



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25401
www.atf.gov

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3111/2007-555

Mr. Wade M. Bailey
Vice President
Top Notch Accessories, Inc.
385 Margo Lane
Russellville, Arkansas 72802

JUL 16 2007

Dear Mr. Bailey:

This refers to your faxed correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in which you ask several questions pertaining to the configuration and transportation of registered short-barreled rifles (SBRs). Your letter was forwarded to the Firearms Technology Branch (FTB), Martinsburg, West Virginia, for reply.

Your questions and the corresponding answers will follow below, but for informational purposes, please note that the National Firearms Act (NFA), 26 U.S.C. 5845(a)(3), defines "firearm," in part, as *...a rifle having a barrel or barrels of less than 16 inches in length....* Because a rifle having a barrel less than 16 inches in length is subject to NFA provisions, in order for you to lawfully make or possess an SBR, you must first submit the appropriate forms, pay a making or transfer tax, and receive approval of your application from the ATF Director. For further information, you may contact the ATF National Firearms Act Branch at 304-616-4500.

In your first question you ask if a registered SBR has the capability of facilitating a quick exchange of barrels (as in an AR-15 type firearm) and if it would be lawful to switch back and forth between your short barrel and a barrel of 16 inches or greater length.

For your information, it is lawful to switch back and forth between your short barrel and a longer 16 inch barrel on your registered SBR receiver. However, as long as you possess the short barrel, the corresponding receiver must remain a registered SBR.

Regarding your second question, whether it would be legal to transport your registered SBR within your home State with the 16-inch barrel attached, such transport would, in fact, be legal.

Lastly, you ask how you can legally transfer your registered SBR across State lines.

Please note that a person, other than an FFL/SOT, may not lawfully transport in interstate or foreign commerce any destructive device, machinegun, short-barreled shotgun, or SBR, without prior written approval of ATF, specifically the NFA Branch. For definitions of these firearms

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and devices, refer to 27 CFR 478.11. Licensed collectors are not required to obtain such approval if the firearms and devices being transported are "curio or relic" firearms under the Gun Control Act of 1968 (GCA). Approval for the transportation may be obtained by (1) a written request or (2) an approved application filed with ATF on Form 5320.20.

A written (letter) request must contain:

- (1) A complete description and identification of the device or firearm to be transported;
- (2) A statement whether the transportation involves a transfer of title;
- (3) The need for such transportation;
- (4) The approximate date the transportation is to take place;
- (5) The present location of the device or firearm and the place to which it is being transported.
- (6) The mode of transportation to be used (including, if by common or contract carrier, the name and address of the carrier); and
- (7) Evidence that the transportation or possession of the device or firearm is not inconsistent with the laws at the place of destination.

As stated above, you may ensure approval of the transportation of these firearms and devices by completing and filing a Form 5320.20 and obtaining ATF approval of the 5320.20.

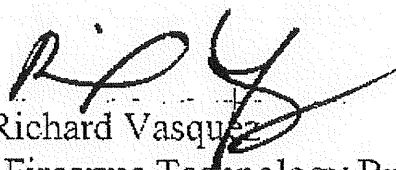
If a person would be transporting his firearm(s) to the same location on a continual basis, ATF will approve a transportation request for up to 1 year. *First Example:* the person lives in State A, has a farm in State B (State B allows possession of the particular firearm), and wants to take the firearm to the farm throughout the year. The person may request permission for a 1-year period to transport the firearm interstate to the farm. Any other interstate transportation would still require a separate request and approval. *Second example:* the person lives in State A and wants to transport his firearm to a site in State B where competitions and shoots occur several times a year (State B allows possession of the particular firearm). The person may request permission for a 1-year period to transport the firearm interstate to the site for competitions and shoots. Any other interstate transportation would still require a separate request and approval.

Finally, if you place the long barrel on your registered SBR receiver (essentially converting the weapon temporarily from a SBR into a standard rifle) you may transport the long barreled weapon across State lines without completing the above-noted procedures and receiving permission for the NFA Branch. You could also transport the receiver itself with no barrel attached across state lines without permission. However, in both of these instances, **the short barreled upper must be left at home and cannot be transported across State lines in association with either the unbarreled registered SBR receiver or the long barreled rifle utilizing the registered SBR receiver.**

Transporting the short barreled upper in this way (without completing the steps specified above and receiving permission from the NFA Branch) **would be a violation of the law subject to prosecution.**

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

Sincerely yours,

A handwritten signature in black ink, appearing to read 'R. Vasquez', written over a faint horizontal line.

Richard Vasquez
Acting Chief, Firearms Technology Branch