



International Firearm Specialist Academy  
PO Box 338 Lake Dallas, TX 75065 [www.GunLearn.com](http://www.GunLearn.com)  
[www.GunLearn.com](http://www.GunLearn.com)  
Email: [Info@GunLearn.com](mailto:Info@GunLearn.com)

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December 14, 2018

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Jay Jacobson  
Franklin Armory  
2246 Park Place Suite B  
Minden, NV 89423

Dear Mr. Jacobson,

This letter respectfully addresses your inquiry concerning the submitted ATF letter which concerns their recent classification of several of your firearm models.

Having worked with your company as a Consultant on the ATF classification of your "Reformation" project since its inception, I acknowledge the receipt of a copy of a letter from you. The letter is dated November 13, 2018, and is signed by ATF's Chief of FTISB (Firearms (sic) Technology Industry Services Branch) Michael Curtis. The letter is ATF's official ruling concerning your firearm design which incorporates bores with straight lands and grooves.

Mr. Curtis' eleven-page letter is the response to your submission to them of four firearm models with straight lands and grooves in their bores, and for which you requested classification within the Gun Control Act (Title 18 of the U.S. Code) and the National Firearms Act (Title 26 of the U.S. Code).

The four firearms are;

1. Franklin Armory Model HSC-15, caliber .300 BLK, serial number FA-3047 X. It has the following physical features.

Barrel has straight lands and grooves. • Approximate barrel length is 7-5/8 inches. • Firearm is equipped with a shoulder stock. • Approximate overall length with the shoulder stock set in its pinned shortest length of pull as received is 23 inches. • Approximate overall length with the shoulder stock adjusted to its longest length of pull is 26-7/8 inches. • Firearm is equipped with a vertical fore grip. • Firearm is chambered for .300 Blackout cartridge.

2. Franklin Armory Model "Libertas", caliber .300 BLK, serial number R-11476. It has the following physical features.

- Barrel has straight lands and grooves.
- Approximate barrel length is 11 5/8 inches.
- Firearm is equipped with an adjustable sliding shoulder stock.
- Approximate overall length with the muzzle device removed and with the shoulder stock set in its shortest length of pull is 26-1/2 inches.
- Approximate overall length with the muzzle device removed and with the shoulder stock adjusted to its longest length of pull is 29-1/8 inches.
- Firearm is chambered for .300 Blackout cartridge.

3. Franklin Armory Model "Libertas", caliber .300 BLK, serial number R-11602. It has the following physical features.

- Barrel has straight lands and grooves.
- Approximate barrel length is 16-5/16 inches.
- Firearm is equipped with an adjustable sliding shoulder stock.
- Approximate overall length with the muzzle device removed and with the shoulder stock in its shortest length of pull is 31-1/4 inches.
- Approximate overall length with the muzzle device removed and with the shoulder stock adjusted to its longest length of pull is 34-3/8 inches.
- Firearm is chambered for .300 Blackout cartridge.

4. Franklin Armory Model SE-SSP, caliber .300 BLK, serial number SSP-10722. It has the following physical features.

- Barrel has straight lands and grooves.
- Approximate barrel length is 7-11/16 inches.
- Firearm is not equipped with a shoulder stock.
- Approximate overall length is 23-1/16 inches.
- Firearm is chambered for .300 Blackout cartridge.

Having read the Curtis letter, I am writing this summation at your request, with the understanding that this letter will be used to confirm to the public, what ATF has ruled the classification of these firearms to be. I further acknowledge that you will not make the Curtis letter available to the public due to the amount of proprietary information discussed in it.

ATF has concluded in the Curtis letter that straight lands and grooves do not impart spin on a projectile and therefore cannot be classified as rifling. They therefore conclude that a bore with straight lands and grooves is considered by ATF to be a shotgun since it does not impart spin on the projectile.

Considering this ruling, ATF has ruled items #1 through #3 to be "firearms" under the

Gun Control Act, as per Title 18, U. S. Code § 921 (a)(3). Further, they have ruled them to be "shotguns" under the Gun Control Act, as per 18 U.S. Code § 921 (a)(5) and have ruled them to be "short barreled shotguns" under the Gun Control Act, as per Title 18 U.S. Code § 921(a)(6). However, they do not find these firearms to be shotguns under the National Firearms Act, as per the definition found in Title 26 of the U.S. Code §5845 (d). The culmination of their rulings on these first three firearm designs is such that there is now a firearm design considered to be a short-barreled shotgun which is only regulated by the Gun Control Act and the regulations within Title 18 of the U.S Code, but which is not regulated by the National Firearms Act (NFA), nor the regulations within Title 26 of the U.S Code.

