made where the operations of the licensee are, for any reason, discontinued during the period of an issued license. However, the license fee submitted with an application for a license shall be refunded if that application is denied.

§ 178.44 Original license.

(a) Any person who intends to engage in business as a firearms or ammunition importer, manufacturer, or dealer on or after the effective date of this part, or who has not previously been licensed under the provisions of this part to so engage in business, or who has not timely submitted application for renewal of his previous license issued under this part, shall, except as provided in paragraph (c) of this section, file with the District Director for the internal revenue district in which the applicant is to do business an application, Form 7 (Firearms), in duplicate. The application, Form 7 (Firearms), shall include information as to the ownership of the business, the type of firearms or ammunition to be dealt in, the type of business premises, the business hours, the business history, and the identity of the responsible persons in the business. The application must be executed under the penalties of perjury

and the penalties imposed by 18 U.S.C. 924. The application shall be accompanied by the appropriate fee in the form of (1) cash, or (2) money order or check made payable to the Internal Revenue Service. Forms 7 (Firearms) may be obtained from any Assistant Regional Commissioner or from any District Director.

(b) Any person who desires to obtain the privileges granted to a licensed collector under the Act and this part on or after the effective date of this part, or who has not timely submitted application for renewal of his previous license issued under this part, shall file with the District Director for the internal revenue district in which the applicant is to maintain his collection premises an application, Form 7 (Firearms), in duplicate. The application, Form 7 (Firearms), shall include information as to the ownership of the activity, the type of premises to be maintained by the applicant for the activity, and the identity of the responsible persons in the activity. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 924. The application shall be accompanied by a \$10 fee in the form of (1) cash, or (2) money order or check made payable to the Internal Revenue Service. Forms 7 (Firearms) may be obtained from any Assistant Regional Commissioner or from any District Director.

(c) Any person holding a valid license issued pursuant to the provisions of the Federal Firearms Act to manufacture, import or deal in firearms or ammunition for pistols or revolvers may continue to conduct such business under such license until that license expires according to its terms, unless that license be sooner terminated pursuant to applicable provisions of law. If the holder of a license issued pursuant to the Federal Firearms Act intends to continue his firearms or ammunition business following the expiration of such license, he shall comply with the provisions contained in paragraph (a) of this section prior to the expiration of the period covered by the license, and upon compliance with those provisions such an applicant may continue such operations as were authorized by his expired license under this part until his application is finally acted upon.

§ 178.45 Renewal of license.

If a licensee intends to continue the business or activity described on a license issued under this part during any portion of the ensuing year, he shall, unless otherwise notified in writing by the Assistant Regional Commissioner, execute and file prior to the expiration of his license an application for license renewal, Form 8 (Firearms) (Part 3), accompanied by the required fee, with the District Director for the internal revenue district in which the business or activity is operated. The Assistant Regional Commissioner may, in writing, require an applicant for license renewal to also file completed Form 7 (Firearms) in the manner required by § 178.44. In the event the licensee does not timely file a

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Form 8 (Firearms) (Part 3), he must file a Form 7 (Firearms) as required by § 178.44, and obtain the required license before continuing business or collecting activity. If a Form 8 (Firearms) (Part 3) is not timely received through the mails, the licensee should so notify his Assistant Regional Commissioner.

§ 178.46 Procedure by District Director.

Upon receipt of an application for an original license on Form 7 (Firearms) or an application for renewal of a license on Form 8 (Firearms) (Part 3) or a required Form 7 (Firearms), the District Director shall deposit the fee accompanying the license application and forward the application to the Assistant Regional Commissioner. Where an application is filed with an insufficient fee, the application and any fee submitted shall be returned.

§ 178.47 Issuance of license.

(a) Upon receipt of a properly executed application for a license on Form 7 (Firearms), or Form 8 (Firearms) (Part 3), the Assistant Regional Commissioner may, upon finding through further inquiry or investigation, or otherwise, that the applicant is entitled thereto, issue the appropriate license and a copy thereof. Each license shall bear a serial number and such number may be assigned to the licensee to whom issued for so long as he maintains continuity of annual renewal in the same internal revenue district.

(b) The Assistant Regional Commissioner shall approve a properly executed application for license on Form 7 (Firearms), or Form 8 (Firearms) (Part 3), if:

(1) The applicant is 21 years of age or over;

(2) The applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under the provisions of the Act;

(3) The applicant has not willfully violated any of the provisions of the Act or this part;

(4) The applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application;

(5) The applicant has in a State (1) premises from which he conducts business subject to license under the Act or from which he intends to conduct such business within a reasonable period of time, or (ii) in the case of a collector, premises from which he conducts his collecting subject to license under the Act or from which he intends to conduct such collecting within a reasonable period of time; and

(6) The applicant is not prohibited by the provisions of Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C. Appendix) from receiving, possessing or

transporting firearms in commerce or affecting commerce, if the application is for a license relating to firearms.

(c) The Assistant Regional Commissioner shall approve or deny an application for license within the 45-day period beginning on the date the application was received by the District Director: *Provided*, That when an applicant for license renewal is a person who is, pursuant to the provisions of § 178.82, § 178.143, or § 178.144, conducting business or collecting activity under a previously issued license, action regarding the application will be held in abeyance pending the completion of the proceedings against the applicant's existing license or license application, final determination of the applicant's criminal case, or final action by the Commissioner of an application for relief submitted pursuant to § 178.144, as the case may be.

(d) When the Assistant Regional Commissioner fails to act on an application for license within the 45-day period prescribed by paragraph (c) of this section, the applicant may file an action under section 1361 of title 28, United States Code, to compel the Assistant Regional Commissioner to act.

§ 178.48 Correction of error on license.

(a) Upon receipt of a license issued under the provisions of this part, each licensee shall examine same to ensure that the information contained thereon is accurate. If the license is incorrect, the licensee shall return the license to the Assistant Regional Commissioner with a statement showing the nature of the error. The Assistant Regional Commissioner shall correct the error, if the error was made in his office, and return the license. However, if the error resulted from information contained in the licensee's application for the license, the Assistant Regional Commissioner shall require the licensee to file an amended application setting forth the correct information and a statement explaining the error contained in the application. Upon receipt of the amended application and a satisfactory explanation of the error, the Assistant Regional Commissioner shall make the correction on the license and return same to the licensee.

(b) When the Assistant Regional Commissioner finds through any means other than notice from the licensee that an incorrect license has been issued, the Assistant Regional Commissioner may require the holder of the incorrect license to (1) return the license for correction, and (2) if the error resulted from information contained in the licensee's application for the license, the Assistant Regional Commissioner shall require the licensee to file an amended application setting forth the correct information, and a statement explaining the error contained in the application. The Assistant Regional Commissioner then shall make the correction on the license and return same to the licensee.

§ 178.49 Duration of license.

A license shall not be issued for a period of less than 1 year. The license

shall entitle the person to whom issued to engage in the business or activity specified on the license, within the limitations of the Act and the regulations contained in this part, for the period stated on the license, unless sooner terminated.

§ 178.50 Locations covered by license.

The license covers the class of business or the activity specified in the license at the address described therein. Accordingly, a separate license must be obtained for each location at which a firearms or ammunition business or activity requiring a license under this part is conducted; however, no license is required to cover a separate warehouse used by the licensee solely for storage of firearms or ammunition if the records required by this part are maintained at the licensed premises served by such warehouse: *Provided*, That a licensed collector may acquire curios and relics at any location, and dispose of curios or relics to any licensee, or to other persons who are residents of the State where the collector's license is held and the disposition is made.

§ 178.51 License not transferable.

Licenses issued under this part are not transferable. In the event of the lease, sale, or other transfer of the operations authorized by the license, the successor must obtain the license required by this part prior to commencing such operations. However, for rules on right of succession, see § 178.56.

§ 178.52 Change of address.

A licensee may during the term of his current license remove his business or activity to a new location at which he intends regularly to carry on such business or activity, without procuring a new license. However, in every case, whether or not the removal is from one internal revenue region to another, notification of the new location of the business or activity must be given not less than 10 days prior to such removal to the Assistant Regional Commissioner for the internal revenue region from which or within which the removal is to be made, and the Assistant Regional Commissioner for the internal revenue region to which the removal is to be made. In each instance, the license and the copy thereof furnished with the license must be submitted for endorsement to the Assistant Regional Commissioner having jurisdiction over the internal revenue region to which or within which removal is to be made. After endorsement of the license and the copy thereof to show the new address, and the new license number, if any, the Assistant Regional Commissioner will return same to the licensee.

§ 178.53 Change in trade name.

A licensee continuing to conduct business at the location shown on his license is not required to obtain a new license by reason of a mere change in trade name under which he conducts his business: *Provided*, That such licensee furnishes his license for endorsement of such

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change to the Assistant Regional Commissioner for the internal revenue region in which the licensee conducts his business within 30 days from the date the licensee begins his business under the new trade name.

§ 178.54 Change of control.

In the case of a corporation or association holding a license under this part, if actual or legal control of the corporation or association changes, directly or indirectly, whether by reason of change in stock ownership or control (in the licensed corporation or in any other corporation), by operations of law, or in any other manner, the licensee shall, within 30 days of such change, give written notification thereof, executed under the penalties of perjury, to the Assistant Regional Commissioner. Upon expiration of the license, the corporation or association must file a Form 7 (Firearms) as required by § 178.44.

§ 178.55 Continuing partnerships.

Where, under the laws of the particular State, the partnership is not terminated on death or insolvency of a partner, but continues until the winding up of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, such surviving partner may continue to operate the business under the license of the partnership. If such surviving partner acquires the business on completion of the settlement of the partnership, he shall obtain a license in his own name from the date of acquisition, as provided in § 178.44. The rule set forth in this section shall also apply where there is more than one surviving partner.

§ 178.56 Right of succession by certain persons.

(a) Certain persons other than the licensee may secure the right to carry on the same firearms or ammunition business at the same address shown on, and for the remainder of the term of, a current license. Such persons are:

(1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee; and

(2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors.

(b) In order to secure the right provided by this section, the person or persons continuing the business shall furnish the license for that business for endorsement of such succession to the Assistant Regional Commissioner for the internal revenue region in which the business is conducted within 30 days from the date on which the successor begins to carry on the business.

§ 178.57 Discontinuance of business.

Where a firearm or ammunition business is either discontinued or succeeded by a new owner, the owner of the business discontinued or succeeded shall within 30 days thereof furnish to the Assistant Regional Commissioner for the internal revenue region in which his

business was located notification of the discontinuance or succession. (See also § 178.127.)

§ 178.58 State or other law.

A license issued under this part confers no right or privilege to conduct business or activity contrary to State or other law. The holder of such a license is not by reason of the rights and privileges granted by that license immune from punishment for operating a firearm or ammunition business or activity in violation of the provisions of any State or other law. Similarly, compliance with the provisions of any State or other law affords no immunity under Federal law or regulations.

§ 178.59 Abandoned application.

Upon receipt of an incomplete or improperly executed application on Form 7 (Firearms), or Form 8 (Firearms) (Part 3), the applicant shall be notified of the deficiency in the application. If the application is not corrected and returned within 30 days following the date of notification, the application shall be considered as having been abandoned and the license fee returned.

§ 178.60 Certain continuances of business.

A licensee who furnishes his license to the Assistant Regional Commissioner for correction or endorsement in compliance with the provisions contained in this subpart may continue his operations while awaiting its return.

Subpart E—License Proceedings

§ 178.71 Denial of an application for license.

Whenever the Assistant Regional Commissioner has reason to believe that an applicant is not eligible to receive a license under the provisions of § 178.47, he may issue a notice of denial, on Form 4498, to the applicant. The notice shall set forth the matters of fact and law relied upon in determining that the application should be denied, and shall afford the applicant 15 days from the date of receipt of the notice in which to request a hearing to review the denial. If no request for a hearing is filed within such time, the application shall be disapproved and a copy, so marked, shall be returned to the applicant.

§ 178.72 Hearing after application denial.

If the applicant for an original or renewal license desires a hearing to review the denial of his application, he shall file a request therefor, in duplicate, with the Assistant Regional Commissioner within 15 days after receipt of the notice of denial. The request should include a statement of the reasons therefor. On receipt of the request, the Assistant Regional Commissioner shall, as expeditiously as possible, make the necessary arrangements for the hearing and advise the applicant of the date, time, location, and the name of the officer before whom the hearing will be held. Such notification shall be made not less than 10 days in advance of the date set for the hearing.

On conclusion of the hearing and consideration of all relevant facts and circumstances presented by the applicant or his representative, the Assistant Regional Commissioner shall render his decision confirming or reversing the denial of the application. If the decision is that the denial should stand, a certified copy of the Assistant Regional Commissioner's findings and conclusions shall be furnished to the applicant with a final notice of denial, Form 4501. A copy of the application, marked "Disapproved," will be returned to the applicant. If the decision is that the license applied for should be issued, the applicant shall be so notified, in writing, and the license shall be issued as provided by § 178.47.

§ 178.73 Notice of contemplated revocation.

Whenever the Assistant Regional Commissioner has reason to believe that a licensee has violated any provision of the Act or this part, he may issue a notice, on Form 4499, of contemplated revocation of the license. The notice shall set forth the matters of fact constituting the violations specified, dates, places, and the sections of law and regulations violated. The Assistant Regional Commissioner shall afford the licensee 15 days from the date of receipt of the notice in which to request a hearing prior to revocation of the license. If the licensee does not file a timely request for a hearing, the Assistant Regional Commissioner shall issue a notice of revocation, Form 4500, as provided in § 178.74.

§ 178.74 Request for hearing after notice of contemplated revocation.

If a licensee desires a hearing pursuant to receipt of a notice of contemplated revocation of his license, he shall file a request therefor, in duplicate, with the Assistant Regional Commissioner within 15 days after receipt of the notice of contemplated revocation. On receipt thereof, the Assistant Regional Commissioner shall, as expeditiously as possible, make the necessary arrangements for the hearing and advise the licensee of the date, time, location and the name of the officer before whom the hearing will be held. Such notification shall be made not less than 10 days in advance of the date set for the hearing. On conclusion of the hearing and consideration of all relevant presentations made by the licensee or his representative, the Assistant Regional Commissioner shall render his decision and shall prepare a brief summary of the findings and conclusions on which the decision is based. If the decision is that the license should be revoked, a certified copy of the summary shall be furnished to the licensee with the notice of revocation on Form 4500. If the decision is that the license should not be revoked, the licensee shall be so notified in writing.

§ 178.75 Hearing after notice of revocation.

(a) *No hearing held prior to notice of revocation.* If the licensee did not request a hearing on receipt of the notice of contemplated revocation of his license,

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Form 4499, but does file a timely request for a hearing after being served the notice of revocation, Form 4500, the Assistant Regional Commissioner shall arrange for, and conduct, a hearing in the manner prescribed in § 178.74, except that the place of hearing will be determined as provided by § 178.81. If, after hearing, the Assistant Regional Commissioner is still of the opinion that the licensee should be revoked, he will serve final notice of revocation, Form 4501, on the licensee, with a copy of his findings and conclusions. If he decides that the licensee should not be revoked, he will so notify the licensee, in writing.

(b) *Hearing held prior to notice of revocation.* If a hearing was held prior to notice of revocation, Form 4500, and the licensee files a timely request for a hearing after receipt of a notice of revocation, the Assistant Regional Commissioner shall refer the matter to the hearing examiner, appointed under 5 U.S.C. 3105, designated to preside over such hearing. The examiner shall set a time and place for the hearing and shall serve notice thereof on the licensee and the Assistant Regional Commissioner at least 10 days in advance of the hearing date. Such hearing shall be conducted under the applicable provisions of Part 200 of this chapter, including those with respect to stipulations at hearings, evidence, and closing of hearings.

§ 178.76 Recommended decision of hearing examiner.

Within a reasonable time after the conclusion of a hearing held as provided in § 178.75, and as expeditiously as possible, the examiner shall render a recommended decision. Such decision shall become a part of the record and, if proposed findings and conclusions have been filed, shall show the examiner's ruling upon each of such proposed findings and conclusions. Decisions shall consist of (a) a brief statement of the issues of fact involved in the proceeding; (b) the examiner's findings and conclusions, as well as the reasons and basis therefor, upon all the material issues of fact, law or discretion presented on the record; and (c) the examiner's recommended determination on the record.

§ 178.77 Certification and transmittal of record and recommended decision to Director.

After reaching his decision, the examiner shall certify to the complete record of the proceeding before him and shall immediately forward it, together with two copies of his recommended decision, to the Director, and will forward two copies of his recommended decision to the Assistant Regional Commissioner for his files.

§ 178.78 Decision of Director.

After consideration of the record and the recommended decision of the examiner, the Director shall approve or disapprove the findings, conclusion, and recommended decision of the examiner, and he shall direct the Assistant Regional Commissioner to issue a final

notice of revocation on Form 4501; or to inform the licensee that the license shall remain in effect. Any decision of the Director for the revocation of a license shall include a statement of the findings and conclusions upon which it is based, including his ruling on each proposed finding, conclusion, and exception to the examiner's recommended decision, together with a statement of his findings and conclusions, and reasons or basis therefor, upon all material issues of fact, law, or discretion presented on the record. A signed duplicate original of the decision shall be served on the licensee and a copy containing certificate of service shall be retained by the Assistant Regional Commissioner for his files, and the original shall be placed in the official record of the proceeding.

§ 178.79 Service on applicant or licensee.

All notices and other formal documents required to be served on an applicant or licensee under this subpart shall be served by certified mail or by personal delivery. Where service is by certified mail, a signed duplicate original copy of the formal document shall be mailed, with return receipt requested, to the applicant or licensee at the address stated in his application or license, or at his last known address. Where service is by personal delivery, a signed duplicate original copy of the formal document shall be delivered to the applicant or licensee, or, in the case of a corporation, partnership, or association, by delivering it to an officer, manager, or general agent thereof, or to its attorney of record.

§ 178.80 Representation at a hearing.

An applicant or licensee may be represented by an attorney or other person recognized to practice before the Internal Revenue Service as provided in 31 CFR Part 10 (Treasury Department Circular No. 230), if he has otherwise complied with the applicable requirements of §§ 601.521-601.527 of this chapter. The Assistant Regional Commissioner may be represented in proceedings under § 178.75(b) by an attorney in the office of the regional counsel who is authorized to execute and file motions, briefs and other papers in the proceeding, on behalf of the Assistant Regional Commissioner, in his own name as "Attorney for the Government."

§ 178.81 Designated place of hearing.

The designated place of hearing shall be at a location convenient to the aggrieved party: *Provided*, That any hearing held after notice of contemplated revocation but prior to the notice of revocation shall be at the office of the Assistant Regional Commissioner.

§ 178.82 Operations by licensees after notice.

In any case where denial or revocation proceedings are pending before the Internal Revenue Service, or notice of denial or revocation has been served on the licensee and he has filed timely request for a hearing, the license in the possession of the licensee shall remain in effect even though (a) such license

has expired, or (b) the revocation date specified in the notice of revocation on Form 4500 served on the licensee has passed: *Provided*, That under the condition of paragraph (a) of this section, the licensee has timely filed an application for the renewal of his license. If a licensee is dissatisfied with a posthearing decision revoking the license or denying the application, as the case may be, he may, pursuant to 18 U.S.C. 923(f) (3), within 60 days after receipt of the final notice denying the application or revoking the license, file a petition for judicial review of such action. Such petition should be filed with the U.S. district court for the district in which the applicant or licensee resides or has his principal place of business. In such case, when the Assistant Regional Commissioner finds that justice so requires, he may (1) postpone the effective date of revocation of a license or (2) authorize continued operations under the expired license, as applicable, pending judicial review.

Subpart F—Conduct of Business

§ 178.91 Posting of license.

Any license issued under this part shall be kept posted and kept available for inspection on the premises covered by the license.

Each licensed manufacturer or licensed importer of any firearm manufactured or imported on or after the effective date of this part 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, 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 (or recognized abbreviation thereof) wherein the licensed manufacturer maintains his 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: *Provided*, That the Director may authorize other means of identification of the licensed manufacturer or licensed importer upon receipt of letter application, in duplicate, from same showing that such other identification is reasonable and will not hinder the effective administration of this part: *Provided, further*, That in the case of a destructive device, the Director may authorize other means of identifying that weapon upon receipt of letter applica-

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tion, in duplicate, from the licensed manufacturer or licensed importer showing that engraving, casting, or stamping (impressing) such a weapon would be dangerous or impracticable. A firearm frame or receiver which is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed of by a licensed manufacturer or licensed importer, shall be identified as required by this section.

§ 178.93 Authorized operations by a licensed collector.

The license issued to a collector of curios or relics under the provisions of this part shall cover only transactions by the licensed collector in curios and relics. The collector's license is of no force or effect and a licensed collector is of the same status under the Act and this part as a nonlicensee with respect to (a) any acquisition or disposition of firearms or ammunition other than curios or relics, or any transportation, shipment, or receipt of firearms or ammunition other than curios or relics in interstate or foreign commerce, and (b) any transaction with a nonlicensee involving any firearm or ammunition other than a curio or relic. (See also § 178.50.)

§ 178.94 Sales or deliveries between licensees.

A licensed importer, licensed manufacturer, or licensed dealer selling or otherwise disposing of firearms or ammunition, and a licensed collector selling or otherwise disposing of curios or relics, to another licensee shall verify the identity and licensed status of the transferee prior to making the transaction. On and after February 14, 1969, such verification shall be established by the transferee furnishing to the transferor a certified copy of the transferee's license and by such other means as the transferor deems necessary: *Provided*, That it shall not be required (a) for a transferee who has furnished a certified copy of his license to a transferor to again furnish such certified copy to that transferor during the term of the transferee's current license, and (b) for licensees of multilicensed business organizations to furnish certified copies of their licenses to other licensed locations operated by such organization: *Provided further*, That a multilicensed business organization may furnish to a transferor, in lieu of a certified copy of each license, a list, certified to be true, correct and complete, containing the name, address, license number, and the date of license expiration of each licensed location operated by such organization, and the transferor may sell or otherwise dispose of firearms and ammunition as provided by this section to any licensee appearing on such list without requiring a certified copy of a license therefrom. A transferor licensee who has the certified information required by this section may sell or dispose of firearms or ammunition to a licensee for not more than 45 days following the expiration date of the transferee's license.

§ 178.95 Certified copy of license.

Each person licensed under the provisions of this part shall be furnished together with his license a copy thereof for his certification. If such a person desires an additional copy of his license for certification and for use pursuant to § 178.94, he shall:

(a) Make a reproduction of the copy of his license and execute same, or

(b) Make a reproduction of his license, enter upon such reproduction the statement: "I certify that this is a true copy of a license issued to me to engage in the business specified in Item 5" and sign his name adjacent thereto, or

(c) Submit a request, in writing, for certified copies of his license to the Assistant Regional Commissioner for the Internal Revenue region in which the license was issued. The request shall set forth the name, trade name (if any) and address of the licensee, and the number of copies of the license desired. There shall be imposed a fee of \$1 for each copy of a license issued by the Assistant Regional Commissioner under the provisions of this paragraph. Fee payment shall accompany each such request for additional copies of a license. Such fee shall be paid by (1) cash, or (2) money order or check made payable to the Internal Revenue Service.

§ 178.96 Out-of-State and mail order sales.

(a) The provisions of this section shall apply in any case where a firearm purchased by or delivered to the person so receiving the firearm is not otherwise prohibited by the Act or this part.

(b) A licensed importer, licensed manufacturer, or licensed dealer may sell a firearm to a nonlicensee who does not appear in person at the licensee's business premises if the nonlicensee is a resident of the same State in which the licensee's business premises are located, and the nonlicensee furnishes to the licensee the firearms transaction record, Form 4473, required by § 178.124. The nonlicensee shall attach to such record a true copy of any permit or other information required pursuant to any statute of the State and published ordinance applicable to the locality in which he resides. The licensee shall prior to shipment or delivery of the firearm, forward by registered or certified mail (return receipt requested) a copy of the record, Form 4473, to the chief law enforcement officer named on such record, and delay shipment or delivery of the firearm for a period of at least 7 days following receipt by the licensee of the return receipt evidencing delivery of the copy of the record to such chief law enforcement officer, or the return of the copy of the record to him due to the refusal of such chief law enforcement officer to accept same in accordance with U.S. Post Office Department regulations. The original Form 4473, and evidence of receipt or rejection of delivery of the copy of the Form 4473 sent to the chief law enforcement officer shall be retained by the licensee as a part of the records required

of him to be kept under the provisions of Subpart H of this part.

(c) A licensed importer, licensed manufacturer, or licensed dealer may sell or deliver a rifle or shotgun, and a licensed collector may sell or deliver a rifle or shotgun which is a curio or relic, to a nonlicensed resident of a State contiguous to the State in which the licensee's place of business is located if the purchaser's State of residence has enacted legislation, currently in force, specifically authorizing a resident of that State to purchase a rifle or shotgun in a contiguous State, the sale fully complies with the legal conditions of sale in both such contiguous States, and the purchaser and the licensee have, prior to the sale or delivery for sale, of the rifle or shotgun, complied with all the requirements of paragraph (b) of this section applicable to intrastate transactions occurring on other than the licensee's business premises.

