



U.S. Department of Justice

Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Martinsburg, WV 25405

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O.F. Mossberg & Sons, Inc.  
7 Grasso Ave  
North Haven, CT 06473-3237

This refers to your letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB). Specifically, you requested classification of a new Mossberg, model 590, serial number V0348718 with regards to the Gun Control Act of 1968 (GCA) and the National Firearms Act (NFA).

As background, the 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....*

Further, the NFA defines “firearm” to include *...a shotgun having a barrel or barrels of less than 18 inches in length...[and] ...any other weapon, as defined in subsection (e)....*  
(See 26 U.S.C. §§ 5845(a)(1) and (5).)

Finally, the NFA, 26 U.S.C. § 5845(e), defines “any other weapon” as follows:

*...any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.*

With respect to markings, please note that 27 CFR § 478.92 states the following:

*...each licensed manufacturer or licensed importer of any firearm manufactured or imported shall legibly identify each such firearm by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof in a manner not susceptible of being readily obliterated, altered, or removed, an individual serial number not duplicating any serial number placed by the manufacturer or importer on any other firearm, and by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed), or placed on the frame or receiver, or barrel thereof in a manner of not susceptible of being readily obliterated, altered or removed, the model, if such designation has been made; the caliber or gauge; the name (or recognized abbreviation of same) of the manufacturer and also, when applicable, of the importer; in the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) wherein the licensed manufacturer maintains its place of business; and in the case of an imported firearm, the name of the country in which manufactured and the city and State (or recognized abbreviation thereof) of the importer.*

Furthermore, for firearms manufactured or imported on and after January 30, 2002, the engraving, casting, or stamping (impressing) of the serial number must be to a minimum depth of .003 inch and a minimum height of 1/16 inch. All other markings must be of a minimum depth of .003 inch.

**Background:**

Certain firearms, having attributes similar to your sample, have been previously classified by our Branch, such as the weapon described below:

- Utilizes a shotgun-type receiver that has never had a shoulder stock attached.
- Fitted with a “bird’s head” grip in lieu of a shoulder stock.
- Pump action.
- 12 gauge, 14-inch smooth-bore barrel.
- Overall length exceeding 26 inches.

The weapon, as described above, is a “firearm” subject to GCA provisions; however, it is not a “firearm” as defined by the NFA. Please note that if the subject firearm is concealed on a person, the classification with regard to the NFA may change.

Results of the FTISB examination of the submitted firearm, fully identified below, is as follows:

Mossberg, Model 590, 12 gauge, pump action firearm, serial number V0348718



The FTB examination found that the submitted sample, Mossberg, Model 590, 12 gauge, pump action firearm, serial number V0348718, has the following features and characteristics:

- The overall length is approximately 26-1/2 inches.
- 12 gauge smooth-bore barrel approximately 14-7/16 inches in length.
- The firearm has a "bird's head" grip (never had a shoulder stock attached).
- The magazine capacity is five.
- The firearm weighs approximately 5.35 pounds.

FTISB found the following markings:

Receiver (left side)	V0348718 ( <i>serial number</i> )
Receiver (bottom)	MOSSBERG NORTH HAVEN, CT -----U.S.A.----- 590 12 GA.
Barrel (left side)	CHAMBERED FOR 2 ¾ AND 3 IN. SHELLS -----12 GA. --- CYLINDER BORE-----
Barrel (right side)	WARNING BEFORE USE, READ OWNER'S MANUAL FOR SAFE OPERATION ----- FREE FROM P.O. BOX 586, EAGLE PASS, TX. USA 78853
Barrel (top)	P

FTISB found the markings required by 27 CFR § 478.92 met the required minimum depth of .003 inch.

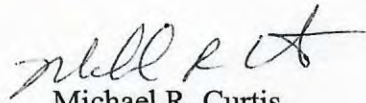
The Mossberg, model 590, serial number V0348718 as described above, is a “firearm” subject to GCA provisions; however, it is not a “firearm” as defined by the NFA. Please note that if the subject firearm is concealed on a person, the classification with regard to the NFA may change.

We caution that these findings are based on the sample as submitted. If the design, dimensions, configuration, method of operation, or materials used were changed, our determinations would be subject to review.

The sample will be returned under separate cover.

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

Sincerely yours,



Michael R. Curtis

Chief, Firearms Technology Industry Services Branch