Again, according to Mr. Curtis' letter, ATF has ruled that it is now possible to make, possess, and to sell firearms which are or were originally designed to be fired from the shoulder, having a barrel(s) less than 18" in length, and/or an overall length less than 26", and which have a bore(s) with straight lands and grooves. Such firearms are not subject to the NFA, as long as they do not fire ammunition in .410 gauge through 10 gauge. State and local laws would still be applicable to short-barreled shotguns, however.

The reason for ATF not considering these short-barreled shotguns to fall within the purview of the NFA is hinged on the fact that the Title 26 definition of a short-barreled shotgun is worded differently than the Title 18 definition of a short-barreled shotgun. Title 18 U.S.C. § 921 (a)(6) defines the term "short barreled shotgun" to mean, "*a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun.*" However, 26 U.S.C. §5845 (d) defines a shotgun 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 the explosive in a **fixed shotgun shell** [emphasis added] to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a **fixed shotgun shell** [emphasis added].*"

In response to your question about the legality of the vertical foregrip on firearm #1, please note that ATF's position has long been that vertical foregrips are legal to install without NFA restriction on any long gun (rifle or shotgun), or on any GCA "other firearm" (E.g. Franklin Armory model XO-26). Vertical foregrips are only restricted from being

installed on a handgun (pistol or revolver) without prior NFA registration. As a shotgun, the vertical foregrip on this firearm is unrestricted and legal.

Concerning firearm #4 listed above, I acknowledge that in the Curtis letter, ATF has ruled it to be a "firearm" within the Gun Control Act, as per 18 U. S. C. § 921(a)(3), and an AOW (Any Other Weapon) under the NFA within Title 26 U.S.C. §5845 (e). I find this ruling to be consistent with Title 18 and with Title 26, as it is a weapon "capable of being concealed on the person from which a shot can be discharged through the energy of an explosive", and since it is not within the exemptions of that definition, such as are long guns (rifles and shotguns), and pistols and revolvers having a rifled bore.

In summary, firearms #1 through #3 are GCA shotguns according to ATF's ruling that a bore with straight lands and grooves has no rifling. That feature, and the feature of being designed to be fired from the shoulder (by virtue of having a shoulder-stock), makes these three firearms shotguns. The fact that their barrels are each less than 18" in length, makes them short-barreled shotguns. However, the fact that they are not designed to fire what ATF considers a "fixed shotgun shell" is what is keeping them out of the purview of the NFA in ATF's eyes, because the NFA definition of a shotgun includes that term.

Therefore, these three firearms are short-barreled shotguns which are not subject to the NFA. They are purchasable from any FFL, or from any private person who is legally able to sell a GCA firearm. No ATF Form 4 is required prior to purchase, and no ATF Form 1 is required prior to making, and therefore no \$200 tax is required, nor are fingerprints, nor photographs required to be submitted prior to taking possession. The purchase procedure for them will be the same as for any 18"- barreled shotgun. Any ATF-licensed dealer will be able to order them from the manufacturer using the same procedure as when ordering any other GCA firearm. It is imperative to know however, that any interstate movement of firearms of this configuration would require a previously-approved ATF Form 5320.20 Application to Transport Interstate or to Temporarily Export Certain National Firearms Act (NFA) Firearms. This is the only required procedure which is consistent with NFA firearms. Although these firearms are not NFA firearms according to ATF, it is still required by the GCA that approval be obtained prior to interstate movement, because they are short-barreled shotguns. This requirement is found with Title 18 U.S. Code 922 (a) (1) (4) of the GCA, as follows;

*It shall be unlawful—*

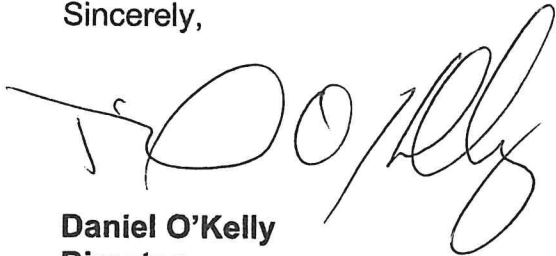
*(1) for any person—*

*(4) other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, to transport in interstate or foreign commerce any destructive device, machinegun (as defined in section 5845 of the Internal Revenue Code of 1986), short-barreled shotgun, or short-barreled rifle, **except as specifically authorized by the Attorney General consistent with public safety and necessity** [emphasis added];*

Firearm #4 is an NFA AOW because it is a handgun without rifling in the bore. This combination of features is covered in the second definition of that category, as per Title 26 U.S.C. §5845(e), as previously stated. It requires all the same procedures and approvals from ATF to make or possess, just as any other NFA firearm.

I trust that this letter has fully clarified the above-described firearms within ATF's ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "D. O'Kelly". The signature is fluid and cursive, with a large loop at the end.

**Daniel O'Kelly**  
**Director**  
**International Firearm Specialist Academy**