(d) A licensed dealer may sell to any nonlicensee who is a resident of a State other than the State in which the licensed dealer's premises are located, and who is participating in any organized rifle or shotgun match or contest, or is engaged in hunting, in the State in which the licensed dealer's premises are located, and whose rifle or shotgun has been lost or stolen or has become inoperative in the State in which the licensed dealer's premises are located, if the nonlicensee presents to the licensed dealer a sworn statement, in duplicate, (1) that his rifle or shotgun was lost or stolen or became inoperative while participating in such a match or contest, or while engaged in hunting, in the State in which the licensed dealer's business premises are located, (2) setting forth the name and address of the organized rifle or shotgun match or contest, or the nature and location of the hunting, and the circumstances surrounding the firearm's loss or theft, or the reason why the firearm has become inoperative, and (3) identifying the chief law enforcement officer (sheriff, chief of police, or police precinct captain) of the locality in which the nonlicensee resides. Immediately upon delivery of the rifle or shotgun to the nonlicensee, the licensed dealer shall forward a copy of the sworn statement, by registered mail, to the chief law enforcement officer named by the nonlicensee. The licensee shall retain the original sworn statement, and evidence of delivery of the copy thereof to the chief law enforcement officer, as a part of the records required of him under Subpart H of this part.

§ 178.97 Loan or rental of firearms.

A licensee may loan or rent a firearm to any person for temporary use off the premises of the licensee for lawful sporting purposes: *Provided*, That the delivery of the firearm to such person is not prohibited by § 178.99(b) or § 178.99(c), and the licensee records such loan or rental in the records required to be kept by him under Subpart H of this part. A club, association, or similar organization temporarily furnishing firearms

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(whether by loan, rental, or otherwise) to participants in a skeet, trap, target, or similar shooting activity for use at the time and place such activity is held does not, unattended by other circumstances, cause such club, association, or similar organization to be engaged in the business of a dealer in firearms or as engaging in firearms transactions. Therefore, the licensing and recordkeeping requirements contained in this part pertaining to firearms transactions would not apply to this temporary furnishing of firearms for use on premises on which such an activity is conducted.

§ 178.98 Sales or deliveries of destructive devices and certain firearms.

The sale or delivery by a licensee of any destructive device, machinegun, short-barreled shotgun, or short-barreled rifle, to any person other than another licensee who is licensed under this part to deal in such device or firearm, is prohibited unless the person to receive such device or firearm furnishes to the licensee a sworn statement, in triplicate, setting forth (a) the reasons why there is a reasonable necessity for such person to purchase or otherwise acquire the device or weapon, and (b) that such person's receipt or possession of the device or weapon would be consistent with public safety. Such sworn statement shall be attached to the application to transfer and register the firearm required by Part 179 of this chapter. The sale or delivery of the device or weapon shall not be made until the application for transfer is approved by the Director and returned to the licensee (transferor) as provided in Part 179 of this chapter.

§ 178.99 Certain prohibited sales or deliveries.

(a) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall not sell or deliver any firearm to any person not licensed under this part, or the Federal Firearms Act, and who the licensee knows or has reasonable cause to believe does not reside in (or if a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business or activity is located: *Provided*, That the foregoing provisions of this paragraph (1) shall not apply to the sale or delivery of a rifle or shotgun (curio or relic, in the case of a licensed collector) to a resident of a State contiguous to the State in which the licensee's place of business or collection premises is located if the requirements of § 178.96(c) are fully met, (2) shall not preclude any person who is participating in any organized rifle or shotgun match or contest, or is engaged in hunting, in a State other than his State of residence and whose rifle or shotgun has been lost or stolen or has become inoperative in such other State, from purchasing a rifle or shotgun in such other State from a licensed dealer if the requirements of § 178.96(d) are fully met, and (3) shall not apply to the loan or rental of a firearm to any person for temporary use for lawful sporting purposes (see § 178.97).

(b) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall not sell or deliver (1) any firearm or ammunition to any individual who the importer, manufacturer, dealer, or collector knows or has reasonable cause to believe is less than 18 years of age, and, if the firearm, or ammunition, is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the importer, manufacturer, dealer, or collector knows or has reasonable cause to believe is less than 21 years of age, or (2) any firearm or ammunition to any person in any State where the purchase or possession by such person of such firearm or ammunition would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, unless the importer, manufacturer, dealer or collector knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance.

(c) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall not sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person (1) is except as provided under § 178.143, under indictment for, or, except as provided under § 178.144, has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year, (2) is a fugitive from justice, (3) is an unlawful user of or addicted to marijuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act; 21 U.S.C. 321(v)), or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954), or (4) has been adjudicated as a mental defective or has been committed to any mental institution.

§ 178.100 Record of transactions.

Every licensee shall maintain firearms and ammunition records in such form and manner as is prescribed by Subpart H of this part.

Subpart G—Importation

§ 178.111 General.

(a) Section 922(a)(3) of the Act makes it unlawful, with certain exceptions not pertinent here, for any person other than a licensee, to transport into or receive in the State where he resides any firearm purchased or otherwise obtained by him outside of that State. However, section 925(a)(4) provides a limited exception for the transportation, shipment, receipt or importation of certain firearms and ammunition by certain members of the United States armed forces. Section 922(1) of the Act makes it unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition except as provided by section 925(d) of the Act, which section provides standards for importing or bringing firearms or ammunition into the United States. Accordingly, no firearm or am-

munition may be imported or brought into the United States except as provided by this part.

(b) Where a firearm or ammunition is imported and the authorization for importation required by this subpart has not been obtained by the person importing same, such person shall:

(1) Store, at his expense, such firearm or ammunition at a facility designated by U.S. Customs or the Assistant Regional Commissioner to await the issuance of the required authorization or other disposition; or

(2) Abandon such firearm or ammunition to the U.S. Government; or

(3) Export such firearm or ammunition.

(c) Any inquiry relative to the provisions or procedures under this subpart, other than that pertaining to the payment of customs duties or the release from Customs custody of firearms or ammunition authorized by the Director to be imported, shall be directed to the Assistant Regional Commissioner for reply.

§ 178.112 Importation by a licensed importer.

(a) No firearm or ammunition shall be imported or brought into the United States by a licensed importer (as defined in § 178.11) unless the Director has authorized the importation of the firearm or ammunition, or the firearm or ammunition is listed on the Importation List compiled by the Director as provided by paragraph (c) of this section.

(b) An application for a permit, Form 6 (Firearms), to import or bring a firearm or ammunition into the United States or a possession thereof under this section shall be filed, in triplicate, with the Director. The application shall contain (1) the name, address, and license number of the importer, (2) a description of the firearm or ammunition to be imported, including type (e.g.: rifle, shotgun, pistol, revolver), model, caliber, size or gauge, barrel length (if a firearm), country of manufacture, and name of the manufacturer, (3) the unit cost of the firearm to be imported, (4) the country from which to be imported, (5) the name and address of the foreign seller and the foreign shipper, (6) verification that if a firearm, it will be identified as required by this part, and (7) (i) if imported or brought in for scientific or research purposes, a statement describing such purposes, or (ii) if for use in connection with competition or training pursuant to chapter 401 of title 10, U.S.C., a statement describing such intended use, or (iii) if an unserviceable firearm (other than a machine gun) being imported as a curio or museum piece, a description of how it was rendered unserviceable and an explanation of why it is a curio or museum piece, or (iv) if a firearm, other than a surplus military firearm, of a type that does not fall within the definition of a firearm by section 5845(a) of the Internal Revenue Code of 1954, and is for sporting purposes, an explanation of why the applicant believes the firearm is generally recognized as particularly suitable

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for or readily adaptable to sporting purposes, or (v) if ammunition being imported for sporting purposes, a statement why the applicant believes it is generally recognized as particularly suitable for or readily adaptable to sporting purposes. In determining whether a firearm or ammunition is particularly suitable for or readily adaptable to sporting purposes, the Director may seek the recommendation of the advisory board authorized by paragraph (c) of this section. If the Director approves the application, such approved application shall serve as the permit to import the firearms or ammunition described therein, and importation of such firearms or ammunition may continue to be made by the licensed importer under the approved application (permit) during the period specified thereon. The Director shall furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use. If the Director disapproves the application, the licensed importer shall be notified of the basis for the disapproval.

(c) The Director may compile an Importation List of firearms and ammunition which he determines to be generally recognized as particularly suitable for or readily adaptable to sporting purposes. The determination of the Director that a firearm or ammunition is generally recognized to be particularly suitable for or readily adaptable to sporting purposes may be made with the assistance of an advisory board to be appointed by the Commissioner. Such board may be composed of persons from within and without governmental agencies who are recognized as being particularly knowledgeable in the use and classification of firearms and ammunition. No firearm shall be placed on the Importation List unless it is found that (1) the caliber or gauge of the firearm is suitable for use in a recognized shooting sport, (2) the type of firearm is generally recognized as particularly suitable for or readily adaptable to such use, and (3) the use of the firearm in a recognized shooting sport will not endanger the person using it due to deterioration through such use or because of inferior workmanship, materials or design. No ammunition shall be placed on the Importation List unless it is found that (i) the caliber, size or gauge of the ammunition is suitable for use in a recognized shooting sport, (ii) the type of ammunition is generally recognized as particularly suitable for or readily adaptable to such use, and (iii) the use of the ammunition in a recognized shooting sport will not endanger the person using it.

(d) A firearm or ammunition imported or brought into the United States by a licensed importer may be released from Customs custody to the licensed importer upon his showing that he has obtained a permit from the Director for the importation of the firearm or ammunition to be released, or that the firearm or ammunition appears on the Importation List. In obtaining the release from Customs custody of a firearm or ammunition authorized by this section to be imported through use of a permit or be-

cause the firearm or ammunition appears on the Importation List, the licensed importer shall prepare Form 6A (Firearms), in duplicate, and furnish the original Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition. The Customs officer shall, after certification, forward the Form 6A (Firearms) to the Assistant Regional Commissioner for the region wherein the licensed importer maintains his place of business. The Form 6A (Firearms) shall show the name, address, and license number of the importer, the name of the manufacturer of the firearm or ammunition, the country of manufacture, the type, model, and caliber, size or gauge, and the number of firearms or rounds of ammunition released.

(e) Within 15 days of the date of release from Customs custody, the licensed importer shall (1) forward to the Assistant Regional Commissioner a copy of Form 6A (Firearms) on which shall be reported any error or discrepancy appearing on the Form 6A (Firearms) certified by Customs, (2) pursuant to § 178.92, place all required identification data on each imported firearm if same did not bear such identification data at the time of its release from Customs custody, and (3) post in the records required to be maintained by him under Subpart H of this part, all required information regarding the importation.

§ 178.113 Importation by other licensees.

(a) No person other than a licensed importer (as defined in § 178.11) shall engage in the business of importing firearms or ammunition. Therefore, no firearm or ammunition shall be imported or brought into the United States or a possession thereof by any licensee other than a licensed importer unless the Director issues a permit authorizing the importation of the firearm or ammunition.

(b) An application for a permit, Form 6 (Firearms), to import or bring a firearm or ammunition into the United States or a possession thereof by a licensee, other than a licensed importer, shall be filed, in triplicate, with the Director. The application shall contain (1) the name, address, and the license number of the applicant, (2) a description of the firearm or ammunition to be imported, including type (e.g.: rifle, shotgun, pistol, revolver), model, caliber, size or gauge, barrel length (if a firearm), country of manufacture, and name of the manufacturer, (3) the unit cost of the firearm or ammunition to be imported, (4) the name and address of the foreign seller and the foreign shipper, (5) the country from which the firearm or ammunition is to be imported, and (6) (i) if the firearm or ammunition is being imported or brought in for scientific or research purposes, a statement describing such purposes, or (ii) if for use in connection with competition or training pursuant to chapter 401 of title 10, U.S.C., a statement describing such intended use, or (iii) if an unserviceable firearm (other than a machine gun) being imported as a curio or museum piece,

a description of how it was rendered unserviceable and an explanation of why it is a curio or museum piece, or (iv) if a firearm, other than a surplus military firearm, of a type that does not fall within the definition of a firearm under 5845(a) of the Internal Revenue Code of 1954, and is for sporting purposes, an explanation of why the applicant believes the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes, or (v) if ammunition being imported for sporting purposes, a statement why the applicant believes it is generally recognized as particularly suitable for or readily adaptable to sporting purposes. If the Director approves the application, such approved application shall serve as the permit to import the firearm or ammunition described therein. The Director shall furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use. If the Director disapproves the application, the applicant shall be notified of the basis for the disapproval.

(c) A firearm or ammunition imported or brought into the United States or a possession thereof under the provisions of this section may be released from Customs custody to the licensee importing the firearm or ammunition upon his showing that he has obtained a permit from the Director for the importation. In obtaining the release of the firearm or ammunition from Customs custody, the licensee importing same shall furnish a Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition. The Customs officer shall, after certification, forward the Form 6A (Firearms) to the Assistant Regional Commissioner for the region wherein the licensee importing the firearm or ammunition maintains his licensed premises. The Form 6A (Firearms) shall show the name, address, and the license number of the licensee, the name of the manufacturer, the country of manufacture, and the type, model, and caliber, size (if ammunition) or gauge of the firearm or ammunition so released, and, if applicable, the number of firearms or rounds of ammunition released.

§ 178.114 Importation by members of the U.S. Armed Forces.

(a) The Director may issue a permit authorizing the importation of a firearm or ammunition into the United States to the place of residence of any military member of the U.S. Armed Forces who is on active duty outside the United States, or who has been on active duty outside the United States within the 60-day period immediately preceding the intended importation: *Provided*, That such firearm or ammunition is generally recognized as particularly suitable for or readily adaptable to sporting purposes and is intended for the personal use of such member. An application for such a permit, Form 6 (Firearms), shall be filed, in triplicate, with the Director. The application shall contain (1) the name and current address of the applicant, (2) certification that the transportation, receipt, or possession of the firearm or

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ammunition to be imported would not constitute a violation of any provision of the Act, Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C.

Appendix), or of any State law or local ordinance at the place of the applicant's residence, (3) a description of the firearm or ammunition to be imported, including type (e.g.: rifle, shotgun, pistol, revolver), model, caliber, size or gauge, barrel length (if a firearm), country of manufacture, and the name of the manufacturer, (4) the unit cost of the firearm or ammunition to be imported, (5) the name and address of the foreign seller (if applicable) and the foreign shipper, (6) the country from which the firearm or ammunition is to be imported, (7) (i) that the firearm or ammunition being imported is for the personal use of the applicant, and (ii) if a firearm, a statement that it is not a surplus military firearm, that it does not fall within the definition of a firearm under section 5845(a) of the Internal Revenue Code of 1954, and an explanation of why the applicant believes the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes, or (iii) if ammunition, a statement why the applicant believes it is generally recognized as particularly suitable for or readily adaptable to sporting purposes, and (8) the applicant's date of birth, his rank or grade, his place of residence, his present foreign duty station or his last foreign duty station, as the case may be, the date of his reassignment to a duty station within the United States, if applicable, and the military branch of which he is a member. If the Director approves the application, such approved application shall serve as the permit to import the firearm or ammunition described therein. The Director shall furnish the approved application (permit) to the applicant and shall retain the two copies thereof for administrative purposes. If the Director disapproves the application, the applicant shall be notified of the basis for the disapproval.

(b) Upon receipt of an approved application (permit) to import the firearm or ammunition, the applicant may obtain the release of same from Customs custody upon his showing that he has obtained a permit from the Director for the importation. In obtaining the release of the firearm or ammunition from Customs custody, the military member of the U.S. Armed Forces importing same shall furnish a Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition. The Customs officer shall, after certification, forward the Form 6A (Firearms) to the Assistant Regional Commissioner for the region wherein the State of residence of the military member of the U.S. Armed Forces is located. The Form 6A (Firearms) shall show the name and address of such military member, the name of the manufacturer, the country of manufacture, and the type, model, and caliber, size or gauge of the firearm or ammuni-

tion so released, and, if applicable, the number of firearms or rounds of ammunition released. However, when such military member is on active duty outside the United States, he may appoint, in writing, an agent to obtain the release of the firearm or ammunition from Customs custody for him. Such agent shall present sufficient identification of himself and the written authorization to act on behalf of such military member to the Customs officer who is to release the firearm or ammunition.

(c) Firearms determined by the Department of Defense to be war souvenirs may be imported into the United States by the military members of the U.S. Armed Forces under such provisions and procedures as the Department of Defense may issue.

§ 178.115 Exempt importation.

(a) Firearms and ammunition may be brought into the United States or any possession thereof by any person who can establish to the satisfaction of Customs that such firearm or ammunition was previously taken out of the United States or any possession thereof by such person. Registration on Customs Form 4457 or on any other registration document available for this purpose may be completed before departure from the United States at any U.S. customhouse or any office of an Assistant Regional Commissioner. A bill of sale or other commercial document showing transfer of the firearm or ammunition in the United States to such person also may be used to establish proof that the firearm or ammunition was taken out of the United States by such person. Firearms and ammunition furnished under the provisions of section 925(a) (3) of the Act to military members of the U.S. Armed Forces on active duty outside of the United States also may be imported into the United States or any possession thereof by such military members upon establishing to the satisfaction of Customs that such firearms and ammunition were so obtained.

(b) Firearms and ammunition may be imported or brought into the United States by or for the United States or any department or agency thereof, or any State or any department, agency, or political subdivision thereof. A firearm or ammunition imported or brought into the United States under this paragraph may be released from Customs custody upon a showing that the firearm or ammunition is being imported or brought into the United States by or for such a governmental entity.

(c) The provisions of this subpart shall not apply with respect to the importation into the United States of any antique firearm.

(d) Firearms and ammunition are not imported into the United States, and the provisions of this subpart shall not apply, when such firearms and ammunition are brought into the United States by:

(1) A nonresident of the United States

for legitimate hunting or lawful sporting purposes, and such firearms and such ammunition as remains following such shooting activity are to be taken back out of the territorial limits of the United States by such person upon conclusion of the shooting activity;

(2) Foreign military personnel on official assignment to the United States who bring such firearms or ammunition into the United States for their exclusive use while on official duty in the United States;

(3) Official representatives of foreign governments who are accredited to the U.S. Government or are en route to or from other countries to which accredited;

(4) Officials of foreign governments and distinguished foreign visitors who have been so designated by the Department of State; and

(5) Foreign law enforcement officers of friendly foreign governments entering the United States on official law enforcement business.

§ 178.116 Conditional importation.

The Director may permit the conditional importation or bringing into the United States or any possession thereof of any firearm or ammunition for the purpose of examining and testing the firearm or ammunition in connection with making a determination as to whether the importation or bringing in of such firearm or ammunition will be authorized under this part. An application for such conditional importation shall be filed, in duplicate, with the Director. The Director may impose conditions upon any importation under this section including a requirement that the firearm or ammunition be shipped directly from Customs custody to the Director and that the person importing or bringing in the firearm or ammunition must agree to either export the firearm or ammunition or destroy same if a determination is made that the firearm or ammunition may not be imported or brought in under this part. A firearm or ammunition imported or brought into the United States or any possession thereof under the provisions of this section shall be released from Customs custody upon the payment of customs duties, if applicable, and in the manner prescribed in the conditional authorization issued by the Director.

§ 178.117 Function outside a customs territory.

In the insular possessions of the United States outside customs territory, the functions performed by U.S. Customs officers under this subpart within a customs territory may be performed by the appropriate authorities of a territorial government or other officers of the United States who have been designated to perform such functions. For the purpose of this subpart, the term customs territory means the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

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Subpart H—Records

§ 178.121 General.

(a) The records pertaining to firearms transactions prescribed by this part shall be in permanent form, and shall be retained on the licensed premises in the manner prescribed by this subpart. The records pertaining to ammunition prescribed by this part shall be retained on the licensed premises in the manner prescribed by § 178.125.

(b) Internal revenue officers may enter the premises of any licensed importer, licensed manufacturer, licensed dealer, or licensed collector for the purpose of examining or inspecting any record or document required by or obtained under this part (see § 178.23). Section 923(g) of the Act requires licensed importers, licensed manufacturers, licensed dealers, and licensed collectors to make such records available for such examination or inspection at all reasonable times.

(c) Each licensed importer, licensed manufacturer, licensed dealer, and licensed collector shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, whether temporary or permanent, of firearms and ammunition as the regulations contained in this part prescribe. Section 922(m) of the Act makes it unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector knowingly to make any false entry in, to fail to make appropriate entry in, or to fail to properly maintain any such record.

Quantity	Type	Manufacturer	Country of manufacture	Caliber, size or gauge	Model	Serial No.	Name, address, and license No. of licensee to whom transferred	Date of the transaction

(c) Notwithstanding the provisions of paragraph (b) of this section, the Assistant Regional Commissioner may authorize alternate records to be maintained by a licensed importer to record his disposal of firearms and ammunition when it is shown by the licensed importer that such alternate records will accurately and readily disclose the information required by paragraph (b) of this section. A licensed importer who proposes to use alternate records shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate records and the need therefor. Such alternate records shall not be employed by the licensed importer until approval in such regard is received from the Assistant Regional Commissioner.

(d) Each licensed importer shall maintain separate records of the sales or other dispositions made of firearms and ammunition to nonlicensees. Such records shall be maintained in the form and manner as prescribed by § 178.125 in regard to ammunition transactions, and by §§ 178.124 and 178.125 in regard to firearms transaction records and records of acquisition and disposition of firearms.

§ 178.122 Records maintained by importers.

(a) Each licensed importer shall, within 15 days of the date of importation or other acquisition, record the type, model, caliber or gauge, manufacturer, country of manufacture, and the serial number of each firearm he imports or otherwise acquires, and the date such importation or other acquisition was made. Each licensed importer shall, within 15 days of the date of release from Customs custody or other acquisition, record the type, caliber, size or gauge manufacturer, and country of manufacture of the ammunition he imports or otherwise acquires, and the date such importation or other acquisition was made.

(b) A record of firearms and a separate record of ammunition disposed of by a licensed importer to another licensee shall be maintained by the licensed importer on his licensed premises and shall show the quantity, type, manufacturer, country of manufacture, caliber, size or gauge, serial number (in the case of firearms only), of the firearms or ammunition so transferred, the name, address, and license number of the licensee to whom the firearms or ammunition were transferred, and the date of the transaction. The information required by this paragraph shall be entered in the proper record book not later than the seventh day following the date of the transaction, and such information shall be recorded under the following format:

§ 178.123 Records maintained by manufacturers.

(a) Each licensed manufacturer shall record the type, model, caliber or gauge, and serial number of each complete firearm he manufactures or otherwise acquires, and the date such manufacture or other acquisition was made. Each licensed manufacturer shall record the type, caliber, size or gauge of the ammunition he manufactures or otherwise acquires. The information required by this paragraph shall be recorded not later than the seventh day following the date such manufacture or other acquisition was made.

(b) A record of firearms and a separate record of ammunition disposed of by a licensed manufacturer to another licensee shall be maintained by the licensed manufacturer on his licensed premises and shall show the quantity, type, caliber, size or gauge, serial number (in the case of firearms only), of the firearms or ammunition so transferred, the name, address, and license number of the licensee to whom the firearms or ammunition were transferred, and the date of the transaction. The information required by this paragraph shall be entered in the proper record book not later than

the seventh day following the date of the transaction, and such information shall be recorded under the format prescribed by § 178.122 except that the name of the manufacturer and the country of manufacture need not be recorded if the firearm or ammunition is of the manufacturer's own manufacture.

(c) Notwithstanding the provisions of paragraph (b) of this section, the Assistant Regional Commissioner may authorize alternate records to be maintained by a licensed manufacturer to record his disposal of firearms and ammunition when it is shown by the licensed manufacturer that such alternate records will accurately and readily disclose the information required by paragraph (b) of this section. A licensed manufacturer who proposes to use alternate records shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate records and the need therefor. Such alternate records shall not be employed by the licensed manufacturer until approval in such regard is received from the Assistant Regional Commissioner.

(d) Each licensed manufacturer shall maintain separate records of the sales or other dispositions made of firearms and ammunition to nonlicensees. Such records shall be maintained in the form and manner as prescribed by § 178.125 in regard to ammunition transactions, and by §§ 178.124 and 178.125 in regard to firearms transaction records and records of acquisition and disposition of firearms.

§ 178.124 Firearms transaction record.

(a) A licensed importer, licensed manufacturer, or licensed dealer shall not sell or otherwise dispose, temporarily or permanently, of any firearm to any person, other than another licensee, and a licensed collector shall not sell or otherwise dispose of any curio or relic to any person, other than another licensee, unless he records the transaction on a firearms transaction record, Form 4473: *Provided*, That a firearms transaction record, Form 4473, shall not be required to record the disposition made of a firearm delivered to a licensee for the sole purpose of repair or customizing when such firearm is returned to the person from whom received.

(b) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall retain in alphabetical (by name of purchaser), chronological (by date of disposition), or numerical (by transaction serial number) order, and as a part of his permanent records, each Form 4473 he obtains in the course of transferring custody of his firearms.

(c) Prior to making an over-the-counter transfer of a firearm to a non-licensee who is a resident of the State in which the licensee maintains his business or collection premises, the licensed importer, licensed manufacturer, licensed dealer, or licensed collector so transferring the firearm shall obtain a Form 4473 from the transferee showing the name, address, date and place of

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birth, height, weight, and race of the transferee, and certification by the transferee that he is not prohibited by the Act or Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C. Appendix) from receiving a firearm in interstate or foreign commerce. The licensee shall identify the firearm to be transferred by listing in the Form 4473 the name of the manufacturer, the name of the importer (if any), the type, model, caliber or gauge, and the serial number of the firearm. Before transferring the firearm described in the Form 4473, the licensee (1) shall cause the transferee to identify himself in any manner customarily used in commercial transactions (e.g., a driver's license), and shall note on the form the method used, and (2) if satisfied that the transferee is lawfully entitled to receive the firearm, shall sign and date the form.

