



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

NOV - 9 2004

903050:RDC  
3311/2004-635

www.atf.gov

Dear Mr.

This refers to your letter of July 27, 2004, to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), in which you posed several questions. In general, you requested clarification regarding the classification of Hungarian AMD-63 and AMD-65 selective-fire rifle parts sets, as well as information regarding the manufacture of semiautomatic copies of these firearms.

As you know, the **National Firearms Act (NFA), 26 U.S.C. § 5845(b)**, defines the term "**machinegun**" as follows:

... any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. This term shall also include the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

Further, with respect to your inquiry regarding the classification of the forward grip of the AMD-63 or AMD-65 based on 27 CFR § 478.39 (formerly 178.39), you should be aware that this is an integral part of the forearm, and, consequently would serve as the "forearm" as listed in 478.39(c)(17).

Concerning the manufacture of a semiautomatic copy of the AMD-63 or AMD-65 selective-fire rifle, this is possible only if the receiver is redesigned and incapable of accommodating the original fire control components. Further, the firearm must be designed to operate from the closed-bolt position. The redesigned receiver may be manufactured from new material or from the remnants of properly destroyed receivers. Proper destruction entails the diagonal torch cutting of the receiver in three critical locations. Each cut must displace at least ¼ inch of material.

Mr.

We should add that prior to utilizing sections of a destroyed receiver, the features that make it capable of firing automatically—the machinegun scar pin hole and the slotted right receiver rail—must be removed.

Also, for your information, a nonlicensee may manufacture a semiautomatic rifle for his or her own personal use. As long as the firearm remains in the custody of the person who manufactured it, the firearm need not be marked with a serial number or name and location of the manufacturer. However, if the firearm is transferred to another party at some point in the future, the firearm must be marked in accordance with the provisions set forth in 27 CFR § 478.92 (formerly 178.92).

Finally, a licensed collector may acquire, hold, or dispose of firearms classified as “curios or relics” as that term is defined in 27 CFR 478.11 (formerly 178.11). The collector’s license does not authorize the holder to manufacture a firearm for commercial resale.

For further details on issues related to your inquiry, please refer to the enclosed ATF publication, *Federal Firearms Regulations Reference Guide 2000* (ATF P 5300.4). The text of 27 CFR 478.41(d) (formerly 178.41) appears on page 53; that of 27 CFR 478.93 (formerly 178.93), on page 58.

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

Sincerely yours,

A handwritten signature in black ink, appearing to read 'S. Nixon', with a horizontal line extending to the right.

Sterling Nixon  
Chief, Firearms Technology Branch

Enclosure