

October 13, 2011



BATF
Firearms Technology Branch
244 Needy Rd.
Martinsburg, WV 25405

RE: Saiga 12 sporting shotgun piston, sear, and trunion

I wish to determine if the Saiga 12 shotgun has a trunion and if that trunion is part of the receiver or if the receiver and the trunion are two separate parts. I want to know which part of the Saiga 12 shotgun is the piston. I also want to know if the Saiga 12 shotgun has a sear. I am attempting to determine how many foreign parts the Saiga 12 shotgun has in its imported configuration so that I will not be in violation of USC title 18 section 922(r).

I have previously read that the BATFE considered the trunion (mounting block) of a Saiga 12 shotgun to be part of the receiver. Therefore, those two parts were considered one when determining the number of foreign parts on a gun. However, this makes no sense to me because on a Saiga rifle the trunion is separate from the receiver and they count as two separate parts.

I did not know that the Saiga 12 shotgun has a sear. I am aware that it has a trigger, hammer, and a disconnecter, but have never seen a sear in a Saiga 12 shotgun. My curiosity was peaked about this when I was made aware of an email from the EPS directorate (attached email 4 pages).

I would like to know if the piston on the Saiga shotgun is the small "puck" which receives the gas and pushes the bolt carrier back. Or if the piston, on the Saiga shotgun, is the arm which is pinned/attached to the bolt carrier. (attached picture exhibit 1)

I am aware of the Saiga 12 shotgun having the following foreign parts:

1. Muzzle device
2. Barrel
3. Barrel shroud or forend
4. Piston
5. Bolt carrier
6. Bolt
7. Hammer
8. Trigger
9. Disconnecter
10. Receiver
11. Trunion (mounting block)
12. Shoulder stock

13. Magazine body
14. Magazine floor plate
15. Magazine follower

Questions:

1. Is the piston puck considered the piston in a Saiga 12 shotgun? Or is the piston the part which is attached to the bolt carrier?
2. Does the Saiga 12 shotgun as imported have a sear?
3. Does the Saiga 12 shotgun have a trunion? Are the trunion and receiver of the Saiga 12 shotgun counted as one part or two for purposes of 18 USC section 922(r) ?
4. Does a Saiga shotgun, as imported, with a threaded muzzle attachment have 15 foreign parts or 14 for purposes of 18 USC section 922(r) ?

Thank you,



Exhibit 1

Bolt carrier with pinned arm or piston



Piston "puck"



which may be used to assemble a semiautomatic rifle or shotgun in violation of the statute. However, 18 U.S.C. § 2 provides that a person who aids or abets another person in the commission of an offense is also responsible for the offense. Therefore, a person who sells parts knowing that the purchaser intends to use the parts in assembling a firearm in violation of section 922(r) would also be responsible for the offense.

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From: EPS Directorate
Sent: Wednesday, July 06, 2011 9:15 AM
To: Firearms Technology Branch
Subject: FW: Saiga 12 & high capacity magazines

This is a follow-up question to an earlier inquiry. Thanks.

EPS Staff

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From: stephen [REDACTED]
Sent: Tuesday, July 05, 2011 6:09 PM
To: EPS Directorate
Subject: RE: Saiga 12 & high capacity magazines

I have the list for the allowable import parts but do you have a worksheet that states which parts are considered to be included on Saiga rifles and shotguns?

ATF does not enforce State or local laws and ordinances. You need to check with the appropriate law enforcement agency within your State for compliance to local issues. With respect to the Federal regulations; adding a larger magazine capacity to an otherwise lawfully possessed or sporting firearm does not alter its classification with respect to the GCA or NFA. However, as magazine capacity larger than five rounds is a non-importable feature; §922(r) of the Gun Control ACT does make it unlawful if such assembly results in a firearm assembled with more than 10 imported parts.

than 5 rounds using 10 or fewer of these imported parts is not prohibited by 922(r). Consequently, while it is a violation of § 922(r) to assemble such a shotgun from more than 10 of the imported parts specified in § 478.39, assembly of certain semiautomatic rifles or shotguns using 10 or fewer of these imported parts does not violate 922(r).