(d) Prior to making an over-the-counter transfer of a shotgun or rifle to a nonlicensee who is not a resident of the State in which the licensee maintains his business or collection premises, and such nonlicensee is acquiring the shotgun or rifle under the provisions contained in § 178.96(d), the licensed dealer so transferring the shotgun or rifle, and such transferee, shall comply with the requirements of paragraph (c) of this section. In addition, the sworn statement requirements imposed upon the transferee and the licensee by § 178.96(d) also shall be fully met.

(e) Prior to making a transfer of a firearm to any nonlicensee who is not a resident of the State in which the licensee maintains his business or collection premises, and such nonlicensee is acquiring the firearm by loan or rental from the licensee for temporary use for lawful sporting purposes, the licensed importer, licensed manufacturer, licensed dealer, or licensed collector so furnishing the firearm, and such transferee, shall comply with the requirements of paragraph (c) of this section.

(f) Form 4473 shall be submitted, in duplicate, to a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, by a transferee who; (1) is purchasing or otherwise acquiring a firearm by other than an over-the-counter transaction, and who is a resident of the State in which the licensee maintains his business or collection premises, or (2) is purchasing or otherwise acquiring a shotgun or rifle, and who is a resident of a State contiguous to the State in which the licensee maintains his business or collection premises. The Form 4473 shall show the name, address, date and place of birth, height, weight, and race of the transferee; and the title, name, and address of the principal law enforcement officer of the locality to which the firearm will be delivered. The transferee also must date and execute the sworn statement contained on the form showing that, in case the firearm to be transferred is a firearm other than a shotgun or rifle, he is 21

years or more of age; that, in case the firearm to be transferred is a shotgun or rifle, he is 18 years or more of age; that he is not prohibited by the provisions of the Act from receiving a firearm in interstate or foreign commerce; and that his receipt of the firearm would not be in violation of any statute of the State and published ordinance applicable to the locality in which he resides. Upon receipt of such Forms 4473, the licensee shall identify the firearm to be transferred by listing in the Forms 4473 the name of the manufacturer, the name of the importer (if any), the type, model, caliber or gauge, and the serial number of the firearm to be transferred. The licensee shall prior to shipment or delivery of the firearm to such transferee, forward by registered or certified mail (return receipt requested) a copy of the Form 4473 to the chief law enforcement officer named in the Form 4473 by the transferee, and shall delay shipment or delivery of the firearm to the transferee for a period of at least 7 days following receipt by the licensee of the return receipt evidencing delivery of the copy of the Form 4473 to such chief law enforcement officer, or the return of the copy of the Form 4473 to the licensee due to the refusal of such chief law enforcement officer to accept same in accordance with U.S. Post Office Department regulations. The original Form 4473, and evidence of receipt or rejection of delivery of the copy of the Form 4473 sent to the chief law enforcement officer, shall be retained by the licensee as a part of the records required of him to be kept under this subpart.

(g) A licensee who sells or otherwise disposes of a firearm to a nonlicensee, who is other than an individual, shall obtain from the transferee the information required by this section from an individual authorized to act on behalf of the transferee. In addition, the licensee shall obtain from the individual acting on behalf of the transferee a written statement, executed under the penalties of perjury, that the firearm is being acquired for the use of and will be the property of the transferee, and showing the name and address of that transferee.

(h) The requirements of this section shall be in addition to any other record-keeping requirement contained in this Part.

(i) A licensee may obtain, upon request, a supply of Form 4473 from any Assistant Regional Commissioner or any District Director.

§ 178.125 Record of receipt and disposition.

(a) Each licensed dealer shall maintain records of all ammunition he receives for the purposes of sale or distribution. Such record may consist of invoices or other commercial records which shall be filed in an orderly manner separate from other commercial records he maintains, and be readily available for inspection. Such record shall; (1) show the name of the manufacturer and the transferor, and the type, caliber or gauge, and quantity of the ammunition acquired in the transaction, and the date of such acquisition, and (2) be retained on the licensed premises of the dealer for a period of not less than two years following the date of the acquisition.

(b) Each licensed collector shall maintain records of all ammunition he acquires as curios or relics for his collection. Such record may consist of invoices or other commercial records which shall be filed in an orderly manner separate from other commercial records he maintains, and be readily available for inspection. Such records shall show the information required by paragraph (a) of this section and be retained in the same manner.

(c) The sale or other disposition of ammunition, or of an ammunition curio or other commercial records which shall graph (d) of this section, be recorded in a bound record at the time such transaction is made. The bound record entry shall show; (1) the date of the transaction, (2) the name of the manufacturer, the caliber, gauge or type of component, and the quantity of the ammunition transferred, (3) the name, address, and date of birth of the purchaser (transferee), and (4) the method used by the licensee to establish the identity of the purchaser (transferee). The bound record shall be maintained in chronological order by date of sale or disposition of the ammunition, and shall be retained on the licensed premises of the licensee for a period of not less than two years following the date of the sale or disposition of the ammunition recorded therein. The format required for the bound record is as follows:

Date	Manufacturer	Caliber, gauge, or type of component	Quantity	Name	Address	Date of Birth	Mode of identification	
							Driver's license (✓)	Other (specify)

(d) When a commercial record is made at the time of sale or other disposition of ammunition, or of an ammunition curio or relic, and such record contains all information required by the bound record prescribed by paragraph (c) of this section, the licensed dealer or licensed collector transferring the ammunition, or ammunition curio or relic, may, for a

period not exceeding 7 days following the date of such transfer, delay making the required entry into such bound record: *Provided*, That the commercial record pertaining to the transfer is; (1) maintained by the licensed dealer or licensed collector separate from other commercial documents maintained by such licensee, and (2) is readily available for inspection

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on the licensed premises until such time as the required entry into the bound record is made.

(e) Each licensed dealer and each licensed collector shall on and after the effective date of this part enter into a permanent record each receipt and disposition of firearms or firearms curios or relics. In addition, before commencing or continuing firearms business or firearms curio and relic collection, each licensed dealer and licensed collector shall inventory the firearms or firearms curios and relics possessed for such business or in such collection and shall record same in the record required by this paragraph: *Provided*, That when a licensed dealer or licensed collector has records maintained under the Federal Firearms Act which readily disclose his inventory of firearms or firearms curios and relics, such inventory need not be recorded in the record required by this paragraph. The record required by this paragraph shall be maintained in bound form under the format prescribed below. The purchase or other acquisition of a firearm by a licensed dealer, or of a firearm curio or relic by a licensed collector, shall, except as provided in paragraph (f) of this section, be recorded not later than the close of the next business day following the date of such purchase or acquisition. The record shall show the date of receipt, the name and address or the name and license number of the person from whom received, the name of the manufacturer and importer (if any), the model, serial number, type of action, and the caliber or gauge of the firearm or firearm curio or relic. The sale or other disposition of a firearm or of a firearm curio or relic shall be recorded by the licensed dealer or the licensed collector not later than seven days following the date of such transaction. When such disposition is made to a nonlicensee, the firearms transaction record, Form 4473, obtained by the licensed dealer or the licensed collector shall be retained, until the transaction is recorded, separate from his Form 4473 file and be readily available for inspection. When such disposition is made to a licensee, the commercial record of the transaction shall be retained, until the transaction is recorded, separate from other commercial documents maintained by the licensed dealer or licensed collector, and be readily available for inspection. The record shall show the date of the sale or other disposition of each firearm or firearm curio or relic, the name of the person to whom the firearm curio or relic is transferred, and the address or license number of the person to whom transferred if such person is a licensee, or the firearms transaction record, Form 4473, serial number if the licensed dealer or the licensed collector transferring the firearm or curio or relic serially numbers his Forms 4473 and files them numerically. The format required for the record of receipt and disposition of firearms or firearms curios and relics is as follows:

FIREARMS ACQUISITION AND DISPOSITION RECORD

Description of firearm					Receipt		Disposition		
Manufacturer and/or Importer	Model	Serial No.	Type of action	Caliber and gauge	Date	From whom (name and address or name and license number)	Date	Name	Address or license No. if licensee, or Form 4473 Serial No. if Form 4473 filed numerically

(f) When a commercial record is held by a licensed dealer or licensed collector showing his acquisition of a firearm or firearm curio or relic, and such record contains all acquisition information required by the bound record prescribed by paragraph (e) of this section, the licensed dealer or licensed collector acquiring such firearm or curio or relic, may, for a period not exceeding seven days following the date of such acquisition, delay making the required entry into such bound record: *Provided*, That the commercial record is, until such time as the required entry into the bound record is made, (1) maintained by the licensed dealer or licensed collector separate from other commercial documents maintained by such licensee, and (2) is readily available for inspection on the licensed premises: *Provided, further*, That when disposition is made of a firearm or firearm curio or relic not entered in the bound record under the provisions of this paragraph, the licensed dealer or licensed collector making such disposition shall enter all required acquisition information regarding the firearm or firearm curio or relic in the bound record at the time such transfer or disposition is made.

(g) Notwithstanding the provisions of paragraphs (c) and (e) of this section, the Assistant Regional Commissioner may authorize alternate records to be maintained by a licensed dealer or a licensed collector to record his acquisition and disposal of firearms and ammunition, or curios and relics, when it is shown by the licensed dealer or the licensed collector that such alternate records will accurately and readily disclose the required information. A licensed dealer or licensed collector who proposes to use alternate records shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate records and the need therefor. Such alternate records shall not be employed by the licensed dealer or the licensed collector until approval in such regard is received from the Assistant Regional Commissioner.

(h) Each licensed importer and licensed manufacturer selling or otherwise disposing of firearms or ammunition to nonlicensees shall maintain such records of such transactions as are required of licensed dealers and licensed collectors by this section.

§ 178.126 Furnishing transaction information.

(a) Each licensee shall, when required by letter issued by the Assistant Regional Commissioner, and until notified to the contrary in writing by such officer, submit on Form 4483, Report of Firearms Transactions, for the periods and at the times specified in the letter issued by the Assistant Regional Commissioner, all record information required by this subpart, or such lesser record information as the Assistant Regional Commissioner in his letter may specify.

(b) The Assistant Regional Commissioner may authorize the information to be submitted in a manner other than that prescribed in paragraph (a) of this section when it is shown by a licensee that an alternate method of reporting is reasonably necessary and will not unduly hinder the effective administration of this part. A licensee who proposes to use an alternate method of reporting shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate method of reporting and the need therefor. An alternate method of reporting shall not be employed by the licensee until approval in such regard is received from the Assistant Regional Commissioner.

§ 178.127 Discontinuance of business.

Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records prescribed by this subpart shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business is absolute, the records prescribed by this subpart shall be delivered within 30 days following the business discontinuance to the Assistant Regional Commissioner for the internal revenue region in which the business was operated: *Provided, however*, Where State law or local ordinance requires the delivery of records to other responsible authority, the Assistant Regional Commissioner may arrange for the delivery of the records required by this subpart to such authority.

Subpart I—Exemptions

§ 178.141 General.

The provisions of this part shall not apply with respect to:

(a) The transportation, shipment, receipt, or importation of any firearm or

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ammunition imported for, sold or shipped to, or issued for the use of, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

(b) The shipment or receipt of firearms or ammunition when sold or issued by the Secretary of the Army pursuant to section 4308 of title 10, U.S.C., and the transportation of any such firearm or ammunition carried out to enable a person, who lawfully received such firearm or ammunition from the Secretary of the Army, to engage in military training or in competitions.

(c) The shipment, unless otherwise prohibited by the Act or any other Federal law, by a licensed importer, licensed manufacturer, or licensed dealer to a member of the U.S. Armed Forces on active duty outside the United States or to clubs, recognized by the Department of Defense, whose entire membership is composed of such members of the U.S. Armed Forces, and such members or clubs may receive a firearm or ammunition determined by the Director to be generally recognized as particularly suitable for sporting purposes and intended for the personal use of such member or club. Before making a shipment of firearms or ammunition under the provisions of this paragraph, a licensed importer, licensed manufacturer, or licensed dealer may submit a written request, in duplicate, to the Director for a determination by the Director whether such shipment would constitute a violation of the Act or any other Federal law, or whether the firearm or ammunition is considered by the Director to be generally recognized as particularly suitable for sporting purposes.

(d) The transportation, shipment, receipt, or importation of any antique firearm.

§ 178.142 Effect of Presidential pardon.

A pardon granted by the President of the United States regarding a conviction for a crime punishable by imprisonment for a term exceeding 1 year shall remove any disability which otherwise would be imposed by the provisions of this part in respect to that conviction.

§ 178.143 Relief from disabilities incurred by indictment.

A licensed importer, licensed manufacturer, licensed dealer, or licensed collector who is indicted for a crime punishable by imprisonment for a term exceeding 1 year may, notwithstanding any other provision of the Act, continue operations pursuant to his existing license during the term of such indictment and until any conviction pursuant to the indictment becomes final: *Provided*, That if the term of the license expires during the period between the date of the indictment and the date the conviction thereunder becomes final, such importer, manufacturer, dealer, or collector must file a timely application for the renewal of his license in order to continue operations. Such application shall show that the applicant is under indictment for a crime punishable by imprisonment for a term exceeding 1 year.

§ 178.144 Relief from disabilities incurred by conviction.

(a) Any person may make application for relief from the disabilities under Federal law incurred by reason of a conviction of a crime punishable by imprisonment for a term exceeding 1 year if such conviction was not of a crime involving the use of a firearm or other weapon or a violation of the Act or the National Firearms Act.

(b) An application for such relief shall be addressed to the Commissioner and shall include such supporting data as the applicant deems appropriate. In the case of a corporation, the supporting data should include information as to the absence of culpability in the offense of which the corporation was convicted, or of any person having the power to direct or control the management of the corporation, if such be the fact. The application shall be filed, in triplicate, with the Assistant Regional Commissioner for the internal revenue region wherein the applicant resides.

(c) The Commissioner may grant relief to an applicant if it is established to the satisfaction of the Commissioner that the circumstances regarding the conviction, and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

(d) Whenever the Commissioner grants relief to any person pursuant to this section, he shall promptly publish in the FEDERAL REGISTER notice of such action, together with the reasons therefor.

(e) A person who has been granted relief under this section shall be relieved of any disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of such conviction.

(f) (1) A licensee who is convicted of a crime punishable by imprisonment for a term exceeding 1 year during the term of a current license or while he has pending a license renewal application, and who qualifies under this section to file an application for removal of disabilities resulting from such conviction, shall not be barred from licensed operations for 30 days after the date upon which his conviction becomes final, and if he files his application for relief as provided by this section within such 30-day period, he may further continue licensed operations during the pendency of his application. A licensee who is not qualified under this section to file an application for relief or, if so qualified, does not file such application within 30 days from the date his conviction becomes final shall not continue licensed operations beyond 30 days from the date his conviction becomes final.

(2) In the event the term of a license of a person qualified to seek relief under this section expires during the 30-day period following the date upon which his conviction becomes final or during the pendency of his application for relief, he must file a timely application for renewal

of his license in order to continue licensed operations. Such license application shall show that the applicant has been convicted of a crime punishable by imprisonment for a term exceeding 1 year.

(3) A licensee shall not continue licensed operations beyond 30 days following the date the Commissioner issues notification that the licensee's application for removal of disabilities resulting from a conviction has been denied.

(4) When as provided in this section a licensee may no longer continue licensed operations, any application for renewal of license filed by the licensee during the term of his indictment or the pendency of his application for removal of disabilities resulting from such conviction, shall be denied by the Assistant Regional Commissioner.

§ 178.145 Research organizations.

The provisions of this part with respect to the sale or delivery of destructive devices, machine guns, short-barreled shotguns, and short-barreled rifles shall not apply to the sale or delivery of such devices and weapons to any research organization designated by the Director to receive same. A research organization desiring such designation shall submit a letter application, in duplicate, to the Director. Such application shall contain the name and address of the research organization, the names and addresses of the persons directing or controlling, directly or indirectly, the policies and management of such organization, the nature and purpose of the research being conducted, a description of the devices and weapons to be received, and the identity of the person or persons from whom such devices and weapons are to be received.

§ 178.146 Deliveries by mail to certain persons.

The provisions of this part shall not be construed as prohibiting a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of title 18, U.S.C., is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duties.

§ 178.147 Repair of firearm.

A person not otherwise prohibited by Federal, State or local law may ship a firearm to a licensed importer, licensed manufacturer, or licensed dealer for the sole purpose of repair or customizing, and notwithstanding any other provision of this part, the licensed importer, licensed manufacturer, or licensed dealer may return in interstate or foreign commerce to that person the repaired firearm or a replacement firearm of the same kind and type.

§ 178.148 Ammunition loading for personal use.

The licensing provisions of this part shall not apply to any person who engages only in hand loading, reloading,

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or custom loading ammunition for his own firearm, and who does not hand load, reload, or custom load ammunition for others.

Subpart J—Penalties, Seizures, and Forfeitures

§ 178.161 False statement or representation.

Any person who knowingly makes any false statement or representation with respect to any information required by the provisions of the Act or this part to be kept in the records of a person engaged in firearms or ammunition business, or in applying for any license, exemption, or relief from disability, under the provisions of the Act, shall be fined not more than \$5,000 or imprisonment not more than 5 years, or both.

§ 178.162 Transportation or receipt to commit a crime.

Any person who ships, transports, or receives a firearm or any ammunition in interstate or foreign commerce with intent to commit therewith an offense punishable by imprisonment for a term exceeding 1 year, or with knowledge and reasonable cause to believe that an offense punishable by imprisonment for a term exceeding 1 year is to be committed therewith, shall be fined not more than \$10,000, or imprisoned not more than 10 years, or both.

§ 178.163 Commission of a Federal crime.

Any person who uses a firearm to commit any felony which may be prosecuted in a court of the United States, or carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States, shall be sentenced to a term of imprisonment for not less than 1 year nor more than 10 years. In the case of a person's second or subsequent conviction under this section, such person shall be sentenced to a term of imprisonment for not less than 5 years nor more than 25 years, and notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence.

§ 178.164 Receipt, etc., of firearms by certain persons.

Any person who (a) has been convicted of a felony, (b) has been discharged from the Armed Forces under dishonorable conditions, (c) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, (d) having been a citizen of the United States has renounced his citizenship, or (e) being an alien is illegally or unlawfully in the United States, who receives, possesses, or transports in commerce or affecting commerce, any firearm shall be fined not more than \$10,000 or imprisoned for not more than 2 years, or both: *Provided, however*, That the provisions of this section shall not apply to

any prisoner who by reason of duties connected with law enforcement has expressly been entrusted with a firearm by competent authority of the prison, or to any person who has been pardoned by the President of the United States or the chief executive of a State and has expressly been authorized by the President or such chief executive as the case may be, to receive, possess, or transport in commerce a firearm.

§ 178.165 Receipt, etc., of firearms by certain employees.

Any individual who to his knowledge and while being employed by any person who (a) has been convicted of a felony, (b) has been discharged from the Armed Forces under dishonorable conditions, (c) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, (d) having been a citizen of the United States has renounced his citizenship, or (e) being an alien is illegally or unlawfully in the United States, and who, in the course of such employment, receives, possesses, or transports in commerce or affecting commerce, any firearm shall be fined not more than \$10,000 or imprisoned for not more than 2 years, or both: *Provided, however*, That the provisions of this section shall not apply to an employee employed by a person who has been pardoned by the President of the United States or the chief executive of a State and has expressly been authorized by the President or such chief executive, as the case may be, to receive, possess, or transport in commerce a firearm.

§ 178.166 Seizure and forfeiture.

Any firearm or ammunition involved in, or used or intended to be used in, any violation of the provisions of the Act or of this part, or in violation of any other criminal law of the United States, shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of the Act.

Subpart K—Exportation

§ 178.171 Exportation.

Firearms and ammunition shall be exported in accordance with the applicable provisions of section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934) and regulations thereunder. However, licensed manufacturers, licensed importers, and licensed dealers exporting firearms and ammunition shall maintain records showing the manufacture or acquisition of the firearms and ammunition as required by this part and records showing the name and address of the foreign consignee of the firearms and ammunition and the date the firearms and ammunition were exported.

[F.R. Doc. 68-14996; Filed, Dec. 13, 1968; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Traveltime Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966, (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316), April 12, 1965 (30 F.R. 4609), June 18, 1965 (30 F.R. 7893), June 7, 1966 (31 F.R. 8020), October 11, 1966 (31 F.R. 13114), November 1, 1966 (31 F.R. 13939), November 23, 1966 (31 F.R. 14826), February 14, 1967 (32 F.R. 20843), April 15, 1967 (32 F.R. 6021), August 26, 1967 (32 F.R. 12441), September 29, 1967 (32 F.R. 13650), February 9, 1968 (33 F.R. 2756), March 7, 1968 (33 F.R. 4248), July 13, 1968 (33 F.R. 10085), July 31, 1968 (33 F.R. 10839), August 15, 1968 (33 F.R. 11587), September 25, 1968 (33 F.R. 14399), and November 8, 1968 (33 F.R. 16382), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

OUTSIDE METROPOLITAN AREA

FOUR HOURS

Delete: Anacortes, Wash. (served from Blaine or Seattle, Wash.)

THREE HOURS

Add: Anacortes, Wash. (served from Blaine, Wash.)

FOUR HOURS

Add: Anacortes, Wash. (served from Seattle, Wash.)

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions ef-

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FIREARMS

HEARING

BEFORE A

**SUBCOMMITTEE OF THE COMMITTEE ON
INTERSTATE AND FOREIGN COMMERCE
HOUSE OF REPRESENTATIVES**

SEVENTY-FIFTH CONGRESS

FIRST SESSION

ON

S. 3

TO REGULATE COMMERCE IN FIREARMS

JUNE 22, 1937

**Printed for the use of the
Committee on Interstate and Foreign Commerce**



**UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON: 1937**

FIREARMS

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SEC. 4. The provisions of this Act shall not apply with respect to the transportation, shipment, receipt, or importation of any firearm, or ammunition, sold or shipped to, or issued for the use of, (1) the United States or any department, independent establishment, or agency thereof; (2) any State, Territory, or possession, or the District of Columbia, or any department, independent establishment, agency, or any political subdivision thereof; (3) any duly commissioned officer or agent of the United States, a State, Territory, or possession, or the District of Columbia, or any political subdivision thereof; (4) or to any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables; (5) or to any research laboratory designated by the Secretary of Commerce; *Provided*, That such bank, public carriers, express, and armored-truck companies are granted exemption by the Secretary of Commerce; nor to the transportation, shipment, or receipt of any antique or, unobtainable firearms, or ammunition, possessed and held as curios or museum pieces.

SEC. 5. Any person violating any of the provisions of this Act or any rules and regulations promulgated hereunder, or who makes any statement in applying for the license or exemption provided for in this Act, knowing such statement to be false, shall, upon conviction thereof, be fined not more than \$2,000, or imprisoned for not more than five years, or both.

SEC. 6. This Act shall take effect thirty days after its enactment.

SEC. 7. The Secretary of Commerce may prescribe such rules and regulations as he deems necessary to carry out the provisions of this Act.

SEC. 8. Should any section or subsection of this Act be declared unconstitutional, the remaining portion of the Act shall remain in full force and effect.

SEC. 9. This Act may be cited as the Federal Firearms Act.

Mr. PEARSON. I might state to you gentlemen who are present and interested in this matter, that this hearing will be entirely informal. We want to hear as many of you gentlemen as we can. Allow you to make your statements, and then I take it you are willing to answer any questions the members of the committee may want to ask, if you can.

We should like to hear General Reckord first, if we may.

STATEMENT OF BRIG. GEN. MILTON A. RECKORD, EXECUTIVE VICE PRESIDENT, NATIONAL RIFLE ASSOCIATION, ADJUTANT GENERAL OF THE STATE OF MARYLAND

General Reckord. Mr. Chairman and gentlemen of the committee, I shall be as brief as possible, but I would greatly appreciate it if, as I go along, the committee would interrupt me and ask questions that may come to their mind.

The history of Senate 3, which is the bill before the committee this morning, might be of interest in that when the bill started out originally, it was the result of a study of the crime situation by the so-called Crime Committee of the Senate, headed by Senator Copeland, of New York.

That committee had prepared a bill which was, in the judgment of those of us who are the heads of certain sportsmen's groups, seriously objectionable. It was very drastic in many respects. With all due respect to the gentlemen who drew the bill, it was very poorly drawn. Definitions were bad. We could never seem to reach the Senators. They did not give us an opportunity to confer with them, although we almost pleaded to be heard.

So finally we were not heard until the bill was being heard by a committee similar to the way this bill is now being heard by your committee, Mr. Chairman.

At that hearing, Senator Copeland addressed his remarks to me and stated that he would now hear us on the bill; that the bill would be read line by line and we would be given an opportunity to object to anything we saw objectionable in the bill.

Well, he had read only to the third line when we offered objection because of the incorrect definition of a firearm. He agreed immediately, as will be shown in the hearing, to eliminate those words.

We went through the bill that day and when we finished the bill was emasculated. The Senator ended the hearing by saying, "Well, General, you and I are not so far apart after all, are we?" I said, "No, sir; but please look at your bill. It is torn all to pieces." "Well", he said, "will you sit down with us and help us prepare a bill that you people will support?"

We gladly agreed to do that and the present bill, Senate 3, which is before you today, is the result of the work done after that hearing on the original bill, which had another number at that time, which slips me for the moment.

Senate 3 as drafted then had in section 7 a repeal of the National Firearms Act, which is the Machine Gun Act, passed 3 or 4 years ago. Senator Copeland and those of us interested in this legislation felt, in view of the fact that this bill is designed to keep all firearms from the hands of the underworld, we might as well repeal the other act, which has many bad features, get rid of that act, and make this all inclusive.

