

**U.S. Department of Justice****Bureau of Alcohol, Tobacco,
Firearms and Explosives**Martinsburg, WV 25401
www.atf.gov903050:MCP
3311/2006-920**AUG 14 2006**

Mr. Ben F. Murray
Murray Gunsmithing
12696 FM 2127
Bowie, Texas 76230

Dear Mr. Murray:

This refers to your letter to the Firearms Technology Branch (FTB), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), dated July 14, 2006, in which you inquire about replacing the gas valve on a Yugoslavian SKS rifle. Specifically, you requested a determination regarding the effect of utilizing a replacement gas valve and its impact on curio or relic (C&R) status, as well as with respect to 18 U.S.C. § 922(r).

As specified in the definition provided in 27 CFR Section 478.11, C&R firearms have a special value to collectors based on their possession of certain qualities not ordinarily associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

- 1. Have been manufactured at least 50 years prior to the current date (replicas not included); or*
- 2. Be certified by the curator of a municipal, State, or Federal museum which exhibits firearms to be curio or relic firearms of museum interest; or*
- 3. Derive a substantial part of their monetary value from the fact that they are novel, rare, or bizarre, or from the fact of their association with some historical figure, period, or event.*

The definition for C&R firearms found in 27 CFR 478 does not specifically state that a firearm must be in its original condition to be classified as a curio or relic. However, ATF Ruling 85-10, in discussing the importation of military C&R firearms, notes that they must be in original configuration and adds that a receiver is not a C&R item. Combining this ruling and the definition of C&R firearms, FTB has concluded that a firearm must be in its original configuration to be considered a C&R weapon.

-2-

Mr. Ben F. Murray

However, it is also the opinion of FTB that a minor change such as the addition of scope mounts, non-original sights, or sling swivels would not remove a firearm from its original configuration. Moreover, we have determined that replacing particular firearms parts with new parts that are made to the original design would also be acceptable—for example, replacing a cracked M1 Garand stock with a new wooden stock of the same design. But, replacing the original firearm stock with a plastic stock would change its classification as a C&R item.

Therefore, FTB has determined that installing a replacement gas valve on a Yugoslavian SKS rifle would not change its C&R status.

As you may be aware, the Gun Control Act of 1968 (GCA), 18 U.S.C. § 922(r), prohibits assembly of certain semiautomatic rifles and shotguns from imported parts. The implementing regulations contained in 27 CFR § 478.39 include the stipulation that “no person shall assemble a semiautomatic rifle or any shotgun using more than 10 of certain imported parts, if the assembled firearm is prohibited from importation under 18 U.S.C. § 925(d)(3) as not being particularly suitable for or readily adaptable to sporting purposes.”

These parts are as follows:

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|---|-----------------------------------|
| <i>(1) Frames, receivers, receiver castings, forgings, or castings.</i> | <i>(11) Triggers.</i> |
| <i>(2) Barrels.</i> | <i>(12) Hammers.</i> |
| <i>(3) Barrel extensions.</i> | <i>(13) Sears.</i> |
| <i>(4) Mounting blocks (trunnions).</i> | <i>(14) Disconnectors.</i> |
| <i>(5) Muzzle attachments.</i> | <i>(15) Buttstocks.</i> |
| <i>(6) Bolts.</i> | <i>(16) Pistol grips.</i> |
| <i>(7) Bolt carriers.</i> | <i>(17) Forearms, handguards.</i> |
| <i>(8) Operating rods.</i> | <i>(18) Magazine bodies.</i> |
| <i>(9) Gas pistons.</i> | <i>(19) Followers.</i> |
| <i>(10) Trigger housings.</i> | <i>(20) Floor plates.</i> |

Because certain semiautomatic rifles are currently prohibited from importation, the assembly of such rifles using more than 10 of the above imported parts is prohibited under § 922(r).

However, assembly of certain semiautomatic rifles using 10 or fewer of these imported parts is not prohibited under this section.

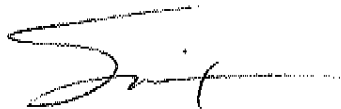
-3-

Mr. Ben F. Murray

In conclusion, FTB has determined that installing a replacement gas valve on a Yugoslavian SKS rifle would not put it into a configuration that would prohibit its importation; therefore, doing so will not violate 18 U.S.C. § 922(r).

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

Sincerely yours,



Sterling Nixon
Chief, Firearms Technology Branch