



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

FEB 06 2006

903050:MCP  
3311/2006-347

www.atf.gov

Wise Lite Arms

This refers to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), received January 19, 2006, which accompanied your submitted sample of a semiautomatic version of a Russian Degtyarev Model 1928 machinegun; this gun, known as the "DP-28," was manufactured by your company in Boyd, Texas.

Specifically, you requested an examination and classification of this sample, the physical characteristics and identity of which are provided below (see enclosures for photos):

Wise Lite Arms, Semiautomatic DP-28, 7.62 x54R caliber, serial number 001

- Overall length: approximately 46 inches.
- Barrel length: approximately 24 inches.
- Wooden buttstock.
- Detachable, large capacity, round pan magazine.

As background, the amended Gun Control Act of 1968 (GCA), 18 U.S.C. § 921(a)(3), defines the term "firearm" to include *...any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive...[and] ...the frame or receiver of any such weapon....*

The FTB examination revealed that the submitted firearm had been assembled as follows:

The receiver has been remanufactured using four sections of a destroyed DP-28 machinegun receiver. The front, or first section, has had the bolt carrier guide rail recesses filled with weld material on each side. This prevents a DP-28 machinegun bolt carrier from being completely inserted into the receiver. The second section of receiver has been drilled on each side for the permanent installation of two ¼-inch diameter metal rods, one on each side of the receiver.

These rods protrude into receiver cavity, thereby contacting a DP-28 machinegun bolt and preventing it from closing completely. The four sections of the destroyed receiver have been welded together.

Also, our evaluation found that an original DP-28 machinegun trigger housing assembly has been modified in the following manner:

- Sufficient metal has been removed from the interior in the location that supported the original machinegun sear, thereby preventing the installation of a machinegun sear. The recess created by the metal removal also provides space for the installation of the newly manufactured fire-control components.
- Installation of newly created fire-control components to include:
  - A sear.
  - A hammer with drive spring and a spring housing that contains the hammer spring and connects with the sliding sear.
  - A spring housing containing a pivot arm for the sliding sear.
  - A disconnector that is attached to the pivot; this operates the sliding sear and provides positive disconnection from the trigger when the bolt carrier contacts it.

Additionally, the original trigger has been reconfigured to allow for clearance of the disconnector. The rear surface of the trigger has been re-contoured.

Furthermore, the original bolt carrier has been modified as follows:

- The original sear surface has been removed by a cut in the bottom of the bolt carrier that extends the length of the bolt carrier.
- The back portion of the bolt carrier has had the corners rounded to form the surface for activation of the disconnector.
- Approximately 1/2 inch of the upper guide rails have been removed to facilitate installation in the receiver.

Finally, the following steps have been taken to modify the original bolt:

- A tubular section of metal has been installed in the firing pin recess that will prevent the installation of an original firing pin. This insert, held in place by two roll pins, is drilled through to allow installation of a newly created firing pin, which is now spring loaded.
- The rear portion of an original firing pin is placed over the rear of the new firing pin and retains the surface that extends the locking lugs during bolt lockup.
- A recess has been created on each side of the front of the bolt to allow passage past the two metal rods installed into the front of the receiver.

The FTB examination confirmed that original machinegun configuration fire-control components cannot be installed in your submitted sample receiver. Additionally, the receiver, in its present configuration, cannot be readily restored to a machinegun configuration. Therefore, your semiautomatic DP-28 firearm, in the configuration submitted, is not a "firearm" as defined in the National Firearms Act. It is a "firearm" as defined in the GCA, § 921(a)(3).

As you may be aware, the GCA, 18 U.S.C. § 922(r), prohibits assembly of certain semiautomatic rifles and shotguns from imported parts. The implementing regulations 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. The parts listed in § 478.39 are tabulated as follows:

(1) Frames, receivers, receiver castings, forgings, or castings. (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) Disconnectors. (15) Buttstocks. (16) Pistol grips. (17) Forearms, handguards. (18) Magazine bodies. (19) Followers. (20) Floor plates.
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Because certain semiautomatic rifles are 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.

Examination by FTB revealed that this rifle has been assembled with the following U.S.-made parts:

1. Receiver.
2. Sear.
3. Hammer.
4. Disconnector.

In addition our examination disclosed that this rifle has been assembled with the following imported parts:

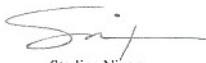
1. Barrel.
2. Muzzle attachment.
3. Bolt.
4. Bolt carrier.
5. Gas piston.
6. Trigger housing.
7. Trigger.
8. Buttstock.
9. Magazine body.
10. Follower.

Based on the above features, FTB finds that in its current configuration, this semiautomatic DP-28 firearm, 7.62x54R caliber, is made with no more than 10 of the above-listed imported parts; therefore, its manufacture would not be in violation of 18 U.S.C. § 922(r).

You should be aware that these findings are based on the sample as submitted. If the design, dimensions, configuration, method of operation, or materials used were changed, these classifications would be subject to review.

We thank you for your inquiry, along with submitted firearm, and trust the foregoing has been responsive.

Sincerely yours,



Sterling Nixon  
Chief, Firearms Technology Branch

Enclosures