But when we were before the committee in the Senate on Senate 3, as drafted at that time, there was objection from the Attorney General's Office. Mr. Keenan, speaking, stated that this bill was a step in the right direction; but not all that they wanted, but the one objection they had was section 7, which repealed the Machine Gun Act. That was the objection offered. So after conference following the labors of that day, that section was stricken from the bill.

So that as the bill comes before your committee today, Mr. Chairman, as far as we know, there is no objection on the part of the Attorney General's Office, because that objection, as expressed in the Senate hearings, has been met.

Mr. PEARSON. This bill, then, is really a complement to the National Fire Arms Act?

General RECKORD. Yes; I would say so, although the National Fire Arms Act deals with machine guns, sawed-off shotguns, sawed-off rifles with barrel lengths less than 18 inches, and makes certain requirements with respect to registration and report of all who own those.

But the bill that we have today approaches the subject from a different angle. This bill states that the underworld shall not have a fire arm of any kind. It does not touch the law-abiding citizen. It does not touch the gun in your home or my home. It does not compel you to go out and register it unless the law of your State requires such registration. You may have as many guns as you please, under this bill—shotguns, rifles, or pistols—but the lawbreaker may have none of those, under this bill.

Mr. HOLMES. How are you going to stop the lawbreaker from getting guns? They do not buy them; they steal them. The underworld steals their guns.

FIREARMS

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General RECKORD. Yes. The minute that man is found with a gun of any type, under this bill, he will be amenable. The minute he is found with a gun of any type, even a fugitive from justice cannot cross the State line carrying a gun with him because the moment he is picked up and he has that gun, he is amenable under this law.

I just made that general statement, gentlemen, and if you wish to go through the bill, I shall be very glad to explain each section, if you care to have me do that.

Mr. PEARSON. I thought if we could do that without going into too much detail, that would be advisable, General.

General RECKORD. Subsection 1, as you will observe, defines "person."

Paragraph 2 defines "interstate or foreign commerce."

There is one point in this and that is that under this definition "interstate or foreign commerce" includes going from one State to another and back into the State or territory, as well as going from one State to another.

Now, the definition of "fire arm" is the broadest definition that we could make, because we are dealing with the crook. Therefore, this definition includes fire arms of every description; not only pistols and revolvers, but fire arms of every description are included in this definition.

Mr. PEARSON. Right there, General, it has been recommended by, I believe, the Department of Commerce that that definition be enlarged so as to include the language "or parts thereof."

General RECKORD. Mr. Chairman, we are willing and ready to subscribe to any amendment of that kind your committee sees fit to place upon the bill, but we do not believe that is necessary.

Mr. PEARSON. It was suggested that in the absence of that, parts might be shipped in interstate commerce and then reassembled and the purposes of the act defeated.

General RECKORD. May I read then for the record a letter, a copy of which or a similar letter no doubt you have received, from Mr. Imlay?

Mr. PEARSON. Yes, sir.

General RECKORD. Mr. Imlay is an attorney in Washington who has had long experience with fire-arms legislation, dating back I think to 1920 or 1925, when he was a member of the Committee on Uniform Fire Arms Act of the American Bar Association. His answer to that is that you could add the words "or any part or parts of such weapon" right at the end of this language, but he does not think that is necessary. He feels that the court could very easily handle that matter, that a reasonable number of parts would be construed by the court as being a gun.

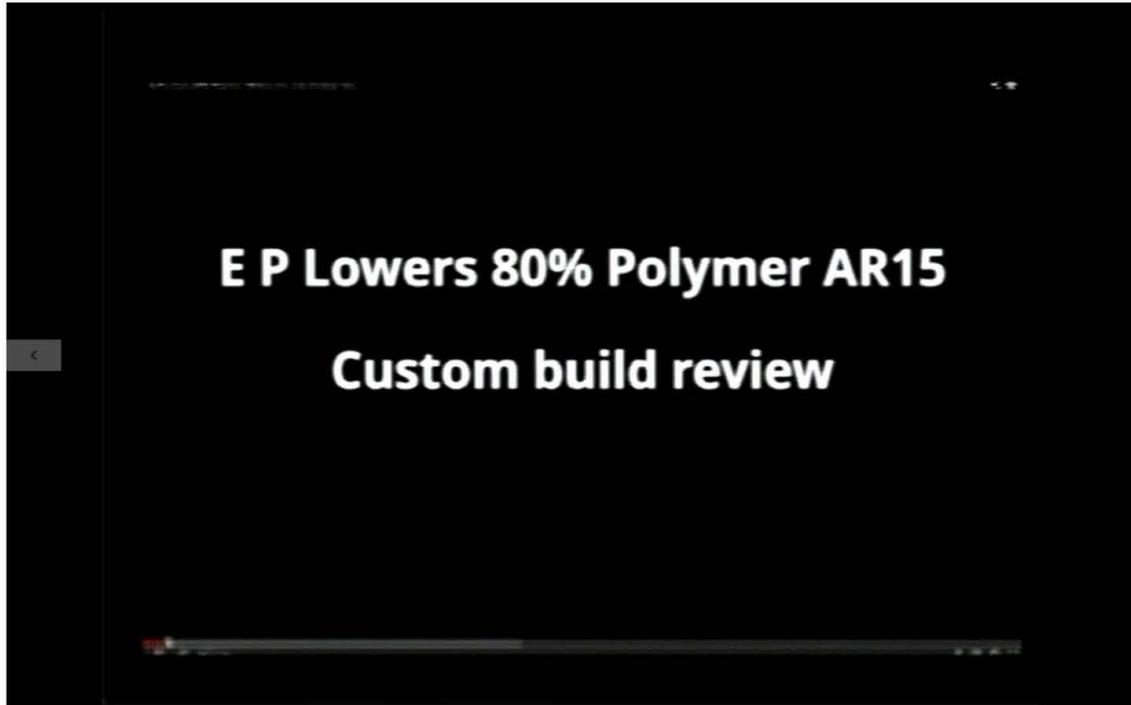
Mr. Dimmick of the Colt Co., who is present, coming down with me this morning in a taxicab, discussed that very feature with me and pointed out the fact that the man could not possibly do that and comply with another section of this bill which requires that you must have a number, an identifying number on your gun, and in securing parts he would not be able to secure a number. Therefore, we feel that that amendment is not necessary, that the parts to the gun would be construed by the court as a gun.

Mr. WADSWORTH. That provision relating to the serial number, as found on page 5, line 14, makes it unlawful for any person to









AR TYPE FIREARM VISUAL REFERENCE GUIDE



UPPER RECEIVERS: NOT FIREARMS



**CASTINGS/FORGINGS: NOT FIREARMS
DEFENSE ARTICLES FOR PURPOSES OF IMPORTATION**



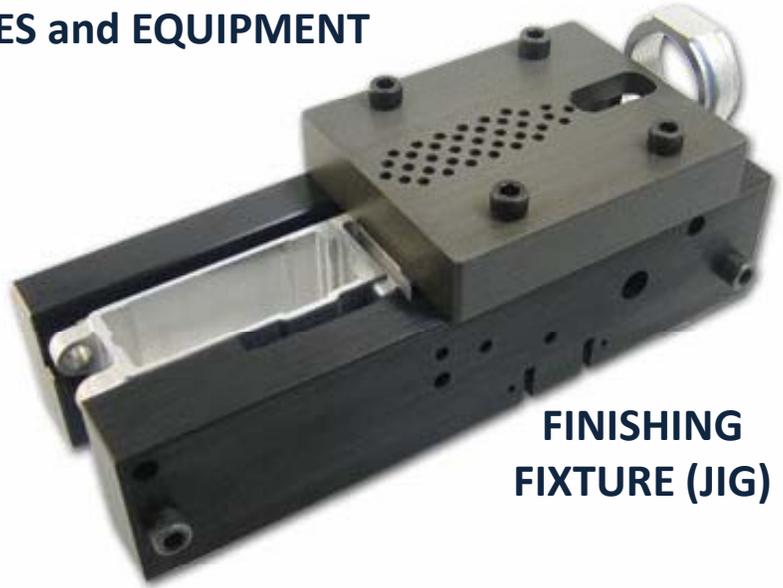
**RECEIVERS: FIREARMS
ALL MARKINGS REQUIRED**

AR TYPE FIREARM VISUAL REFERENCE GUIDE

MACHINES and EQUIPMENT



DRILL PRESS



**FINISHING
FIXTURE (JIG)**

**COMMON HAND
TOOLS**



MILLING MACHINE



CNC MACHINE

AR TYPE FIREARM VISUAL REFERENCE GUIDE

PARTS



Trigger Guard



Disconnect



Trigger



Bolt Catch



Magazine Catch Button

Magazine Catch



Hammer



Selector



Trigger Pin
Hammer Pin



Takedown Detent Spring
Pivot Detent Spring



Selector Spring



Bolt Catch Spring



Buffer Retainer Spring



Disconnect Spring



Magazine Catch Spring



Trigger Spring



Pistol Grip Lock Washer



Takedown Pin



Takedown Pin Detent



Pivot Pin Detent



Selector Detent



Bolt Catch Buffer



Buffer Retainer



Trigger Guard Roll Pin



Bolt Catch Roll Pin



Hammer Spring



Pistol Grip Screw



Pivot Pin

AK TYPE FIREARM VISUAL REFERENCE GUIDE



**FLAT/CHANNEL: NOT FIREARMS
DEFENSE ARTICLES FOR PURPOSES OF IMPORTATION**



**RECEIVER: FIREARM
ALL MARKINGS REQUIRED**

AK TYPE FIREARM VISUAL REFERENCE GUIDE

MACHINES and EQUIPMENT



HYDRAULIC PRESS



FLAT BENDING DIE SET



**COMMON
HAND TOOLS**



AK TEMPLATE

AK TYPE FIREARM VISUAL REFERENCE GUIDE

PARTS





ATF Firearms Technology Branch

Technical Bulletin 14-01

UNCLASSIFIED/LAW ENFORCEMENT SENSITIVE

November 1, 2013

Unfinished “80%” AR-15 Type Receivers

There are many unfinished AR-15 type receivers being marketed as so-called “80%” receivers. It is important to note that Federal firearms statutes and supplemental regulations do not employ the terms “80%,” “80% finished,” or “80% complete.”

These terms are industry vernacular and are neither recognized nor defined in Federal firearms statutes and regulations. These marketing terms are used by the industry to indicate that, in their opinion, an unfinished receiver has not yet reached a point in the manufacturing process where it should be classified as a “firearm” as defined in the amended Gun Control Act of 1968 (GCA).

As background, the 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....*

Unfinished AR-15 type receivers that do not meet the definition of a “firearm” are not subject to regulation under GCA provisions; however, they are still considered defense articles per the U.S. Munitions Import List and, therefore, require an ATF Form 6 for importation into the U.S.

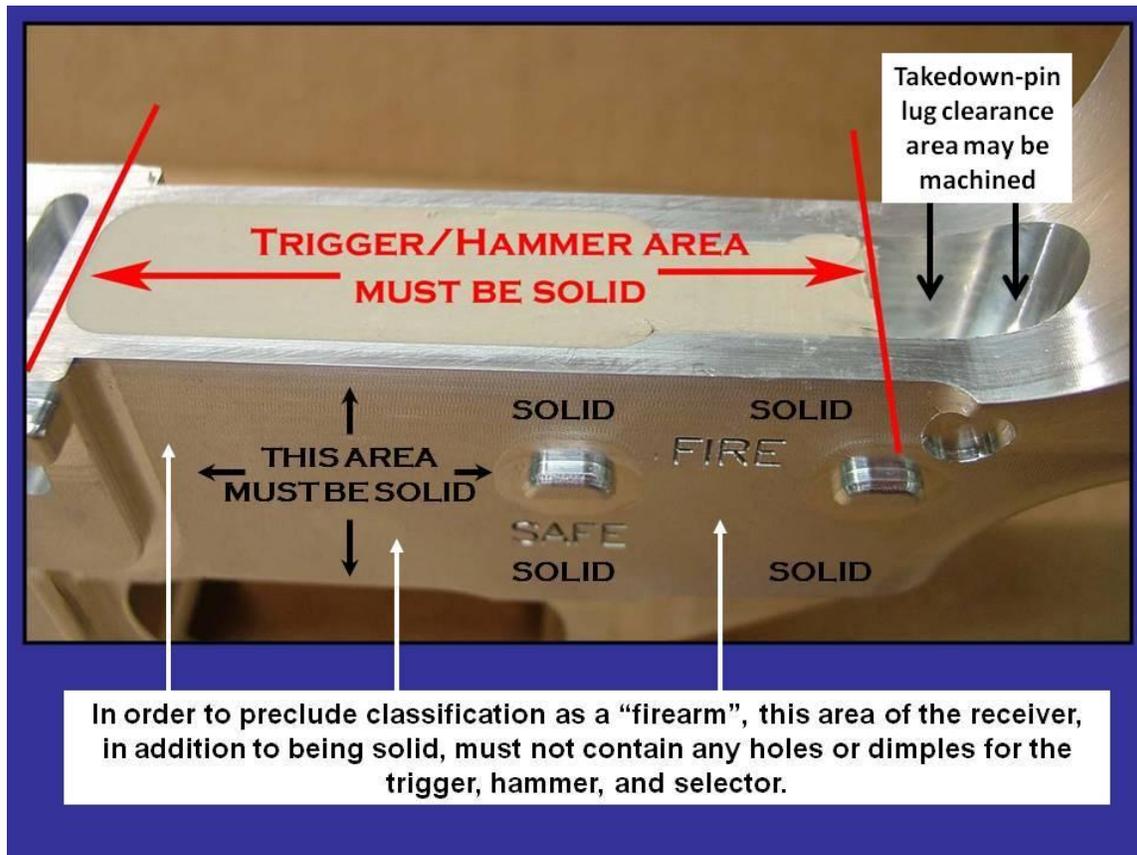
The ATF Firearms Technology Branch (FTB) has previously determined that an AR-15 type receiver which has no machining of any kind performed in the area of the trigger/hammer (fire-control) recess (or cavity) might not be classified as a firearm. Such an unfinished receiver could have **all** other machining operations performed, including pivot-pin and takedown-pin hole(s) and clearance for the takedown-pin lug, but must be completely solid and un-machined in the fire-control recess/cavity area. We have determined that in order to be considered “completely solid and un-machined in the fire-control recess/cavity area,” the takedown-pin lug clearance area must be no longer than .800 inch, measured from immediately forward of the front of the buffer-retainer hole. (See following photo.)



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 Technical Bulletin 14-01
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UNCLASSIFIED/LAW ENFORCEMENT SENSITIVE

ATF Firearms Technology Branch Technical Bulletin 14-01

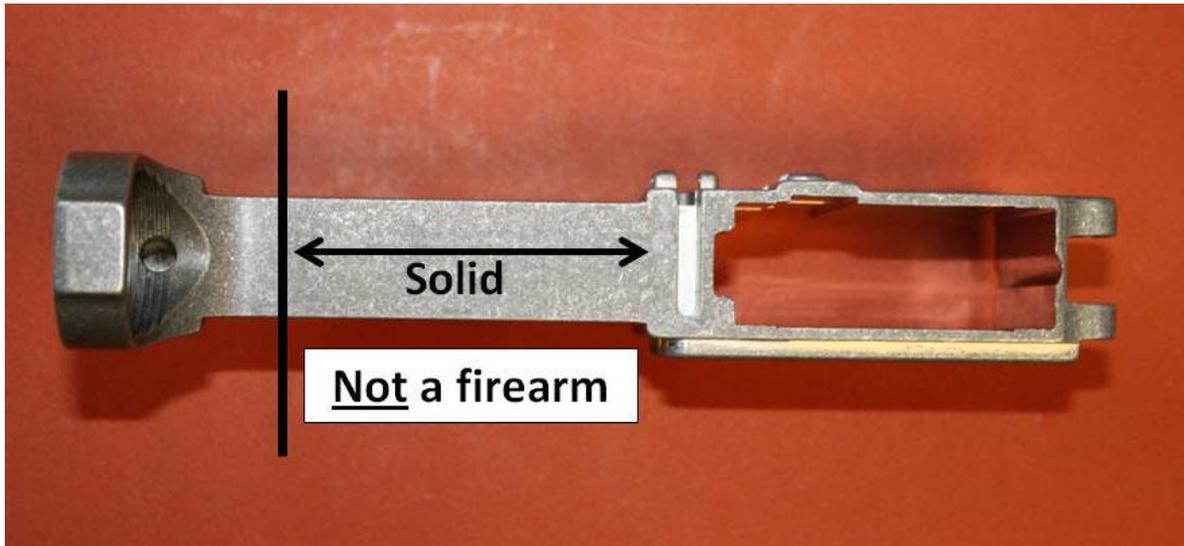


However, FTB has examined many unfinished "80%" AR-15 type receivers and has found that, in some cases, items being marketed as "80%" actually meet the definition of a "firearm" as defined.

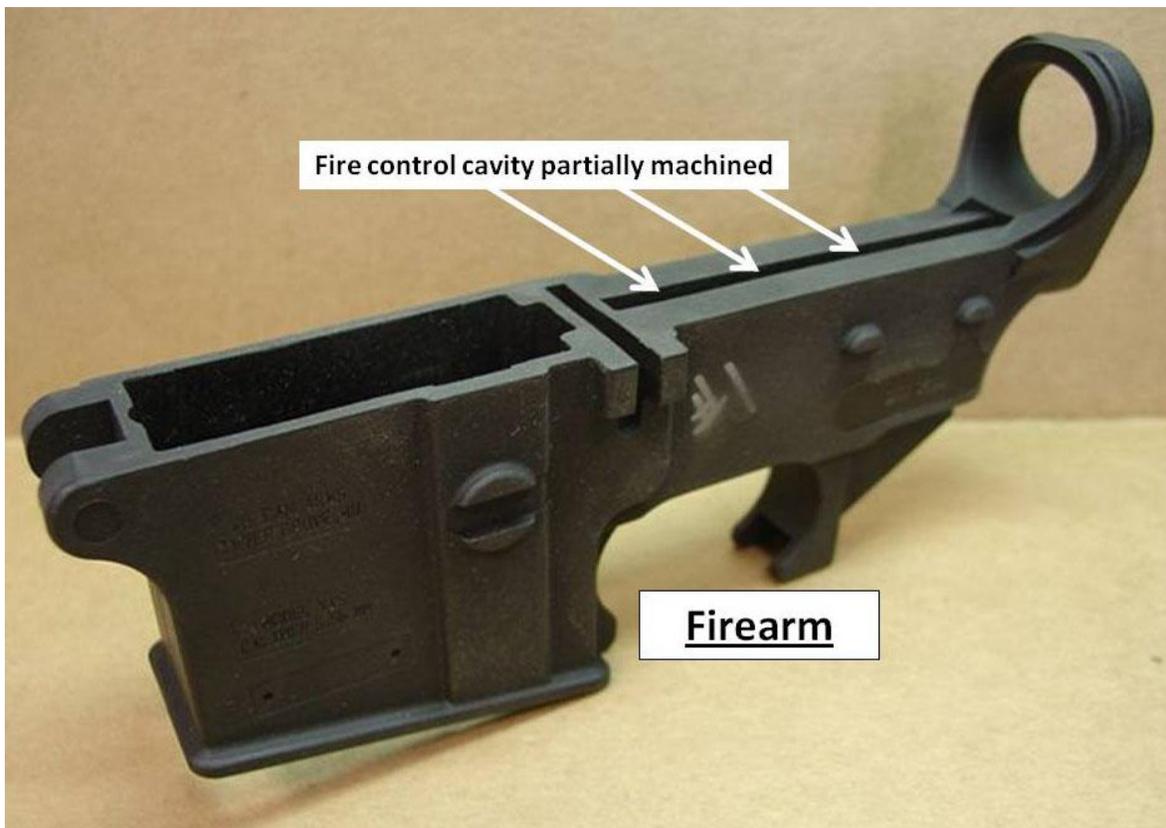
The following photos depict the most commonly encountered variations of unfinished "80%" AR-15 type firearm receivers and are provided to assist you in determining their classification status.



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Example 1



Example 2



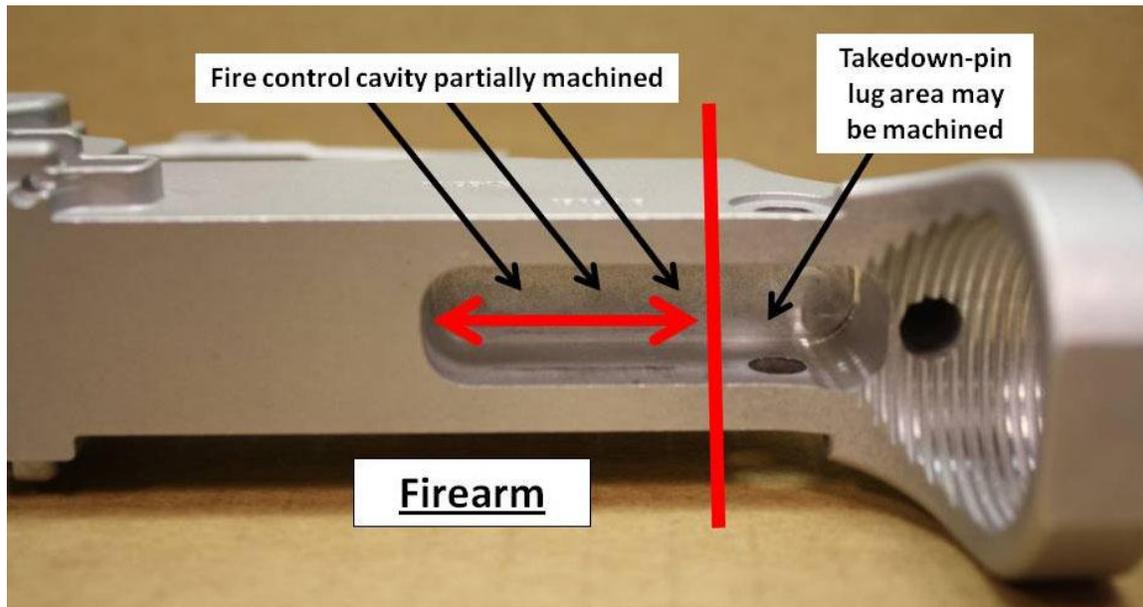
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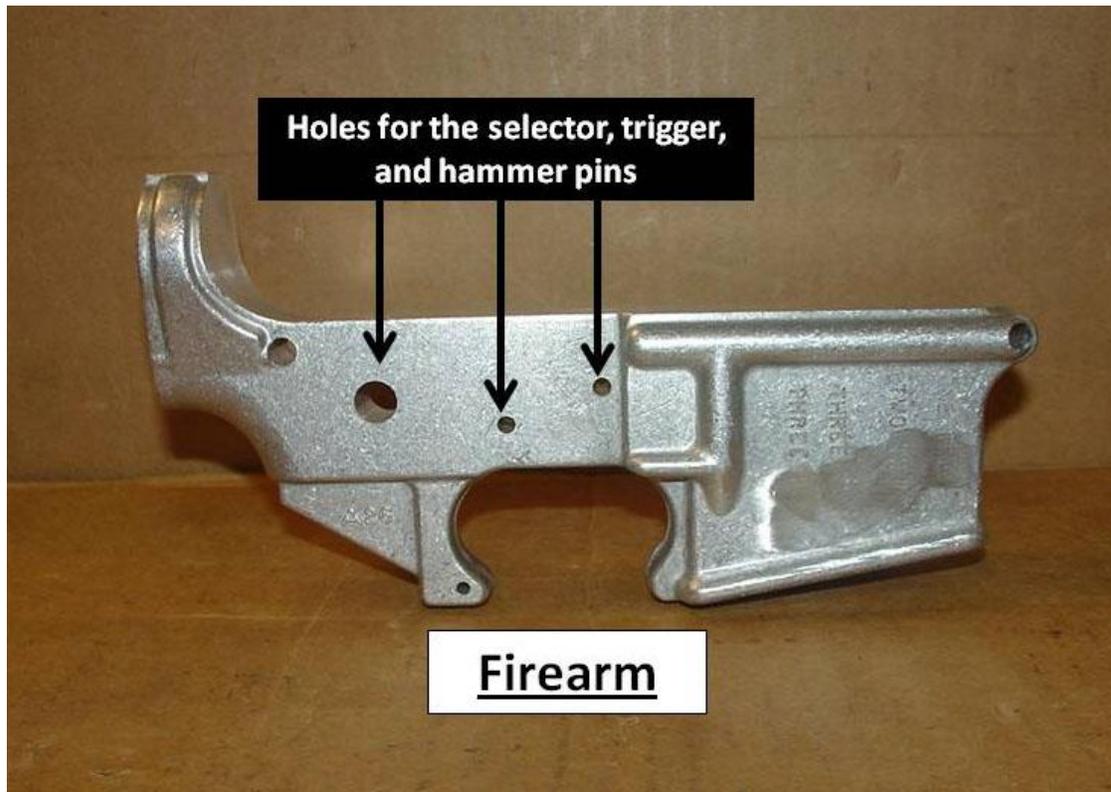
Example 3



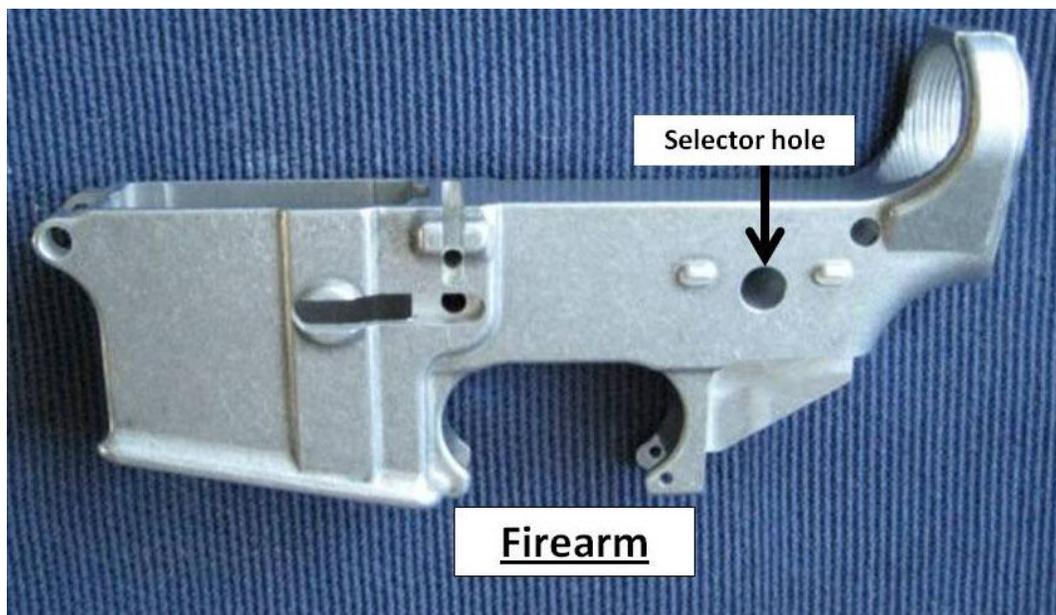
Example 4



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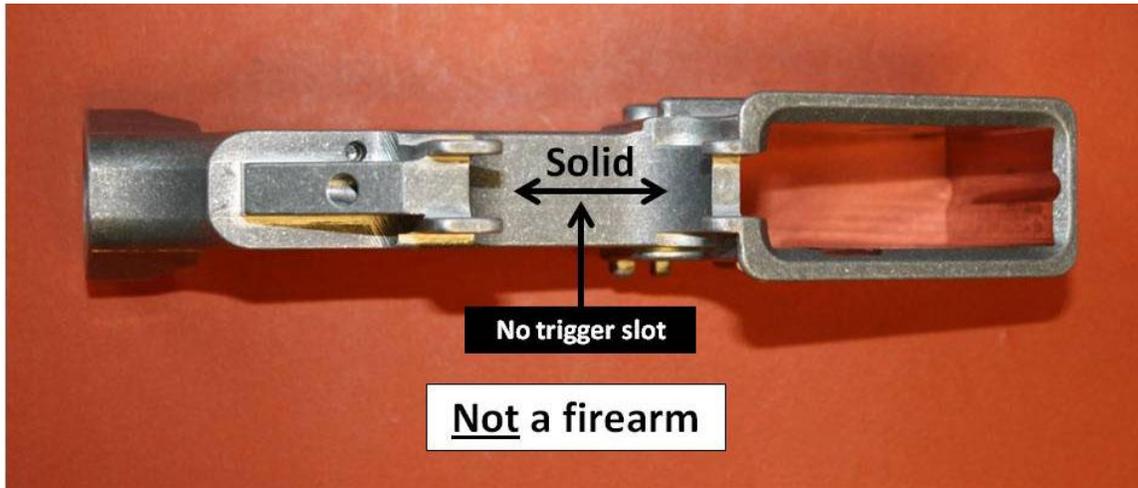
Example 5



Example 6



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Example 7



Example 8

This general guidance is provided to assist ATF Special Agents and Industry Operations Investigators and our Federal, State and local law enforcement partners, but is not meant to be used in lieu of a formal determination. FTB cannot render a formal determination without physically examining a submitted sample.

