



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

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www.atf.gov

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DEC 18 2014

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

Dear Mr. Thordsen,

This is in response to your letter, with accompanying samples; in which you asked for clarification of an ATF letter ruling in which Firearms Technology Industry Services Branch (FTISB), formally Firearms Technology Branch (FTB) (FTB letter 2011-281-MRC) in which our Branch answered a question regarding the legality of attaching a cheek "saddle" to an AR-type pistol. Further, as a part of this inquiry, you asked for a formal evaluation of the accompanying cheek "saddles" and scenarios in which these items may be used in the assembly of AR-type pistols.

As background to your inquiry, the following review of definitions provided in Federal statutes and implementing regulations should be useful:

The Gun Control Act of 1968 (GCA), 18 U.S.C. § 921(a)(29), defines "**handgun**," in part, as *...a firearm which has a short stock and is designed to be held and fired by the use of a single hand...*

A regulation implementing the GCA, 27 CFR § 479.11, defines "**pistol**" to mean—

*...a weapon originally designed, made, and intended to fire a projectile (bullet) from one or more barrels when held in one hand, and having (a) a chamber(s) as an integral part(s) of, or permanently aligned with, the bore(s); and (b) a short stock designed to be gripped by one hand and at an angle to and extending below the line of the bore(s).*

The GCA, 18 U.S.C. § 921(a)(7) defines the term "**rifle**" as—

*...a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an*

*explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.*

The National Firearms Act (NFA), 26 U.S.C. § 5845(a), defines "**firearm**" to include ...*a rifle having a barrel or barrels of less than 16 inches in length ... and, a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches...*

Please be aware the focus of FTISB is to determine whether an item is or is not a "firearm" as defined in the GCA or NFA.

The following is a description of your submitted items:

**Sample #1:**

*A Command Arms, Model SST-1, stock saddle; that is tan in color and is attached to a buffer tube cover, containing an AR-type buffer tube.*

**Sample #2:**

*A Command Arms, Model SST-1, stock saddle that is tan in color and is attached to a buffer tube cover; containing an AR-type buffer tube.*

**Sample #3:**

*A Mission First Tactical (MFT) Evolv Battle Stock attachment (E2BSA), black in color; attached to buffer tube cover, containing an AR-type buffer tube.*

As you know, shoulder stocks normally attach to the receiver of a shoulder-fired firearm. However, in the case of an AR- type, it attaches to the receiver extension, commonly referred to as the buffer tube. A shoulder stock provides a means for the shooter to support the firearm and easily aim it. With respect to a saddle/cheek piece, the submitted devices is an accessory attachment designed to enhance the "cheek weld" of an AR-type rifle shoulder stock or AR-type pistol buffer tube by widening the profile of its outer dimensions. As received, the submitted (3) three items are not "firearms" as defined in the Gun Control Act of 1968; 18 U.S.C. 921 (a)(3).

Saddle devices designed for "cheek enhancement" generally would not change a pistol's classification to a "short-barreled rifle." FTISB finds that the submitted saddle devices are not designed to support the AR-type pistol in the shoulder of the shooter during firing but, rather, to rest against the shooter's cheek.

FTISB's evaluation of the submitted items consequently finds the attachment of the stock "saddle" to an AR-type pistol would not change the classification of the pistol to an SBR. Our Branch further notes that as long as the saddle device as evaluated and installed to an AR-type pistol, is not designed or redesigned and intended to contact the shoulder and is not used as a shoulder stock, its possession and use would not be prohibited.

Our Branch also finds that the use of extension tubes or spacers in the "saddle" attachment to an AR-type pistol could change the classification of the subject "pistol".

If the subject extensions or spacers were installed in a manner to allow an AR-type "pistol" to achieve an overall length greater than 26 inches and not actually concealed on a person; the subject weapon would not be classified as a "any other weapon". A weapon of this type would be properly classified as a "firearm" as defined in 18 U.S.C. 921 (a)(3).

The receiver extension/buffer tube on an AR-type pistol serves a legitimate, vital function in the operation of the weapon system; and if utilized as originally designed is not considered to be a shoulder stock. Further, a pistol that has an AR-type buffer tube or similar component assembled to it, which consequently allows for the installation of a saddle/cheek enhancement accessory, is not classified as a SBR; nor unlawful to possess.

However, if a pistol assembled with an AR-type buffer tube or similar component; which in turn, redesigns the subject AR-type pistol to be designed or redesigned and consequently intended to be fired from the shoulder; an NFA weapon as defined in 26 U.S.C. § 5845(a)(3); has been made.

An individual may make a SBR from a pistol by assembling a shoulder stock to the subject pistol; thus creating a rifle having a barrel length of less than 16 inches. This making is lawful provided an individual has an approved ATF Form 1, Application to Make and Register a Firearm, and has paid the applicable \$200 making tax prior to such assembly.

Regarding the FRS-15 stock assembly depicted in the accompanying photos; to render a proper determination our Branch would have to physically examine this item. FTISB does render formal classifications based on photos, diagrams or line drawings.

In closing, we should remind you that the information found in correspondence from FTISB is intended only for use by the addressed individual or company with regard to a specific scenario described within that correspondence. We advise you to confirm that assembly of a firearm utilizing the aforementioned accessories does not violate any State laws or local ordinances where you reside.

We thank you for your inquiry and trust the foregoing has been responsive. Feel free to write directly to FTISB if you have any additional firearms-related inquiries of a technical nature.

~~MA~~ Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Curtis", with a stylized flourish extending to the right.

Michael R. Curtis

Acting Chief, Firearms Technology Industry Services Branch