For your information, the Russian-made Saiga-12 shotgun, when equipped with a standard buttstock, contains the following parts from the list presented on the preceding page:

- | | |
|--------------------------------|---------------------|
| (1) Receiver. | (9) Sear. |
| (2) Barrel. | (10) Disconnecter. |
| (3) Mounting block (trunnion). | (11) Buttstock. |
| (4) Bolt. | (12) Forearm. |
| (5) Bolt carrier. | (13) Magazine body. |
| (6) Gas piston. | (14) Follower. |
| (7) Trigger. | (15) Floorplate. |
| (8) Hammer. | |

However, equipped with a standard buttstock, this Russian-made shotgun does not contain the following parts:

- | | |
|------------------------|----------------------|
| (1) Barrel extension. | (4) Trigger housing. |
| (2) Muzzle attachment. | (5) Pistol grip. |
| (3) Operating rod. | |

18. ASSEMBLY OF NONSPORTING SEMIAUTOMATIC RIFLES AND SHOTGUNS

Section 922(r), Title 18, U.S.C., makes it unlawful for any person to assemble from imported parts any semiautomatic rifle or any shotgun which is identical to any rifle or shotgun prohibited from importation under section 925(d)(3) of the GCA. Regulations implementing the law in 27 C.F.R. 478.39

provide that a violation of section 922(r) will result if a semiautomatic rifle or shotgun is assembled with more than 10 of the following imported parts:

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

Section 922(r) does not prohibit the importation, sale, or possession of parts

I would like, with your approval, to use the text of this e-mail sans all names for posting on an internet forum to help others realize what is required to remain within the legal parts count. Thank you.

Sir,

Here is the information you requested.

As you are 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:

- | | |
|---|-----------------------------------|
| <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 shotguns having a magazine capacity greater than 5 rounds are currently prohibited from importation, the assembly of such shotguns using more than 10 of the above imported parts is prohibited under § 922(r). However, assembly of a shotgun with a magazine capacity greater

stephen [REDACTED]

From: stephen [REDACTED]
Sent: Thursday, August 04, 2011 6:11 PM
To: 'EPS Directorate'
Subject: RE: Saiga 12 & high capacity magazines

Thank you. It will be posted on www.gunandgame.com in the shotgun forum if you would like to review it.

From: EPS Directorate [mailto:EPS@atf.gov]
Sent: Thursday, August 04, 2011 10:47 AM
To: [REDACTED]
Subject: RE: Saiga 12 & high capacity magazines

The information is good

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From: EPS Directorate
Sent: Tuesday, July 19, 2011 3:39 PM
To: Firearms Technology Branch
Subject: FW: Saiga 12 & high capacity magazines

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From: stephen [REDACTED]
Sent: Saturday, July 16, 2011 10:12 PM
To: EPS Directorate
Subject: RE: Saiga 12 & high capacity magazines



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, West Virginia 25405

www.atf.gov

DEC 02 2011

This is in reference to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), concerning the application of the Gun Control Act, 18 U.S.C. § 922(r), with respect to the parts count of a Saiga 12-type shotgun.

As you are aware, 27 CFR § 478.39 is the implementing regulation for § 922(r). This regulation specifies that a rifle or shotgun may not be assembled from more than 10 of the following 20 imported parts listed below:

- | | |
|----------------------------------|----------------------------|
| 1. Frame or receiver.* | 11. Triggers.* |
| 2. Barrels.* | 12. Hammers.* |
| 3. Barrel Extensions. | 13. Sears. |
| 4. Mounting blocks (trunnions).* | 14. Disconnectors.* |
| 5. Muzzle attachment. | 15. Buttstocks.* |
| 6. Bolts.* | 16. Pistol grips. |
| 7. Bolt carriers.* | 17. Forearms, handguards.* |
| 8. Operating rods.* | 18. Magazine bodies.* |
| 9. Gas pistons.* | 19. Magazine followers.* |
| 10. Trigger housings. | 20. Floorplates.* |

Your correspondence indicates that you want to find out which parts on the § 478.39 list are components, respectively, for the Saiga-12 shotgun. We have indicated with an asterisk (*) the 15 items from the list which comprise the Saiga-12 shotgun.

Additionally, with respect to your inquiry regarding whether the piston puck or the rod is considered the "piston" for purposes of § 478.39, we count the piston puck as the "piston" and the rod as the "operating rod" in applying this regulation.

In closing, FTB recommends that you check with your local law enforcement agencies regarding any State laws or local ordinances that might also apply to the configuration of your modified shotgun since some State laws are more stringent than Federal statutes.

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

Sincerely yours,



John R. Spencer
Chief, Firearms Technology Branch

U.S. DEPARTMENT OF JUSTICE
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