If you encounter any variations not depicted or described in this bulletin, or, if you have any additional questions, please contact FTB at (304) 616-4300 or email LowerReceiver@atf.gov. This inbox also serves to collect information related to unfinished AR type receivers and firearms completed with unmarked AR type receivers that are recovered or encountered by ATF field personnel and our law enforcement partners.



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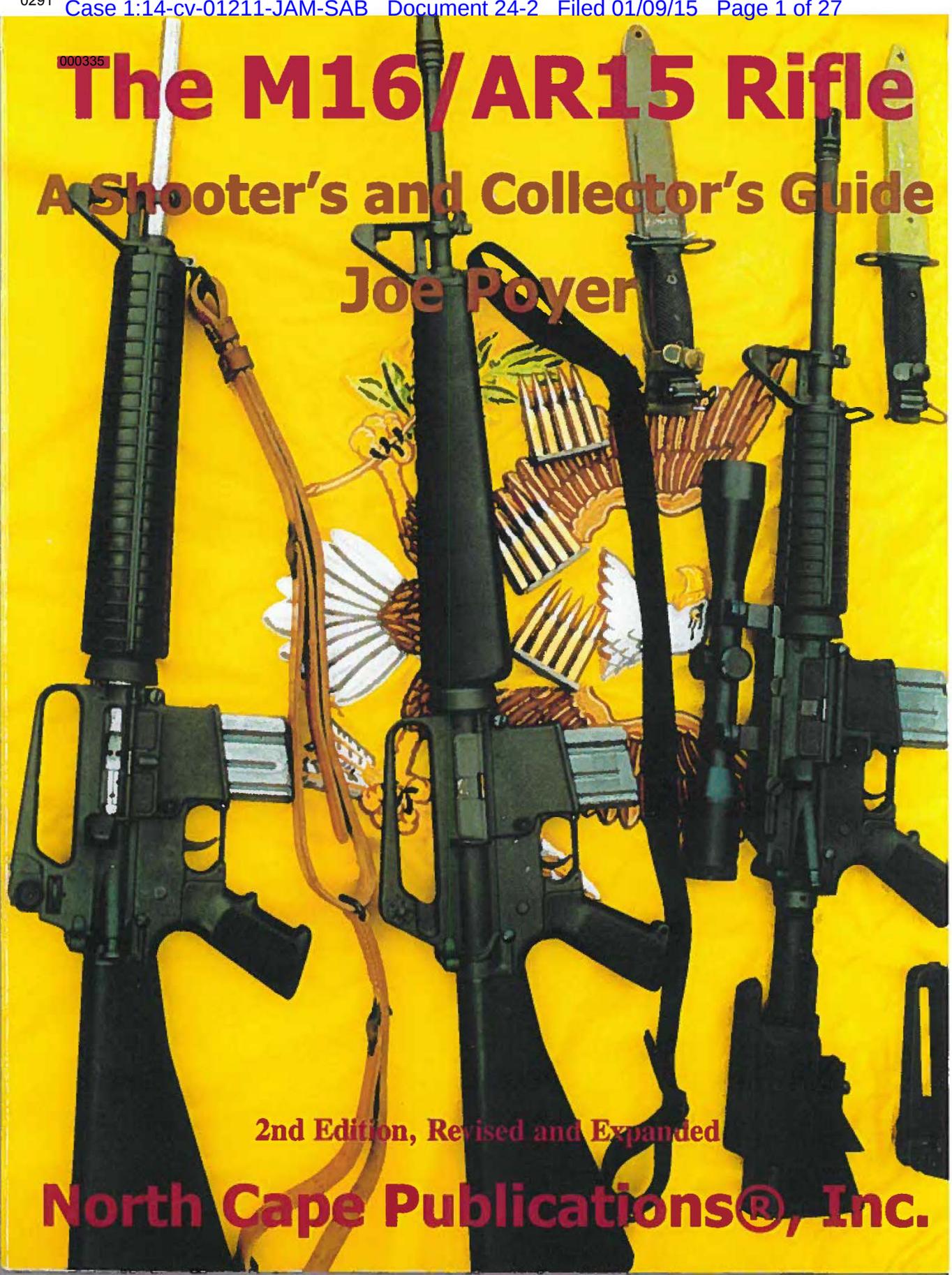
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The M16/AR15 Rifle

A Shooter's and Collector's Guide

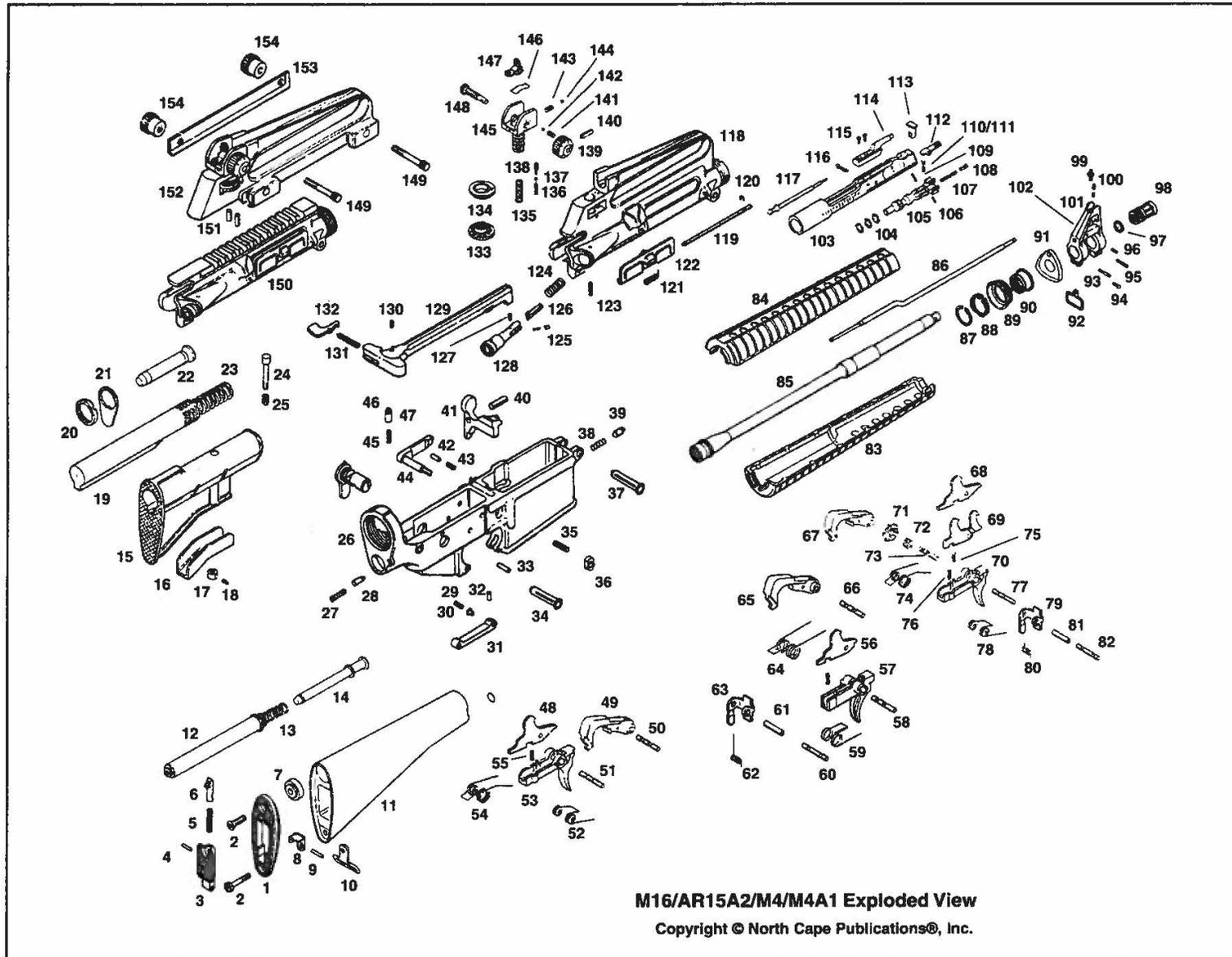
Joe Poyer



2nd Edition, Revised and Expanded

North Cape Publications® , Inc.

III



M16/AR15A2/M4/M4A1 Exploded View

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M16/AR15A2/M4/M4A1 EXPLODED VIEW

1	Butt plate	54	Hammer spring	105	Bolt
2	Butt plate screws	55	Disconnecter spring	106	Ejector pin
3	Butt plate door	56	Disconnecter (A)**	107	Ejector spring
4	Retaining pin	57	Trigger (A)	108	Ejector
5	Plunger spring	58	Trigger pin (A)	109	Extractor pin
6	Plunger	59	Trigger spring (A)	110	Extractor spring
7	Butt plate spacer	60	Automatic sear pin (A)	111	Rubber insert or 2nd spring
8	Hinge	61	Automatic sear bushing (A)	112	Extractor
9	Hinge pin	62	Automatic sear spring (A)	113	Bolt cam pin
10	Sling swivel	63	Automatic sear (A)	114	Key
11	Butt stock	64	Hammer spring (A)	115	Bolt key screws (2)
12	Receiver extension tube	65	Hammer (A)	116	Firing pin retainer pin
13	Action spring	66	Hammer pin (A)	117	Firing pin
14	Buffer assembly	67	Hammer (B)***	118	Upper receiver
15	Carbine sliding butt stock	68	Semiautomatic disconnecter (B)	119	Dust cover pin
16	Release lever		Burst disconnecter (B)	120	Split ring
17	Lock nut	69	Trigger (B)	121	Dust cover spring
18	Pin	70	Burst cam (B)	122	Dust cover
19	Receiver extension tube	71	Clutch spring (B)	123	Forward Assist Pin
20	Receiver extension nut	72	Hammer pin (B)	124	Plunger spring
21	End plate	73	Hammer spring (B)	125	Pawl and pin
22	Buffer	74	Burst disconnecter spring (B)	126	Pawl
23	Action spring	75	Semiautomatic disconnecter spring (B)	127	Plunger pin
24	Release lever lock pin	76	Trigger pin (B)	128	Forward assist plunger
25	Spring		Trigger spring (B)	129	Charging handle
26	Lower receiver	77	Automatic sear (B)	130	Roll pin
27	Takedown detent spring	78	Automatic sear spring (B)	131	Charging spring
28	Takedown detent	79	Automatic sear bushing (B)	132	Latch
29	Plunger spring	80	Automatic sear pin (B)	133	Elevation index
30	Trigger guard plunger	81	Lower Handguard	134	Elevation knob
31	Trigger guard	82	Upper handguard	135	Elevation index screw
32	Trigger guard pin	83	Barrel	136	Helical spring
33	Trigger guard pivot pin	84	Gas tube	137	Ball bearing
34	Rear receiver pin	85	Handguard retaining ring	138	Index screw
35	Magazine button spring	86	Slip ring springs	139	Elevation knob
36	Magazine release button	87	Handguard slip ring	140	Spring pin
37	Forward takedown pin	88	Barrel nut	141	Helical spring
38	Detent spring	89	Handguard cap	142	Ball bearing
39	Forward takedown pin detent	90	Sling swivel	143	Helical spring
40	Bolt release pin	91	Front sight taper pin (rear)	144	Ball bearing
41	Bolt release	92	Swivel rivet	145	Rear sight base
42	Magazine release plunger	93	Front sight taper pin (front)	146	Flat spring
43	Plunger spring	94	Gas tube pin	147	Aperture
44	Magazine release	95	Compensator spacer or washer	148	Windage screw
45	Buffer retainer spring	96	Compensator	149	Clamp screws (front & rear)
46	Buffer retainer	97	Front sight post	150	Flat top upper receiver
47	Selector		Front sight detent	151	Dowel pins
48	Disconnecter (SA)*	98	Detent spring	152	Carry handle base
49	Hammer (SA)	99	Front sight	153	Bar clamp
50	Hammer pin (SA)	100	Bolt carrier	154	Handle nuts
51	Trigger pin (SA)	101	Gas seal rings		
52	Trigger spring (SA)	102			
53	Trigger (SA)	103			
		104			

* Semiautomatic Trigger (SA)
 ** Automatic Trigger (A)
 *** Burst (B)

The rear sight assembly is mounted on the detachable carry handle and the standard 0.270 by 0.390 oval mounting hole is also cut into the trough of the carry handle.

Lower Receiver

According to the provisions of the 1968 Gun Control Law, the lower receiver is the "gun" as it contains the firing mechanism in the form of the trigger assembly. It also contains the magazine assembly, the pistol grip and the butt stock assembly including the recoil spring assembly, see Figure 4-9.

The lower receiver of both models is forged or cast aluminum alloy. Military models are forged as are many commercial lower receivers. A casting, if properly done and heat-treated, is neither stronger nor weaker than a properly executed and heat-treated forging.

The front of the lower receiver has two ears or lugs. The front lug fits between the two lugs on the lower receiver and is held by a two-piece takedown pin in civilian models or a captive single-piece retaining pin. A recess milled into the lower receiver at the back, just ahead of the recoil spring housing, provides room for the upper receiver's rear lug which is secured by a takedown pin. The takedown pin is held in the lower receiver by a spring-loaded detent.

At the front of the lower receiver is the magazine well. Immediately to the rear on the right side is the magazine release button housing. Below and behind are the two ears for the trigger guard which is held in place with the spring-loaded plunger at the front and a roll pin at the rear. The rear roll pin should only be removed and reinstalled using a 1/8 inch flat-faced punch. Be careful not to let the punch slip or you will deform the ears. The front pin can be depressed on the right side with the point of a cartridge to lower the trigger guard for use when wearing heavy gloves.

Receiver Extension

At the rear of the lower receiver is the threaded ring to which the receiver extension is mounted and which contains the buffer

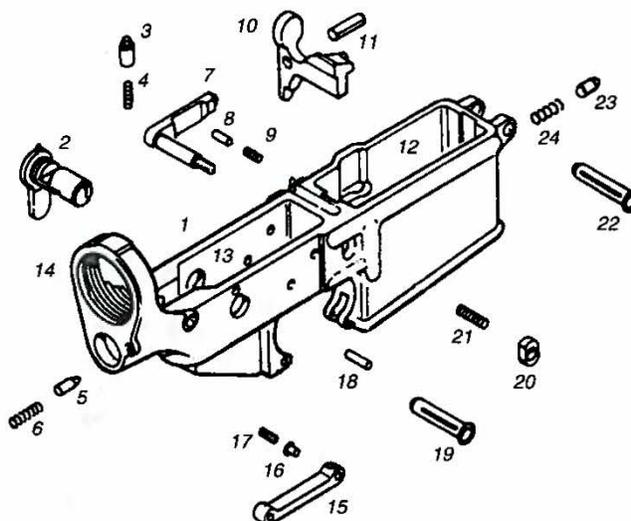


Fig. 4-9. M16/AR15 lower receiver assembly: 1) lower receiver, 2) selector, 3) buffer retainer, 4) buffer retainer spring, 5) takedown detent, 6) takedown detent spring, 7) magazine release, 8) magazine release plunger, 9) plunger spring, 10) bolt release, 11) bolt release pin, 12) magazine well, 13) trigger well, 14) receiver extension housing, 15) trigger guard, 16) trigger guard plunger, 17) plunger spring, 18) trigger guard pivot pin, 19) rear receiver pin, 20) magazine release button, 21) button spring, 22) forward receiver pin, 23) detent, 24) detent spring.

assembly. The butt stock (fixed or collapsible) slides over the receiver extension and is secured by the receiver extension nut.

The original buffer was a hollow tube containing five "Edgewater" ring springs. The ring springs had alternating male and female ends and were shaped to act like wedges when compressed, a clever idea that worked in the laboratory and on the range but not in the field. Oil, dust and debris affected their performance, and they were replaced in December

1966 by a new buffer design from Colt. The Colt-designed buffer assembly replaced the "Edgewater ring springs" with a polyurethane "bumper" or shock absorber. The bumper impacted five sliding weights in the body that were separated by butyl rubber disks to prevent the bolt carrier from rebounding at the end of the stroke.

The new Colt buffer was three times heavier than the old and so acted to reduce the cyclic rate in full auto fire. A very fast cyclic rate had caused excessive jamming and parts breakage. Military cartridges loaded with the original Olin WC846 ball powder had been found to raise cyclic rates as high as 850 to 900 rounds per minute with the old buffer.

The buffer assembly is held in the receiver extension by the buffer retainer driven by a coil spring. When removing the buffer assembly always make certain you hold the buffer piston in place as you depress the buffer retainer. The buffer is under heavy spring pressure and could cause injury if allowed to fly loose.

The spring that drives the buffer is referred to as the "action spring." It is formed from steel wire 0.070 inches in diameter. The spring is 0.940 inches in diameter and has 38 coils. Military specifications require the spring to be between 11.75 and 13.5 inches long.

The buffer is piston-shaped with three flats around the circumference of its head (0.980 inches), and the tubular portion is 0.695 inches in diameter and 2.86 inches long. The polyurethane shock absorber is shaped like a truncated cone and pinned into the open end of the buffer.

Solid Butt Stock Receiver Extension — The solid butt stock receiver extension screws into the rear of the receiver. It is a smooth, round tube 1.25 inches in diameter and 10 inches long. The end of this receiver extension is rebated into a cap 7.25 inches in diameter flattened on two sides and drilled and tapped for the upper butt stock screw, see Figure 4-10.

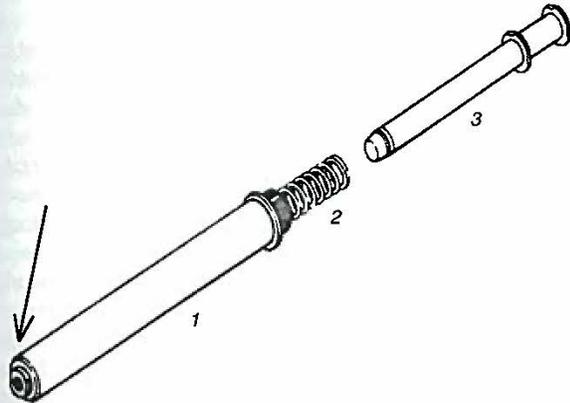


Fig. 4-10. Solid butt stock receiver extension: 1) receiver extension tube, 2) action spring and 3) buffer assembly.

The solid butt stock model uses a separate stepped spacer at the end of the receiver extension. It is 1.20 inches in diameter and 0.820 inches long. The stepped end is 0.720 inches in diameter and 0.210 inches high. A recess on the opposite end is 0.755 inches in diameter and 0.210 inches high. The butt stock screw (upper screw in butt plate) threads into a hole drilled into the end of the extension tube (arrow).

Collapsing Butt Stock Receiver Extension — Rifles or carbines equipped with the collapsing butt stock use a tube 1.45 inches in diameter and 7.25 inches long with raised channel along the bottom for the sliding butt stock catch, see Figure 4-11. A steel collar or "end plate" fits between the receiver and the receiver extension nut. The hole through its center has a key with a channel cut along the threaded end of the receiver extension tube. The plate holds the rear takedown pin spring and detent in place, provides support to the receiver extension and serves as a washer for the receiver extension nut to be torqued against. The after end of the receiver extension has a small, 0.085 inch diameter hole drilled through it to allow air to escape when the buffer is being compressed by the bolt carrier.

Note: If for any reason you remove the solid butt stock rifle receiver extension, it must be tightened when replaced to between 35 to 39 ft-lbs using a torque wrench and the combination wrench. If a carbine receiver extension, the correct torque setting is 38 to 42 ft-lbs. Since the lower receiver must be gripped in a vise in such a way that it is not deformed, this is

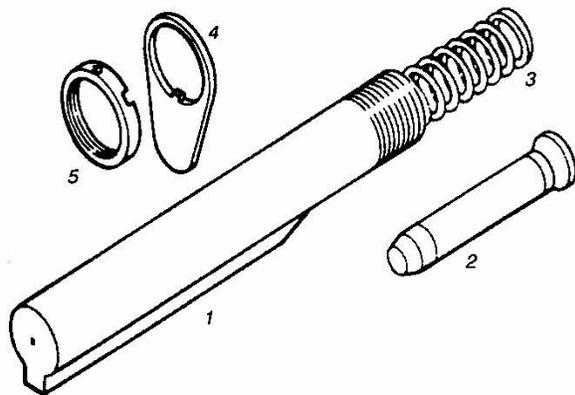


Fig. 4-11. Collapsible stock buffer assembly: 1) receiver extension tube, 2) buffer assembly, 3) action spring, 4) receiver end plate, 5) receiver extension nut.

an operation best left to an experienced gunsmith with the proper torque wrench and vise jaw inserts.

Trigger Assembly

Three trigger assemblies have been developed for the M16/AR15. The first was semiautomatic only in function with two positions, "SAFE" and "SEMIAUTOMATIC." The second was select fire in function with three positions, "SAFE," "SEMIAUTOMATIC" and "AUTOMATIC." The third was developed for the A2 military rifle and also had three positions, "SAFE," "SEMIAUTOMATIC," and "BURST."

The semiautomatic trigger mechanism has eight parts: 1) trigger, 2) trigger spring, 3) hammer, 4) hammer spring, 5) disconnecter, 6) disconnecter spring, 7) hammer pin and 8) trigger pin, see Figure 4-12.

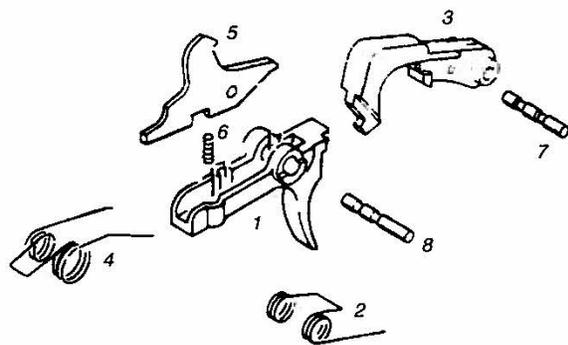


Fig. 4-12. Semiautomatic trigger assembly.

The trigger, disconnecter and hammer are pinned into the receiver by and pivot on two cross pins. The same pin passes through the trigger, trigger spring and disconnecter.

If the hammer is pivoted back far enough, the trigger nose — the squared forward end of the trigger — engages a slot in the bottom of the hammer and holds it in the cocked position.

When the trigger is depressed, either the trigger nose or the disconnecter releases the hammer and it flies forward to strike the firing pin at the rear of the bolt. The trigger return spring forces the trigger back into its normal position when it is released by the shooter.

The rearward movement of the bolt carrier pushes the hammer back where it is once again engaged by the trigger nose and held until the trigger is again depressed.

The **full automatic trigger** mechanism has four more parts than the semiautomatic trigger. It consists of: 1) hammer, 2) hammer pin, 3) hammer spring, 4) disconnecter, 5) disconnecter spring, 6) trigger, 7) trigger pin, 8) trigger spring, 9) automatic sear pin, 10) automatic sear spring bushing, 11) automatic sear spring and 12) the automatic sear.

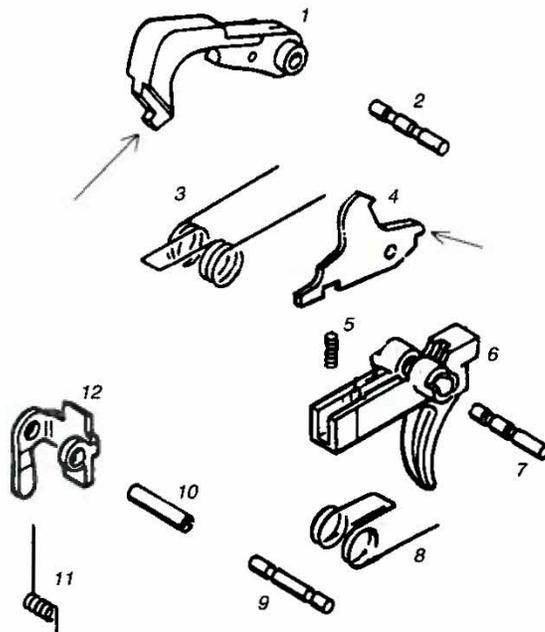


Fig. 4-13. Full automatic trigger assembly.

The full automatic trigger mechanism differs from the semiautomatic trigger mechanism in that the trigger bar is forced lower by a cam on the selector lever, thus moving the trigger nose out of possible alignment with the hammer slot. The automatic hammer has an additional “automatic sear hook” on the top rear of the hammer (arrow), and the automatic disconnecter has a vertical nose that rises at a sharp angle (arrow), see Figure 4-13.

When the automatic mode is selected, a cam on the selector lever forces the trigger bar and disconnecter down. When

the rifle is cocked, the hammer is tipped back far enough for the vertical nose on the disconnecter to engage the “automatic sear hook” on the top rear of the hammer. When the trigger is pulled to the rear, the disconnecter nose releases the automatic sear hook and the hammer revolves forward and strikes the firing pin. As long as the trigger is held back, the hammer will continue to be released on each cycle as both the trigger nose and disconnecter nose are too low to catch the lower hammer slot or automatic sear hook.

The full automatic trigger and selector switch is found in the M16, M16A1 and A1-style carbines and AR15A1 models sold in conformance to National Firearms Act rules. It is also found in some A2 models as well, refer to Table 3-1.

The **three-round burst mechanism** adds four parts to the automatic trigger assembly: 1) *burst disconnecter*, 2) *burst disconnecter spring*, 3) *burst cam* and 4) *the clutch spring*, see Figure 4-14. The other parts include: 5) hammer, 6) hammer spring, 7) hammer pin, 8) semiauto disconnecter, 9) disconnecter spring, 10) trigger, 11) trigger pin, 12) trigger spring, 13) automatic sear, 14) automatic sear bushing, 15) automatic sear pin and 16) automatic sear spring. The hammer has an additional sear notch at the rear and an automatic sear hook. The auto sear has one stop; the burst disconnecter has two hooks — one at the front offset to the right to engage the burst disconnecter and a second at the rear to engage the rear hammer notch.

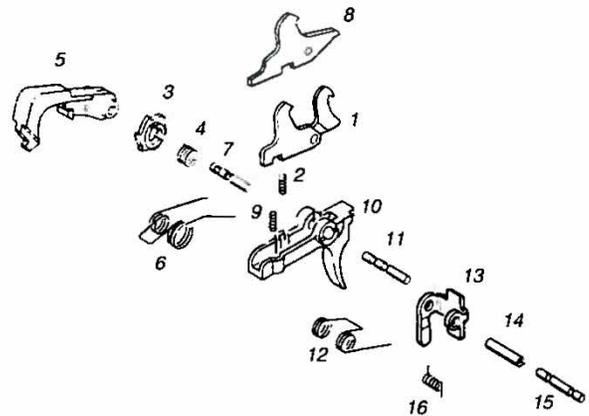


Fig. 4-14. Three-round burst trigger assembly.

How the three-round burst mechanism functions is quite simple but explaining it is not easy. When the hammer is cocked, the front hook on the burst disconnecter rests in one of the two stop notches on the burst cam. The burst cam also has two pair of shallow notches opposite of one another.

When the trigger is pulled, it releases the hammer to fire the first round. As the hammer falls forward, the clutch spring releases the burst cam, but the front hook on the burst disconnecter prevents the cam from turning.

As the bolt carrier moves rearward, it forces the hammer back which now allows the clutch spring to engage the burst cam and rotate it one notch counter clockwise. When the hammer reaches its full rearward position, the auto sear tips forward and engages the hammer stop at the top of the hammer. At the same time, the front hook on the burst disconnecter drops into the first notch on the burst cam.

As the bolt carrier is pushed forward by the buffer assembly, the rear hook on the auto sear releases the hammer stop and it flies forward to strike the firing pin and ignite the second cartridge. This again forces the bolt carrier to the rear, moving the hammer back with it to be caught by the auto sear and the front hook on the burst disconnecter to engage the second notch on the burst cam.

The cycle is repeated once more but this time the front hook on the disconnecter drops into the deeper "stop" notch on the burst cam. This causes the burst disconnecter to tip forward far enough for the rear hook to engage the rear hammer notch and prevent it from firing a fourth cartridge, even if the shooter holds the trigger back.

Only by releasing the trigger and allowing the hammer to rise far enough to be caught by the trigger nose does the burst cam reset itself, ready to fire three rounds again.

Trigger and Hammer Pins

Both the trigger and hammer pins are 0.17 inches in diameter and 0.90 inches long. They penetrate the walls of the lower receiver to serve as an axis for both pieces. The trigger pin has a circular slot at each end into which the legs of the hammer spring fit to hold it in place. The hammer spring legs go over the top of the trigger pin.

The hammer pin has a single circular slot in its center. The hammer has an internal spring which projects into the hammer axis hole and engages the circular slot in the hammer pin to hold it in place.

Selector Lever

The selector lever is mounted in the lower receiver in alignment with the trigger mechanism. Envision an "L" shaped object with the short side of the "L" flattened into a thumb piece and the long side formed into a cylinder. The selector lever is held in place by a spring-loaded detent and rotates to select the mode of operation: SAFE (9 o'clock) AUTO (12 o'clock) and SEMI (3 o'clock) in the M16 and SAFE (9 o'clock) and SEMI (12 o'clock) in the AR15. In the M16A2, BURST replaces AUTO.

The semiautomatic selector lever has a shallow flat (cam) milled on one side of the cylinder only that prevents the trigger bar and disconnecter from being depressed far enough to catch the lower hammer slot, see Figure 4-15.

The automatic selector has a second, deeper cam that when turned into the proper position, allows the trigger bar and disconnecter to be depressed far enough that neither the trigger nose will catch the lower hammer slot nor the disconnecter nose will engage the automatic sear hook on the top rear of the

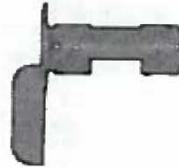


Fig. 4-15. Semiautomatic selector lever.

hammer, see Figure 4-16. When turned to the SAFE position, the diameter of the selector lever immobilizes the trigger bar and prevents it from being moved to release the hammer. The selector lever is held in position by a pointed detent driven by a coil spring. The detent rides into a vertical hole drilled into the right lower side of the receiver and the spring is captured in a hole drilled into the right side top of the pistol grip. When removing the pistol grip be careful not to lose the spring, refer to Figure 4-9, parts 5 and 6.

Trigger Guard

The M16/AR15's "winter" trigger guard can be lowered for use while wearing gloves. The right side front of the trigger guard has a spring-loaded pin that can be depressed with a bullet point, allowing the trigger guard to pivot down against the pistol grip.

The after end of the trigger guard (1) is held in place with a 1/8 inch split pin (2) at the rear and a plunger (3) at the front, Figure 4-17.



Fig. 4-16. Automatic selector lever.

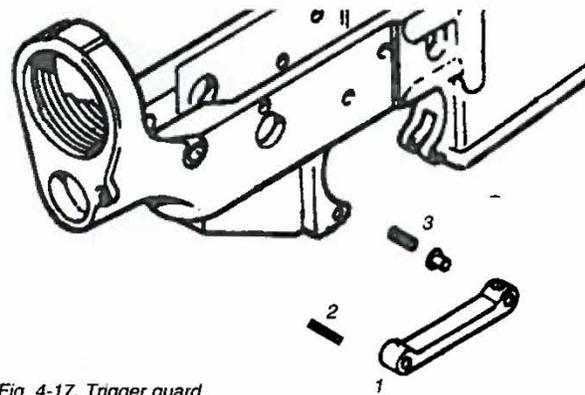


Fig. 4-17. Trigger guard.

Takedown Pin

The takedown pin is at the rear of the lower receiver. It is 1.15 inches long and 0.25 inches in diameter. The pin has a rounded, rivet head 0.375 inches in diameter. The pin penetrates both sides of the lower receiver from the right and the rear lug on the upper receiver. It is held in place by a spring-driven detent that penetrates the rear of the lower receiver under the stock ferrule. The pin has a channel milled along one side in which the detent rides. Use caution when removing the butt stock, see Figure 4-18.

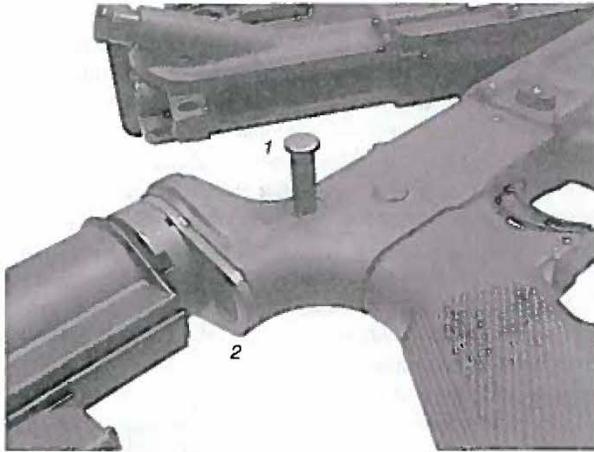


Fig. 4-18. Rear takedown pin (1). The detent and spring are under the receiver end plate (2).

Magazine Release

The magazine release assembly consists of the 1) magazine button, 2) magazine button coil spring, 3) magazine release, 4) magazine release plunger and 5) plunger spring, see Figure 4-19.

Essentially, the magazine release is a bar with rectangular detent on its forward end that fits into a rectangular hole in the right side of the magazine. The release bar has a threaded tail at right angles that fits into a hole through the lower receiver at the rear of the magazine well. A coil spring fits over the tail, and the magazine button screws onto the threaded end to hold the assembly in place. Pushing in on the magazine button pushes the bar away from the left side of the receiver, withdrawing the plunger from the hole in the magazine and allowing it to drop free.

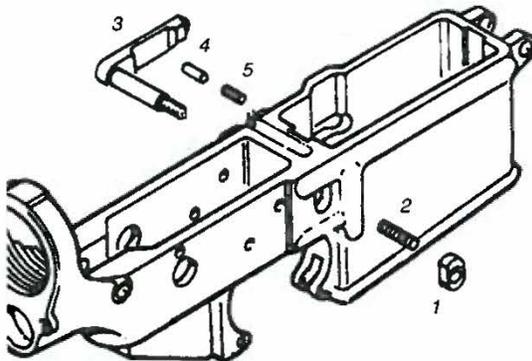


Fig. 4-19. Magazine release assembly.

The magazine release can be disassembled by using a punch to push the magazine button in as far as it will go and then unscrewing the protruding magazine catch.

Bolt Release

The bolt release consists of the 1) bolt catch, 2) bolt catch pin and 3) bolt catch spring, see Figure 4-20. The bolt release holds the bolt in the rear position when the last cartridge is fired as a warning to the shooter that the magazine is empty. It functions by allowing the magazine floor plate to rise high enough to lift the bolt release into the path of the bolt, blocking it from moving forward. The bolt release can also be activated by drawing the bolt back with a magazine in place, or when the magazine is absent, by depressing the bolt release.

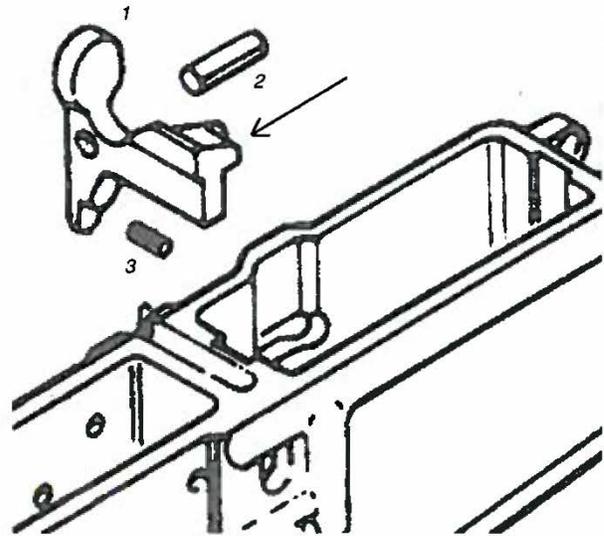


Fig. 4-20. Bolt release assembly.

The bolt release fits into a slot in the left side of the lower receiver behind the magazine well and above the magazine release bar. A spring forces the end of the bolt stop (arrow) to remain below the path of the bolt until the magazine floor plate raises it into the path of the bolt when the magazine is empty. A split pin holds the assembly in place. Be careful when removing the split pin that you do not allow the plunger and spring to escape.

Bolt Assembly

The bolt assembly consists of six major components: 1) bolt carrier, 2) key, 3) bolt, 4) bolt cam pin, 5) firing pin and 6) firing pin retaining pin, see Figure 4-21, overleaf.

Bolt Carrier

The bolt carrier for the 5.56 NATO caliber rifle and carbine has two gas relief ports on the right side, beneath the key. Behind the gas ports on the bolt carrier are a series of notches which the bolt assist engages when pushing a cartridge into the chamber. Only the very earliest XM16 bolts did not have these notches.

The key is mounted on top of the bolt carrier with two socket head screws which are staked to prevent backing out. The key is a hollow tube which captures the propellant gas from the gas tube and drives the bolt carrier to the rear.

The bolt itself is inserted into the front of the bolt carrier and is retained by the bolt cam pin. The bolt cam pin fits into a hole in the top of the bolt carrier, beneath the key. It rotates 1/2 turn to allow the bolt to lock and unlock.

The firing pin is inserted through the bolt carrier and into the bolt's firing pin tunnel. It is retained by a firing pin retaining pin which is similar to a split pin. Do not attempt to substitute a common split pin for the proper firing pin retaining pin as it may not hold.

The 9 mm NATO submachine gun bolt differs considerably as it is powered by the recoil of the cartridge and not gas pressure from the bore. Therefore, it does not have a carrier but is solid. It also lacks the bolt carrier key, bolt cam pin and

has a spring-loaded firing pin and a smaller, different extractor. See Figure 4-22. The rifle bolt weighs 11 ounces; the sub-machine gun bolt weighs 15.9 ounces.

Bolt

The rifle bolt (refer to Figure 4-21) consists of ten parts: 7) extractor, 8) rubber insert or second spring, 9) extractor spring, 10) extractor pin, 11) ejector, 12) ejector spring, 13) ejector pin 14) rings (three).

The bolt head has seven locking lugs around its circumference with the eighth locking lug being supplied by the extractor. These lugs rotate into and out of matching receptacles in the receiver extension to lock or unlock the bolt. The ejec-

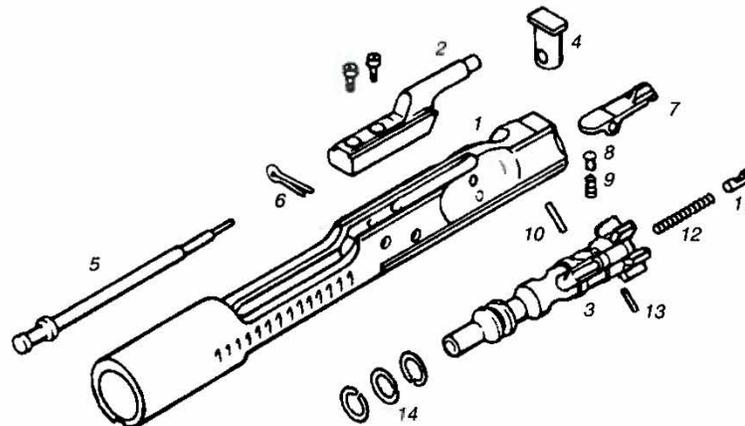


Fig. 4-21. Bolt and carrier assembly.

tor protrudes through the bolt face beneath the lug at the 12 o'clock position. The opening for the firing pin nose is centered in the bolt face. The extractor lip overlaps the bolt face at the 6 o'clock position.

Extractor

The extractor is a curved plate with a lip that fits into a

channel cut for it on the right side of the bolt. The extractor spring is captured between the extractor and the bolt in a depression in the rear of the channel.

The extractor is pinned at about mid-length which allows it to pivot in and out. A short coil spring at the rear supplies pressure to keep it closed. When assembling, the flared base of the spring must be seated in the extractor and the rubber insert seated in the narrow end that fits inside the bolt. Later bolts substitute a second spring. Failing to seat the spring(s) and/or rubber insert properly may cause malfunctions

Ejector

The ejector is a steel dowel rounded at the forward end. The top of the ejector has an arc cut out for the ejector pin to hold it in place. The ejector spring is at the rear of the pin and is contained in a tunnel in the bolt.

Firing Pin

The M16/AR15 firing pin looks something like a duplex or scaffold nail. The firing pin is 3.277 inches long and may be made of chrome-moly, stainless steel or titanium. This last is a new material for AR15 firing pins. It is intended to produce a lighter and stronger firing pin that will fall faster when struck by the hammer.

The firing pin should not protrude excessively past the face of the bolt. Check with firing pin gage (Colt part #62679) whenever a new firing pin is installed.

Gas Seal Rings

The three gas seal split rings are contained in a groove cut into an expanded area along the firing pin tunnel. The rings press against the walls of the bolt tunnel just behind the gas ports to contain any gas that might escape from the breech if a cartridge or primer ruptures. This prevents the hot gases from flowing back through the bolt carrier and out and up into the shooter's face.

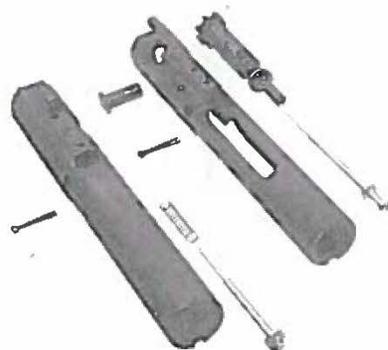


Fig. 4-22. 5.56 mm bolt and carrier (R), 9 mm bolt and carrier (L).

The gas seal rings should be checked periodically to make certain that they have not cracked, twisted or bent. If they must be replaced, it is best to do all three at the same time.

Note: Do not remove the rings (or a ring) unless you have replacements on hand. Once removed, do not reinstall the same ring. Lubricate and use gentle but steady pressure when installing. New rings will be slightly oversized and must wear in.

Key

The key is an angled tube closed at the after end and mounted on plate that attaches to the bolt carrier with two socket head screws. The key fills with hot gases bled from the bore when a cartridge is fired. The force of the gas acting on the key drives the bolt carrier back, causing the bolt to rotate along its cam and unlock from the receiver extension. When the bolt carrier returns to battery, the key slides over the gas vent in the upper receiver.

It is not a good idea to remove the key and its screws from the bolt carrier unless it has been damaged. The screws are staked in by deforming the metal of the key around the circumference of the screw heads. For this reason, do not attempt to tighten or loosen the screws.

If you do replace the key, new screws must be used. Tighten with a torque wrench to between 35 to 40 inch pounds and restake securely.

Bolt Cam Pin

The bolt cam pin has a flat, rectangular head with rounded corners and a hole through its shaft for the firing pin. The pin slides through a cam way cut into the top of the bolt carrier and passes through a hole drilled in the bolt. When the bolt carrier moves forward or back, the bolt cam pin moves in the bolt carrier cam way. Because the cam way is angled, a rotary motion is imparted to the bolt to cause the locking lugs to unlock or lock.

Firing Pin Retaining Pin

The firing pin retaining pin passes through the side wall of the

bolt to prevent the firing pin from backing out. The pin passes between two flanges on the afterend of the firing pin.

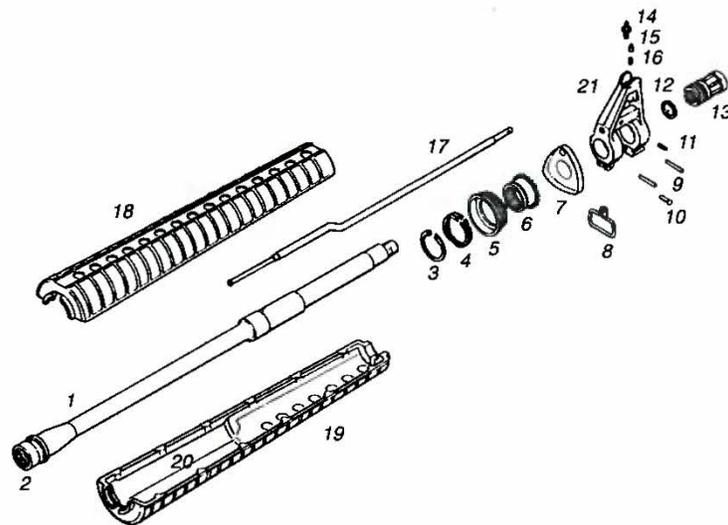


Fig. 4-23. M16/AR15 barrel assembly. 1) barrel, 2) barrel extension, 3) handguard retaining ring, 4) slip ring springs (4), 5) handguard slip ring, 6) barrel nut, 7) handguard cap, 8) sling swivel, 9) front sight taper pins, 10) swivel rivet, 11) gas tube pin, 12) compensator spacer or washer, 13) compensator, 14) front sight post, 15) front sight detent, 16) detent spring, 17) gas tube, 18) upper handguard, 19) lower handguard, 20) handguard heat shield, 21) front sight.

Barrel Assembly

The barrel assembly consists of five sub-assemblies: barrel, retaining assembly, front sight assembly, compensator, gas system and handguards, see Figure 4-23.

Barrel

The M16/AR15 barrel is made in many lengths, diameters and rifling types. Two common barrel types, the M16A1 and the AR15 Sporter II barrels are shown in Figure 4-24. Custom barrels can be and are cut in a variety of diameters and lengths as well as

shapes. Those used in service rifles tend to follow the contour, size and weight pattern of military rifles, see Figure 4-25. Those used in non-service match shooting are limited only by the gunsmith's imagination and experience. See Table 4-1 and Figure 5-1 (page 67) for types and dimensions.

The barrel's after end contains the chamber and is threaded for the barrel extension. The muzzle end is threaded for the

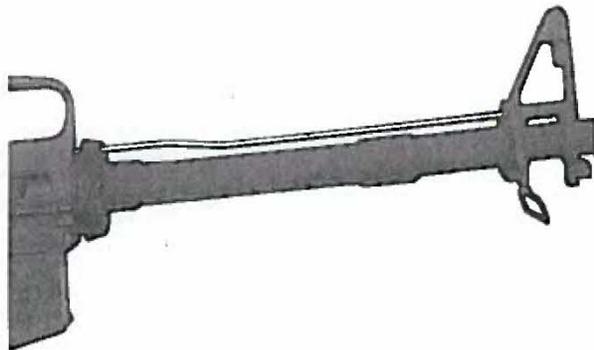


Fig. 4-24. AR15A1 sporter barrel configuration (top), AR15A2 HBAR configuration (bottom).

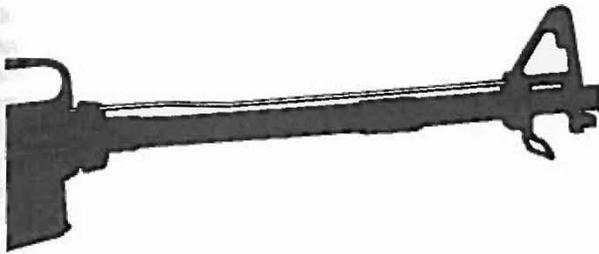


Fig. 4-25. M16A2 military barrel configuration.

compensator if intended for military use, or if manufactured before late 1994 as a civilian sporting rifle in the United States, see Figure 4-26. Barrels manufactured for civilian sale after late 1994 may have an unthreaded rebated end to which a



Fig. 4-26. Military and pre-1994 barrel and compensator.

muzzle extension in the form of a muzzle brake may be permanently affixed. Custom-made barrels rarely use a compensator nor are they threaded or rebated, see Fig-

ure 4-27. An alignment pin is fixed at the top dead center position 0.07 inches from the end. The ring 0.135 inches wide and 1.165 inches in diameter encircles the barrel and butts against the upper receiver wall. The alignment pin indexes the barrel in the correct vertical position. The barrel nut (described below) slides over the barrel and screws to the front of the upper receiver. It bottoms against the ring and holds the barrel, retaining ring, slip ring spring and slip ring in position.

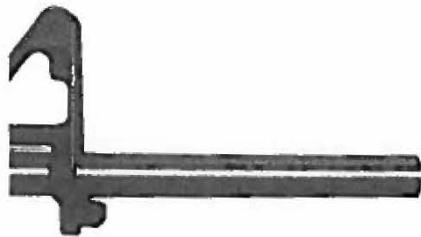


Fig. 4-27. Post-1994 and most custom-built match AR15s lack a compensator.

The barrel extension is 0.82 inches long and 1 inch in diameter. It screws onto the barrel (160 foot-pounds) and provides the locking lugs for the bolt. The barrel extension fits over the chamber end of the barrel and has eight machined lugs into which the bolt locks when in battery, see Figure 4-28. The barrel extension penetrates the upper receiver.

Barrel Nut Assembly

The barrel slips into the front of the upper receiver and is

Configuration	Light Machine Gun, heavy barrel, 20", 1:7
	A2 Heavy Barrel Rifle, squad automatic, 20", 1:7
	A2 Heavy match, straight, no reductions, 20", 1:7
	A2 HBAR, three step reduction, 20", 1:7
	A2 Service, enlarged diameter forward, 20", 1:7
	A1 Service, reduced diameter forward, 20", 1:12
	A2 Carbine, two step reduction, 16", 1:7
	A1 Carbine, reduced diameter forward, no groove for grenade launcher, 16", 1:12
	A1 Carbine, reduced diameter, groove for grenade launcher, 16", 1:12
	A2 Carbine, two step reduction, no groove for grenade launcher, 20" 1:7
A2 Carbine, two step reduction, groove for grenade, 16", 1:7	
Calibers	.223 (5.56 NATO)
* This table includes current and past Colt and U.S. military model configurations. See Table 3-1, M16/AR15, List of Models for specific models and manufacturers	

indexed by the alignment pin. The barrel is secured to the receiver with a barrel nut which threads onto the front of the upper receiver, see Figure 4-29, 1.

Retaining Ring — The retaining ring is a slip or snap ring which is fitted with snap ring pliers having straight 0.045 inch tips. The ring must be compressed to fit inside the slip ring. To do so, the tips of the snap ring pliers are inserted into the holes in the retaining ring on either side or the split and squeezed together, refer to Figure 4-29, 2.



Fig. 4-28. M16/AR15 barrel extension.

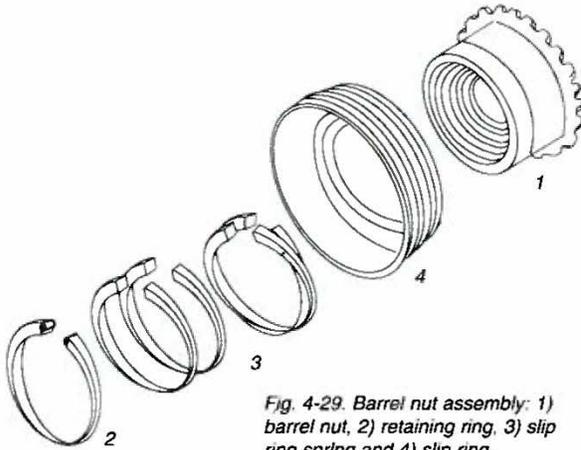


Fig. 4-29. Barrel nut assembly: 1) barrel nut, 2) retaining ring, 3) slip ring spring and 4) slip ring.

Slip Ring Spring — The slip ring spring is actually composed of four split rings made of spring steel. Each ring is slightly kinked so that when the ring is compressed horizontally, outward force is exerted against both the receiver face and the rim of the slip ring, refer to Figure 4-29, 3.

Slip Ring — The slip ring is shaped like a truncated cone (A1) or a cylinder (A2) with a rim around the interior of its forward end. It is large enough to hold the barrel nut, slip ring and retaining ring, refer to Figure 4-29, 4.

Assembling the Barrel to the Upper Receiver

Doing so is not difficult with the proper tools and an understanding of the process. But unless you are an experienced gunsmith, do not attempt to fit a custom barrel that has not been machined to final shape with the shoulder and indexing stud properly located. The barrel extension also should be fully machined and the barrel already headspaced.

You will need an M16/AR15 combination wrench, a torque wrench capable of exerting and measuring accurately at least 60 foot pounds and a set of barrel remover fixtures. See Appendix A, Item 34 for assembly/disassembly details.

Compensator

The compensator functions to reduce muzzle climb when the rifle is fired and also the amount of heat emitted as light at the muzzle, thus preserving the soldier's night vision. The compensator on the M16/AR15 is variously known as a muzzle brake, flash hider and flash suppressor. The compensator works by both venting gas to the side and upward to drive the muzzle down and by absorbing heat from the hot gases leaving the muzzle to reduce the amount of illumination. Original compensators for the M16/AR15 series of rifles will have flats milled on either side so that the combination wrench can be used to mount or dismount them.

The original AR15 compensator (see Figure 4-30, top) was really a flash suppressor with three prongs. The prongs

were narrower than the body of the flash suppressor. The XM16 and M16/AR15 also employed a three-pronged flash suppressor of a slightly different design. The pronged (or open) flash suppressor worked well but had a tendency to catch in vegetation and to kick up dirt when fired from the prone position.

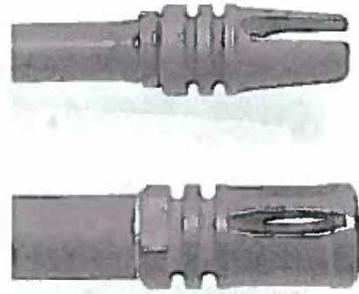


Fig. 4-30. Types of compensators used on the M16/AR15: top, early prong and bottom, closed cage types.

It was replaced by the *caged* compensator installed on latter M16A1/AR15A1 models. Starting with the A2, a *closed* compensator was installed on it and subsequent models which had five narrow elongated ovals cut through the top circumference but had a closed bottom. This design reduced the amount of dust and debris kicked up by propellant gases from the muzzle when the rifle was fired from the prone position, see Figure 4-30.

The XM177 series of submachine guns and carbines were equipped with an elongated version of the cage compensator which not only reduced muzzle jump and served as a flash suppressor but also acted to reduce the excessive muzzle blast from the shortened barrel. The front end of the compensator had six elongated oval cutouts which extended around the circumference, see Figure 4-31.



Fig. 4-31. Extended compensators like those installed on the XM77 and later carbine models may also act as sound suppressors.

Numerous variations of this type of compensator produced for nonmilitary use have been observed. The reader is cautioned that the Bureau of Alcohol, Tobacco and Firearms has classified some of these elongated compensators as "sound suppressors." It is best to check with the Technical branch of the BATF before acquiring or installing one (phone 202 927-7777).

Other elongated types of compensators have been used to make short barrels legal. For instance, compensators 5 inches

long have been permanently attached to 11.5 inch barrels to make them legal for civilian sale. Before purchasing a barrel shorter than the legal 16 inch minimum, make certain that the compensator not only brings it to the legal length of 16 inches but that it is permanently attached to the barrel. These types of compensators can usually be identified by the lack of flats on either side of the mount for the combination wrench. A close inspection will also reveal brazing at the barrel/compensator join with the barrel.

No matter which type of cage compensator is used, it must be installed so that the middle slot is at top dead center (TDC).

Note: It will have not escaped notice that antigun elitist politicians have fastened onto the compensator or "flash suppressor" as one characteristic of the so-called "assault rifle." One California state senator responsible for that state's 1999 Assault Rifle law believes that the flash suppressor eliminates the muzzle flash at night and is therefore an aid to criminals since the weapon cannot be seen by the police when it is fired. Since antigun elitist politicians cannot possibly seek advice from those knowledgeable about firearms, they and their brethren will probably continue in their ignorance until removed from office by the voters — as were his two predecessors responsible for the 1989 California assault rifle law.

Compensator Lock Washer

The compensator lock washer exerts pressure between the rebated end of the barrel and the compensator to prevent the latter from unscrewing. All A1 and early A2 models used a thick, split ring washer. Newer A2 civilian models use a thin washer and military A2s use a "peel" washer. The peel washer consists of a series of steel laminates. When the cage-type compensator is installed, the middle slot must be at top dead center (TDC) or within 10 degree's of TDC. To bring the compensator to this position, laminates can be "peeled" off the washer. As each laminate is 0.0002 inches thick, the angular position of the compensator will move 10 degrees clockwise for each lamination removed.

Gas System

The gas system drives the M16/AR15 rifle. Propellant gases bled from the bore flow through a port drilled in the barrel. The gases flow back through a stainless steel tube into the hollow key attached to the bolt carrier. The energy imparted by the propellant gases to the bolt carrier via the key drives the bolt carrier backward, causing the bolt to unlock from the lugs in the barrel extension. The bolt carrier continues back in its track in the upper receiver, cocking the hammer as it goes, until the spring-loaded buffer overcomes its rearward motion and drives it forward again, stripping a new round from the magazine and loading it into the chamber. The final step of the forward motion causes the bolt to turn as it moves along

the cam way and lock into the barrel extension again.

The gas system consists of the 1) barrel port, 2) front sight base and 3) gas tube, see Figure 4-32.

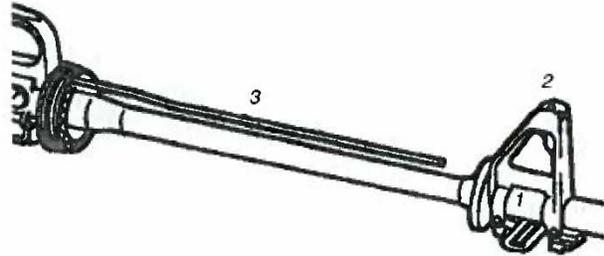


Fig. 4-32. M16/AR15 gas system assembly, shown separated.

The diameter of the barrel's gas port is critical to proper functioning. The gas port in the standard configuration 20 inch rifle barrel is 0.82 inches in diameter. In the 16 inch barreled carbine it is 0.62 inches in diameter and 0.92 inches in diameter in the 11 inch Commando model.

The gas system includes the front sight assembly and gas tube. The rear front sight assembly is drilled to provide a vent for the propellant gases leaving the barrel through the port. The gas tube fits into the rear of the front sight assembly and leads back through a hole in the front wall of the upper receiver. It projects 1.0 inch into the upper receiver. When the bolt is in battery, the hollow key fits over the gas tube projection.

Front Sight Assembly

The front sight assembly is mounted on a triangular tower through which the barrel passes, refer to Figure 4-32. The front sight mount also serves as channel for propellant gases vented from the barrel. The muzzle end of the gas tube fits into a hole drilled into the rear lower section (above the barrel) of the front sight. The front sight post screws into a threaded socket at the top of the front sight assembly. The front sight post is mounted on a disk with notches cut around its perimeter. A spring loaded detent beneath the front sight post keeps it from moving under recoil.

The front sight post used with the XM16 and M16A1/AR15A1 is round with a flat top. To improve visibility, the front sight post installed on the M16A2/AR15A2 has four flat sides. Turning the latter sight one click at a time moves the front post up or down 1/4 minute of angle.

To prevent the front sight from moving once the rifle is zeroed, you can coat the front sight post threads with "Loctite." Or you can have a gunsmith drill and tap a hole beneath the front sight post and insert a set screw. The set screw is turned in until it presses against the bottom of the front sight post. Using the set screw rather than Loctite allows you to make

changes to the front sight post easily. With Loctite, you have to heat the front post to break the bond and remove it completely to re-coat it before reinstalling and readjusting.

Stock Assembly

The stock assembly consists of the following subassemblies: 1) butt stock, 2) butt plate, 2) hand guards and 3) pistol grip. Three types of hand guard were used and three styles of butt stocks. All are made from reinforced polymers. The butt stocks are foam-filled for reinforcement.

Butt Stocks

Three types of butt stocks are used, two solid and one sliding, which are used primarily on carbines.

Solid Butt stocks — The first type of buttstock installed on the XM16 and M16A1/AR15A1 rifles were 9.5 inches long. The second type installed on the M16A2/AR15A2 are 10.1 inches long. Both are 5.20 inches high at the butt plate, see Figure 4-33

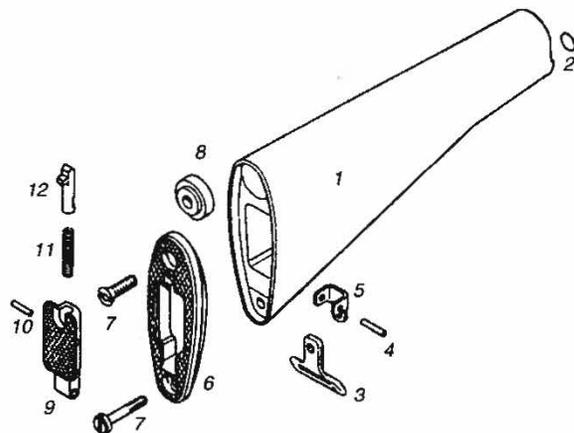


Fig. 4-33. M16/AR15 fixed butt stock: 1) butt stock, 2) O-ring, 3) sling swivel, 4) hinge pin, 5) hinge, 6) butt plate, 7) butt plate screws (2), 8) butt plate spacer, 9) butt plate door, 10) retaining pin, 11) plunger spring and 12) plunger.

The rifle butt has two holes. The upper hole is 1.13 inches in diameter and slides over the receiver extension tube. The lower hole is 1.1 wide x 1.85 inches high and 7/8 inches deep and is used to store the rifle cleaning kit. Competition shooters often use the lower hole to hold lead weights to improve the balance of the rifle.

Note: When removing the butt stock, do so slowly and carefully so that the rear retaining pin detent spring, which is compressed in a tunnel between the receiver and butt stock, is not lost.

Sliding Butt stocks — The sliding, or collapsible, butt stock was developed for use on the carbine versions of the M16/AR15, see Figure 4-34. When closed, this butt stock is 6.8 inches long; when open, it is 10.1 inches long, the same as the solid butt stock.

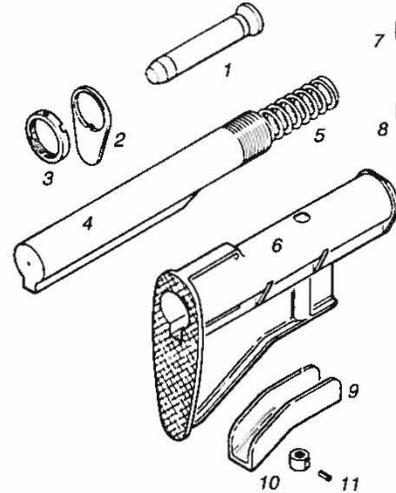


Fig. 4-34. M16/AR15 carbine sliding buttstock: 1) buffer, 2) end plate, 3) receiver extension nut, 4) receiver extension tube, 5) action spring, 6) sliding butt stock, 7) release lever locking pin, 8) spring, 9) release lever, 10) lock nut and 12) pin.

The sliding butt stock consists of a replacement receiver extension with its own buffer and spring assembly, receiver end plate and receiver extension nut. The receiver extension has an inverted channel for the polymer butt stock which slides over the receiver extension.

A spring-loaded release lever controls the position of the butt stock on the receiver extension. It has three positions, closed, half extended and fully extended.

The top of the sliding butt stock has a mounting slot that allows the use of a sling over the top of the rifle. The front of the sling attaches to the front sight with a clip that slips around the rear of the front sight and under the gas tube.

The rear of the sliding butt stock is formed into a flat, oval butt pad. Those manufactured by Colt are 1.765 inches in diameter and 4.25 inches high. A nonslip diamond pattern with eight diamonds to an inch is molded into the butt pad. The butt pad is cut out for the receiver extension end.

The lever is a wide "V" shaped trigger which bears against the bottom of the stock. When depressed, it pulls a spring-loaded steel pin out of a hole cut in the bottom of the inverted channel on the receiver extension so that the sliding butt stock can be moved to a new position.

Hand Guards

All hand guards are made in two pieces (left and right in the XM16 and M16A1/AR15A1, and upper and lower in the M16A2 and M4A1) and clamped in place around the barrel by the barrel slip ring at the receiver end and a hand guard cap at the muzzle end, directly behind the front sight assembly.

The original hand guards installed on the XM16 and M16A1/AR15A1 were triangular in cross section and wider at the receiver end (2.6 inches) than the muzzle end (1.7 inches) and 12.25 inches long. They had ten oblong cooling holes across the top and five along the bottom for heat dissipation, see Figure 4-35.

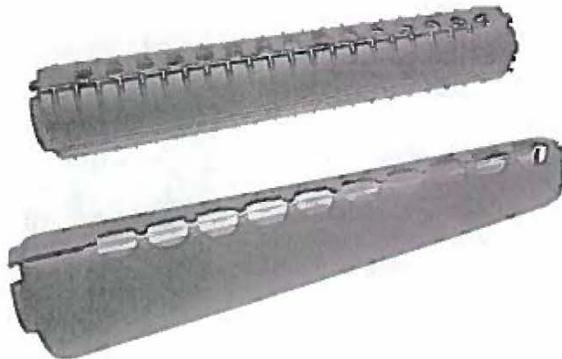


Fig. 4-35. M16/AR15 handguards: A1-type below and A2-type above.

Hand guards on the M16A2/AR15A2 were round in cross-section with a slight taper from rear to front. At the rear, the hand guards are 2.5 inches in diameter and at the front, 2.05 inches. Length is 12.25. They have fifteen round cooling holes, top and bottom.

Hand guards installed on carbines are shorter at 7 inches long. They are 2.8 inches in diameter at the rear and 2.5 inches in diameter at the muzzle end. They have six round cooling holes top and bottom.

All hand guards have metal liners riveted to the interiors to provide heat protection for the shooter's off hand.

Pistol Grip

The pistol grip on the M16/AR15 is four inches long and angled to the rear 60 degrees to help the shooter position his or her hand so that the trigger finger is more in line with the trigger than if the hand were grasping a straight stock. It is most



Fig. 4-36. Right, M16A1 pistol grip; left, M16A2 pistol grip.

effective when the rifle is fired on full automatic.

The pistol grip assembly consists of the pistol grip, pistol grip screw, and pistol grip screw lock washer. In addition, the pistol grip holds the buffer detent and its spring in place.

Two types of pistol grip were used, see Figure 4-36. The M16A1/AR15A1 pistol grip has a checkered panel on either side and a smooth front and rear surface. The M16A2/AR15A2 pistol grip has vertical ridges at the rear and finger grips.

A machine screw and split ring lock washer are inserted through the bottom of the pistol grip to thread into a lug behind and below the trigger assembly. Immediately ahead of the pistol grip is the lug mounting for the front rear of the trigger guard which is held in place by the rear trigger guard pin.

Finish

The standard finish for the military M16 rifle steel parts of whatever configuration is a matt gray-black parkerizing. Parkerizing is the trade name for a process by which a coat of manganese phosphate is applied to the metal to slow down the rusting and corrosion process. Notice, I said slow down, not prevent. Aluminum parts are anodized. Both finishes are applied to matt polished metal to produce a non-reflective surface that will not reflect light.

Parkerizing is applied to all steel surfaces on military rifles, including bolt carriers. The U.S. Army *does* allow non-parkerized bolts to be installed in rifles used within the borders of the Continental United States (CONUS), but only parkerized bolts can be used overseas.

Aluminum parts such as upper and lower receivers are hard anodized to Military A8625, Type III, Class II finish which provides a dull gray-black coating. A finish coat of nickel acetate is applied as a sealant.

The plastic used to make stock and hand guards is colored a nonreflective matt gray-black. The coloring material is embedded in the plastic.

On most commercial AR15 rifles steel parts are parkerized to something approaching the military Mil-Spec standard. Aluminum parts are hard anodized to a variety of standards. In earlier years, some manufacturing companies painted upper and lower receivers and other aluminum parts with various types of enamel paint. Obviously, this will not be as long-wearing a finish as anodizing.

After use or cleaning, the surface of your M16/AR15 should be wiped down with a clean cloth. Dirt can be removed with a mild solvent or soap and water. The surface should then be wiped with an oily rag to leave a coat of lubricant on the surface to retard rust and corrosion. Do not apply so much oil that the rifle becomes slippery and hard to hold.

For long term storage, oil lightly with a silicone-based lubricant and store the rifle or parts in airtight bags with a desiccant. Silicone lubricants are also rust preventatives.

THE COMPLETE AR-15/M16 SOURCEBOOK

What Every Shooter Needs to Know

REVISED AND UPDATED EDITION



Duncan Long

Chapter 1

Beginnings

Because of its checkered past, as well as a design very different from what Americans had carried in the past, the AR-15 sparked more controversy than any other rifle in recent history. It has inspired both hatred and love among those who have carried it on the battlefield, into the field to plink, or in the back of a patrol car.

In part, these emotional reactions stem from the rifle's design. Where walnut and polished blue steel normally are found, the AR-15 boasts waterproof plastics and an aluminum receiver. And even though the gun is becoming old (as military firearms designs go these days), its styling and good human engineering continue to give it a space-age appearance that traditionalists view with horror, even though the gun is now pushing the half-century mark.

The AR-15 was among the first firearms of the 20th century designed to take advantage of modern industrial methods. This allowed for streamlined production without a lot of special milling while also giving the shooter a lightweight, durable weapon that didn't look like it had been cobbled together by a plumber and sheet-metal worker. The use of plastics and aluminum in major assemblies along with castings and steel stampings allowed many machining operations to be done away with, which also made the gun less expensive to manufacture, an important factor in the marketplace.

At the same time, nothing was sacrificed in quality. Employing modern industrial machinery to fabricate rifle parts also allowed tight enough tolerances to permit ready substitution of parts when repair or replacement is necessary, a real plus for military users and a boon to gunsmiths. Likewise, the tight tolerances made off-the-shelf AR-15s as accurate as any highly modified target version of previous military rifles.

The AR-15 was conceived as a light and handy gun chambered for a cartridge that would produce a light recoil while shooting a bullet that took advantage of the high-velocity wounding potential of a small projectile. The overall result was a very potent battlefield weapon.

Despite the initial adverse reactions, it wasn't long before the excellence of the AR-15's design became apparent to everyone. In fact, its design features have been copied by manufacturers of many other military rifles, and more than a few knockoffs can be found in such diverse places as the People's Republic of China and the U.S. civilian market.

Like the rifle itself, the .223 Remington cartridge (also known as the 5.56x45mm and the 5.56mm NATO) that was developed for it has greatly influenced military thinking and has proven to be the most effective rifle cartridge ever created for combat. While the future will undoubtedly see the fielding of a more lethal round, the .223 Remington is going to be a hard act to follow. Little wonder, then, that many countries have adopted the round for their battle rifles and that the former Soviet Union switched to a very similar round for its AK-74 assault rifles. Little by little, the cartridge (or one virtually identical to it) has been adopted by all the major military powers of the world.

ARMALITE'S BETTER IDEA

The lineage of the AR-15 can be traced to the 1950s. Interested in creating a small business, engineer and attorney George Sullivan, then the chief patent counsel for Lockheed Aircraft Corporation, initiated plans for creating rifles that departed radically from previous civilian firearms as well as those used by the U.S. military. Some brainstorming with firearms inventor and international arms broker Jacques Michault produced sketches and plans for rifles that would use aluminum receivers, fiberglass stocks, and straight-line, high sight layouts with a rear sight that doubled as a carrying handle—all of which later found their way to the AR-15.

Feeling that such firearms had a great potential in the civilian marketplace as well as with the U.S. military, Sullivan soon invested in a machine shop in Hollywood with the intention of fabricating experimental rifles

THE COMPLETE AR-15/M16 SOURCEBOOK



German rifles like this Sturmgewehr MP44, built cheaply by using modern industrial techniques, paved the way for later "assault rifles" that would be developed through the last half of the 20th century.

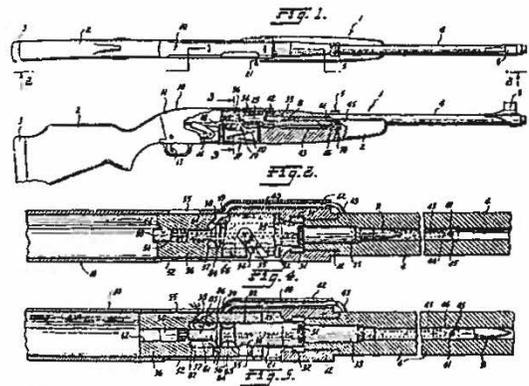
around the proposed designs. A short time later at a luncheon conference, Sullivan found himself sitting next to Richard S. Boutelle, president of Fairchild Engine and Airplane Corporation, and took the opportunity to tell the executive about the new rifle ideas and designs. Boutelle quickly became interested in the project, and on October 1, 1954, the Armalite Division of Fairchild Engine and Airplane Corporation opened its doors in California.

The first rifle created by the fledgling company was the AR-1 (Armalite Rifle number 1), based on a design of Sullivan and his brother-in-law, Charles Dorchester (who later became the plant manager for the new company). The two had actually started working on the rifle in 1947, so it was quickly completed once the new company started operation. The result was Armalite's Parasniper Rifle, a scoped, bolt-action sporting rifle that could double as a military sniper rifle. The rifle was chambered in .308 Winchester round (7.62mm NATO) and incorporated three features that would be seen in later rifles of the series: a fiberglass stock (filled with foam), an aluminum receiver, and an aluminum barrel with a steel lining.

Armalite's charter required that it develop prototypes and, when the designs were perfected, license the manufacturing rights to other companies. It was hoped this would quickly generate money for the fledgling company while minimizing capital outlays. Consequently, since there were no buyers for the design, the AR-1 never got beyond the prototype stage. The rifle did show the potential for creating a firearm with modern materials and techniques, however, and opened the door for the designs that would soon pour from the company.

Eugene Stoner

A former marine and army ordnance technician,



U.S. Patent No. 2951424

Stoner patent drawing for the rifle design he brought with him to the Armalite company.

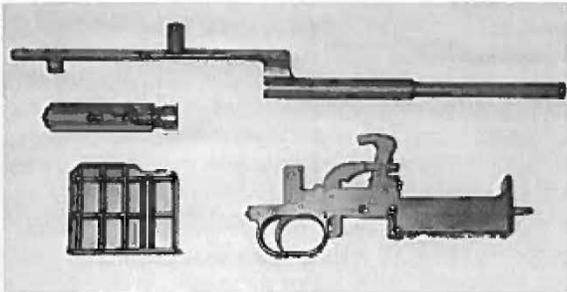
Eugene Stoner is the man whose name most often comes to mind as the designer of the AR-15. And rightly so, since it is obvious the lion's share of features found on the guns leading up to the AR-15 were his ideas. Stoner was not with Armalite from the start but joined the fledgling operation as Armalite's chief engineer, winning this position with a semiautomatic rifle design he had brought with him to the business. Stoner continued working on this rifle, which would eventually become the company's AR-3.

So although the AR-3 never went into large-scale production either, it embodied many of the features that later found on the AR-15, including an aluminum body and a fiberglass stock. And it too demonstrated the practicality of Armalite's goals and blazed the path for subsequent rifles.

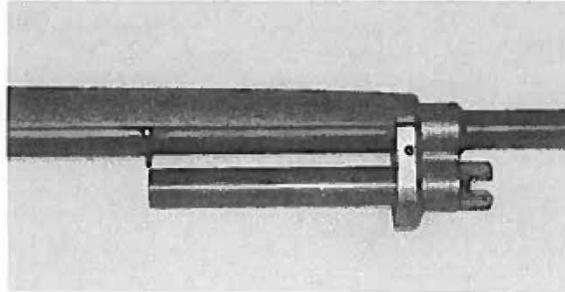
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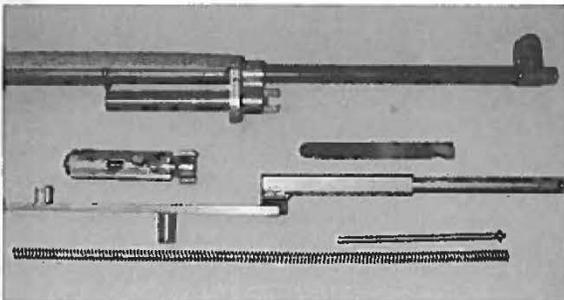
The AR-3 prototype rifle. (Photo by Randy Green.)



The AR-3 trigger group and bolt assembly. (Photo by Randy Green.)



AR-3 barrel and gas tube. (Photo by Randy Green.)



The AR-3 barrel, bolt assembly, and carrier above recoil spring. (Photo by Randy Green.)



"AR-3" stamp inside receiver. (Photo by Randy Green.)



View of AR-3 receiver. (Photo by Randy Green.)

Two other talented workers were soon teamed up with Eugene Stoner: L. James Sullivan (no relation to George Sullivan), who worked as a designer/draftsman, and Robert Fremont, who supervised prototype manufacture and led studies that determined whether the tolerances needed for rifles would be practical from a mass-production standpoint. These three men worked on a number of the Armalite weapons and became the driving forces behind the company's design work (as well as such work worldwide in the decades to come).

Both Stoner and Sullivan would later go on to

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While working on this book, I was contacted by Randy Greenfield, who happened to have bought the AR-3 prototype. The pictures shown here are possibly the only ones ever to appear in print. The gun was well machined and looks like a production firearm. And while the layout and many of the components are not consistent with the design that would eventually be adopted for the AR-10 and AR-15, they point to the route the designers were taking that would eventually lead to these guns. As such, this makes this a very interesting bit of history. As Greenfield wrote,

I used a magnet to test the rifle and the following parts are non-magnetic and presumably were machined aluminum blocks:

Receiver
Trigger housing
Magazine housing
Front sight

The magazine itself has a stamped aluminum housing and machined aluminum follower block. The assembly is similar to the M14 with the barrel fitting into the stock and the trigger group locking it from the bottom. The trigger group is held to the stock with two screws, a machine screw forward of the magazine and a wood screw behind the trigger. I weighed the complete rifle on a reasonably accurate scale and it is in the 6-7 pound range.

create a variety of new firearms and related products. Sullivan is credited with extensive work on such firearms and products as the AT-22, Ultimex 100 LMG, Hughes Chain Gun, Ruger Models 77 & Mini-14, and C-Mag, as well as many other designs that haven't met with as much success and recognition as these have enjoyed.

By the Numbers

It should be noted that several Armalite firearms were being developed during the same period rather than just one after another as might be suggested by the numbers the company gave the various models. Apparently, such designations were assigned to rifles as new models were put into development, and so it's probable that several firearms were in various stages of development at any one time. The numbers only indicate to some extent the order in which the firearms were

offered to licensing companies, but not when they actually went into production.

Many of the guns never even got into production—and some hardly got off the drawing boards. The AR-2, AR-4, AR-6, and AR-8 never went into production or were even offered for licensing as far as anyone knows. Exactly what these “missing” models might have been is unknown, and they may or may not have been similar to the company's other firearms (for example, the AR-13, according to company officials, was a “hyper-velocity aircraft gun”). And some of the models, such as the AR-16, were limited to prototypes because no manufacturers expressed interest in purchasing the rights to them.

THE AR-5

Armalite's first brush with commercial success came in 1957 with the AR-5 rifle, which was designed for the U.S. Air Force's requirements for an aircrew survival weapon. Work on the AR-5 was apparently initiated by the friendship between Boutelle and Gen. Curtis LeMay, who headed the U.S. Strategic Air Command.

The AR-5 was a bolt-operated rifle chambered for the .22 Hornet. The rifle used a detachable magazine, designed for the Harrington & Richardson (H&R) M4 survival rifle being built for the air force, and a barrel that was held to the front of the receiver by a threaded ring; the rifle was 30 1/2 inches long when assembled and 14 inches when broken down, making it short enough to meet the air force's length requirements.

The rifle's receiver/action, barrel, and magazine could all be stowed in the A-5's hollow fiberglass stock when the firearm was broken down for storage. The materials used to make the rifle were so light that the rifle could float on water because of the buoyancy of the hollow stock (undoubtedly a strong selling point for a survival rifle, which might conceivably see use in a life raft or near the water). In addition to holding the rifle components, the hollow stock had a small storage compartment for a kit of matches, needles, fishhooks, and so forth, making it a survival package in itself.

Twelve AR-5s were fabricated for air force testing and, with some minor modifications, accepted for use on military planes. The AR-5 was designated the MA1 by the air force, but Armalite never saw any great monetary results from the rifle because the air force's large inventory of M4 and M6 Survival Guns precluded the purchase of significant numbers of the AR-5 (MA1).

Nevertheless, the experience of dealing with the military and the enthusiasm shown for the gun by those testing it suggested to those running Armalite that there might be a market for military firearms. Thus the company adjusted its initial marketing thrust, which

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AR-5 survival rifle.

focused on civilian buyers while considering later advancement into military sales, and embarked on a two-pronged development course that would produce guns aimed at civilian as well as military buyers.

THE AR-7

To take advantage of the work it had done on the AR-5 as well as create a viable moneymaker, Armalite created the AR-7 with an eye toward the commercial market in the United States. The rifle had the basic layout of the AR-5 but was chambered for the more popular .22 LR and changed to a semiauto blowback action (which was inexpensive to manufacture). The detachable aluminum barrel (with steel lining) was lengthened to 16 inches to conform to the U.S. Bureau of Alcohol, Tobacco, and Firearms (BATF) regulations for civilian rifles. The ability of the rifle to be broken down and stored in the hollow stock was retained, as was its ability to float on water.

Although Armalite actually produced a few of these firearms and sold them to the public, rather than tie up its production equipment with the rifle it sold the rights to the AR-7 to Charter Arms Corporation in mid-1973. Charter Arms produced the firearm for a number of years as the AR-7 Explorer and later sold a pistol version called the Explorer Pistol. (This pistol version may have been created earlier by Armalite, although Charter Arms has generally received credit for this design; a photo of Sullivan surrounded by Armalite's firearms shows him holding a Golden Gun shotgun in one hand while holding what appears to be a pistol version of the AR-7 in the other.)

In 1990, Survival Arms, Inc. took over production of the AR-7, working under a license agreement with Charter Arms. In the late 1990s, AR-7 Industries, LLC also commenced production of the AR-7. In 1998, the design came full circle and was introduced into the product line of the newly reorganized Armalite company. (For a more detailed look at the AR-7 and its many variations, spin-offs, and accessories, see *AR-7: Super Systems*, available from Paladin Press).



AR-7 Explorer Pistol.

THE AR-17 GOLDEN GUN

Armalite's AR-9 was a semiautomatic shotgun with an aluminum barrel and body incorporating a number of design features that later found their way into the AR-10 and AR-15 rifles (including a rotating bolt design). Rather than market the 5 1/2-pound shotgun, Armalite decided in 1955 to shelve the design and instead exploit many of its features for a commercial shotgun that was



AR-7 Industry rifles.

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AR-17 Golden Gun.



Three AR-10 prototypes created by Stoner.

eventually marketed as the AR-17 Golden Gun. This two-cartridge semiauto shotgun met with limited success and was in many ways ahead of its time, with a polycarbonate stock and an anodized aluminum barrel and receiver (both of which normally had a gold-colored finish).

THE AR-10

Development of the AR-10 can be traced back to 1953 to a design Stoner created before joining Armalite. Stoner's rifle was originally chambered for the .30-'06

cartridge (feeding off a Browning Automatic Rifle magazine) and was later modified for the new 7.62mm NATO cartridge, which appeared to be on its way to becoming the standard round for much of the free world.

As with most modern firearm designs, Stoner's work built upon earlier systems. Much of the bolt and receiver-mounted recoil tube of the AR-10 (and later the AR-15) can be traced to the original design of the Johnson light machine gun, which had been created at the end of World War II by American inventor Melvin M. Johnson Jr. While this automatic rifle saw only limited use during

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World War II, it did prove to be a successful and forward-looking design, and it is obvious from a casual inspection of the AR-10 that Johnson's gun had a strong influence on Armalite's designers.

In fact, it's possible that Johnson himself had a hand in some of the developmental work with the AR-10 because he was on Armalite's payroll as "military rifle consultant and publicist"—perhaps one of the odder job descriptions of the century. At any rate, one of the most important features of the light machine gun to find its way into the AR-10 was the cam-controlled rotary bolt, which locked into the barrel, rather than the receiver, of the new gun. This made it possible to use a lightweight aluminum receiver with the firearm since the barrel supported all the gas pressure produced when the weapon was fired.

Another feature that enabled the AR-10's light weight was a simplification of its gas system. In lieu of a complex rod and spring assembly, a blast of gas was diverted through a gas port in the barrel and routed down a tube to unlock the firearm's chamber shortly after a round was fired. This, too, was borrowed from a previous firearm design, the Swedish Ljungman Gevar 42, which, in turn, was later employed with the 1944 and 1949 MAS rifles.

Even today, Armalite is a bit touchy about the suggestion that it built upon past designs, arguing that the AR-10 gas system is not the same as that of the Ljungman. In a sense this is true, since the gas system of the AR-10 and subsequent Armalite designs based on it employ a camming bolt and carrier, which are unlocked by gas pressure pushing against the bolt carrier key. However, it should be noted that the Ljungman system, like the later AR-10, has a tube that ports gas from the barrel to a cavity in the bolt carrier, thereby causing the gun to cycle. This in no way takes away from the genius of Stoner in building on the past to assemble a system that was greater than the sum of the parts borrowed from past firearms.

Trials and Tribulations

A version of the AR-10, the AR-10A, was submitted to the U.S. Springfield Armory in 1956 for testing as a possible replacement for the M1 Garand rifle. The AR-10 was able—unlike the M14—to shoot in the automatic mode while remaining easy to control due to its straight-back design and a special titanium muzzle brake. The rifle met with success, and soon the army expressed an interest in more rifle trials with the new weapon.

Unfortunately, Armalite switched from the first prototype guns with their had steel barrels to a new design that used a steel liner surrounded by an aluminum jacket (similar to that developed for the earlier Armalite survival guns); during military tests early in 1957, the barrel burst just ahead of the soldier firing the weapon.

Even though no one was injured, the potential for harm to testers was obvious, and the rifle was immediately pulled from the trials.

Stoner—with the assistance of armorers at the U.S. Springfield Armory—quickly fabricated an all-steel, conventional-style barrel for the rifle so the testing could be resumed. Ironically, it was later discovered that milling longitudinal cuts into the steel barrels allowed the rifles to remain as light as those with aluminum-and-steel barrels.

One of the main features of the rifle, an efficient muzzle brake that had originally been made of "duralumin," was replaced by an equally efficient but more durable—and also more expensive—one made of a titanium alloy. This added considerably to the expense of the firearm. And the "Buck Rogers" look of the rifle undoubtedly met with some negative reaction from conservative forces in the military. Add the minor malfunctions, part breakage, and the barrel failure, and the U.S. Army's enthusiasm for the new Armalite rifle quickly dropped off. A short time later, the army chose the M14 rifle over the Belgian Fabrique Nationale (FN) FAL and the AR-10.

The Dutch AR-10

Even though the AR-10 was still being redesigned by Stoner and L. James Sullivan, Fairchild had actively promoted the rifle worldwide. In 1957 Armalite licensed the government-owned arsenal of Artillerie-Inrichtingen of Hembrug, Holland, to manufacture the new rifle with an eye toward sales to the Dutch military as well as to other buyers around the world.

For a time the Dutch military seemed poised to purchase large quantities of the AR-10; Artillerie-Inrichtingen quickly invested \$2.5 million to tool up for producing the new rifle, undoubtedly with a hope of some large initial sales at home. During this period the AR-10A design was modified, with the gas tube being moved from the side of the barrel to run instead from the front sight/gas port assembly and down along the top of the barrel to a "gas key" coupled to the bolt carrier.

Since the Dutch military wanted the capability to launch rifle grenades from any rifle it adopted, the efficient muzzle brake of the original AR-10 was sacrificed for a more conventional flash hider that could accommodate a rifle grenade. This was an unfortunate trade-off because it sacrificed much of the lightweight rifle's ability to handle full-auto fire without loss of control by the shooter.

Because Fairchild executives expected large sales of the AR-10, the Artillerie-Inrichtingen arsenal was licensed to build, but not sell, the new rifles. Worldwide sales rights were broken down and sold by Armalite to Interarms (which was to handle sales to Norway, Sweden, and

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"Family" of AR-10s created by Artillerie-Inrichtungen.

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The Cuban-Sudanese version of the AR-10.

Finland, as well as all South American sales and African sales south of the Sahara) and Cooper-Macdonald, Inc. (which was to handle Southeast Asian sales).

The first AR-10s Artillerie-Inrichtingen produced were plagued with problems, including poor accuracy due to improper heat treatment of the cold-forged barrels. By the time these problems were solved, countries shopping for a 7.62-caliber battle rifle had adopted the FN FAL or weapons offered by other manufacturers. The nail in the coffin for the AR-10 came when the large Dutch contract that had been expected fell through.

In the end, Artillerie-Inrichtingen manufactured fewer than 6,000 AR-10s. Cuba, Mexico, and Panama purchased only a handful of the guns for testing; Venezuela chose to buy only 6; Finland asked for 10, and Guatemala purchased from 200 to 500. The "large numbers" went to Sudan, which acquired from 1,500 to 1,800; Portugal, which procured from 800 to 1,000; and Nicaragua, which bought 7,500.

In short, the AR-10 was a commercial failure.

Artillerie-Inrichtingen finally halted production of the rifle in 1959, and Colt's Patent Firearms was licensed to manufacture the improved version of the AR-10A. By this time the weapon had seen major improvements in the form of a stronger extractor, a more reliable magazine system, and a cocking handle that had been moved from inside the carrying handle to the rear of the receiver. It had become an excellent weapon with no interested buyers, since both the Fabrique Nationale and Heckler & Koch now were offering similar rifles in the same chambering that had had the advantage of extensive military testing by some of the major armies of the world. In short, no one wanted to take a chance on the AR-10 when there were other "safe" choices that had been adopted by Germany, Britain, and other large military powers.

AR-10 Innovations at Armalite

While developing designs for the Artillerie-Inrichtingen, Armalite devised several innovative versions of the AR-10, including a short-barreled carbine,

several light machine gun (LMG) variations, and a sniper model. Included were belt-fed guns as well as a clever high-capacity magazine that utilized a spring-lifter that enabled a standard AR-10 to feed hundreds of cartridges without the need to reload or modify the gun for belted operation. Later, Colt's went on to modify the gas tube and spring-load it for use with quick-change barrels and developed a belt-fed model of the rifle. But, as with later firearms families, none of the variations attracted much interest among military buyers.

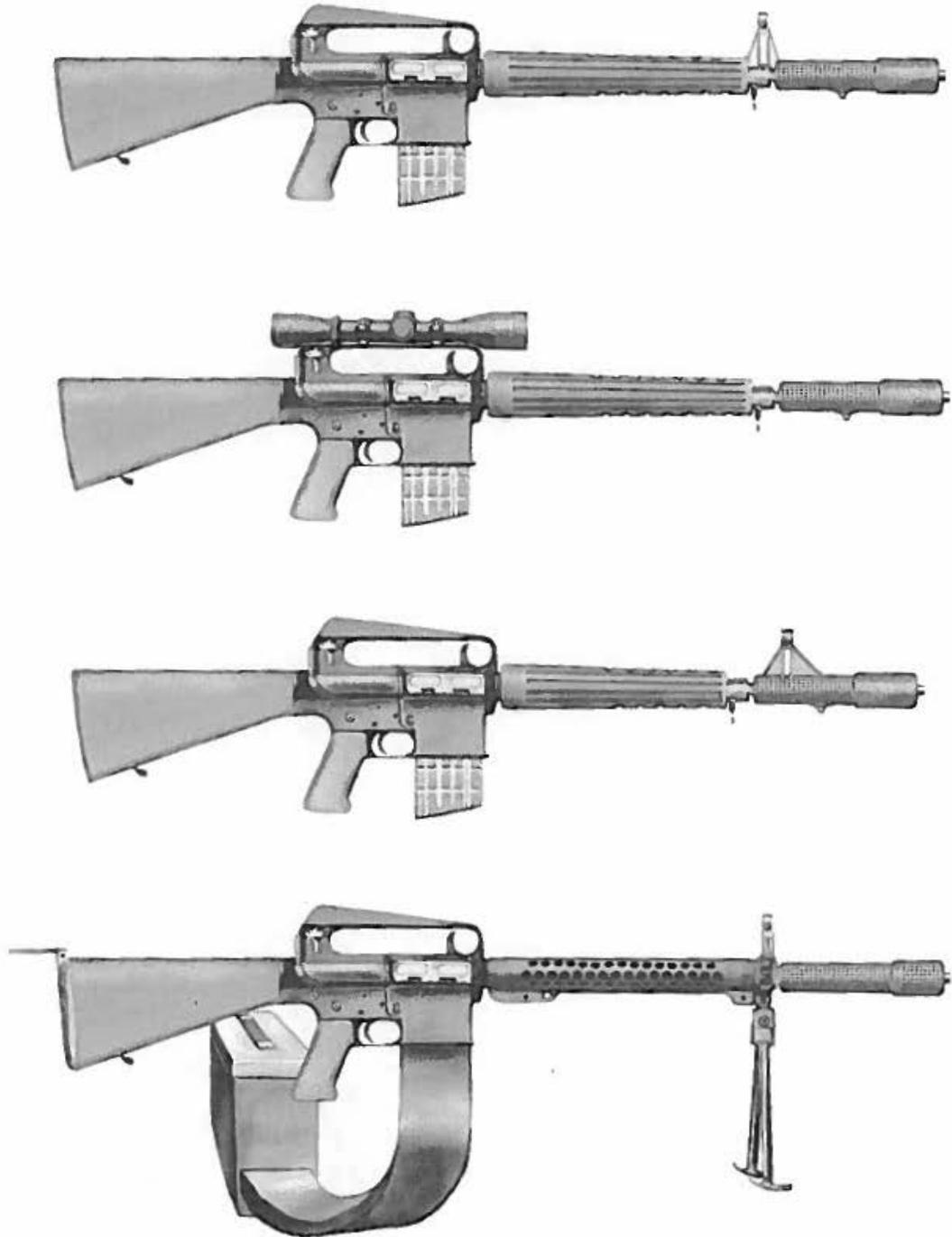
Today most authorities see the AR-10 as an excellent weapon that missed its place in history because of poor timing and marketing. And despite rumors of manufacturers tooling up to construct a version of the AR-10 for the public, such civilian models have all been AR-15 variants chambered for the .308 round. A true AR-10 built to the specs of the original design has never materialized. The problem with creating a new AR-10 is one of economics; it will always be cheaper to produce an AR-15 chambered for the .308 than to completely retool for a true AR-10 rifle that is not much different and has little to offer other than historic interest to the buyer.

While exact figures aren't known, it appears that the numbers of AR-10 rifles sold by Armalite and its contracts during this original organization of the company (not to be confused with the current operation covered later in this book) were quite small. Among these were a few apparently chambered for the Soviet/Russian 7.62x39mm cartridge, which were tested by Finland as a possible alternative to its AK-47-style Valmet rifles.

Most of these AR-10s were simply for testing and evaluation. Additionally, Nicaragua ordered 7,500 AR-10s but canceled the order when one of the test weapons allegedly blew up. The total numbers produced are as follows:

Country	Quantity
Cuba	1
Finland	6-10
Guatemala	200-500

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The "family" of AR-10s created by Armalite.

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Mexico	1
Panama	1
Portugal	800-1,000
Sudan	1,500-1,000
Venezuela	1

LESS WELL-KNOWN ARMALITE RIFLES

Armalite also created the AR-11, which boasted a conventional stock and resembled the AR-3 (and was chambered for the .222 Remington cartridge that eventually would be modified to become the round used in the AR-15). The company's AR-12 was a steel-stampings version of the AR-10, the basic design of which was modified to make it easy to mass-produce in Third World countries; the AR-12 was chambered for the 7.62mm NATO and might have been made at about half the cost of the AR-10

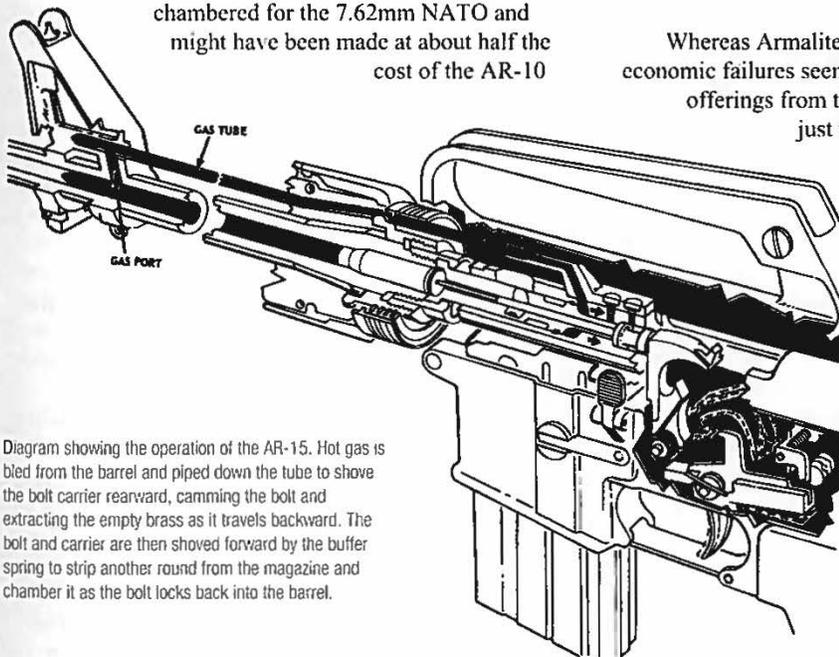


Diagram showing the operation of the AR-15. Hot gas is bled from the barrel and piped down the tube to shove the bolt carrier rearward, camming the bolt and extracting the empty brass as it travels backward. The bolt and carrier are then shoved forward by the buffer spring to strip another round from the magazine and chamber it as the bolt locks back into the barrel.

but never went beyond the prototype stage. The AR-14 was the sporting version of the AR-10 with a conventional Monte Carlo stock (without a pistol grip) and iron sights. It was chambered for .308 Winchester/7.62mm NATO, .243, and .358.

The AR-16 rifle appeared during 1959 and was notable because it exploited the inexpensive manufacturing techniques pioneered by the AR-12. Chambered for the 7.62 NATO/.308 Winchester, the AR-16 wasn't commercially successful; only three of the guns were ever made. But the rifle did break ground for the development of the AR-18, which would eventually become a competitor with the AR-15 for use among the militaries of the free world.

THE AR-15

Whereas Armalite's timing had been all wrong and economic failures seemed to be the norm for previous offerings from the company, the AR-15 enjoyed just the opposite. The rifle captured the imagination of buyers and had several lucky breaks that made the sales of the gun skyrocket.

One could conclude that this was to be expected, however, considering all the work Armalite had put into the design of the guns that led up to the AR-15. Add to that the fact that company officials, salesmen, and other personnel had by now created a lot of good contacts within the industrial-military complex as well as becoming more savvy marketers of firearms in general. Having gained valuable experience with



The XAR1501 prototype that would eventually lead to the AR-15 design.