



Mike Costello?

U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, West Virginia 25405 903050:MRC
3311/2010-029
www.atf.gov
DEC 22 2009

This is in response to your letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), along with a Winchester, Model 1894 rifle submitted for evaluation. In your correspondence, you request that the submitted rifle be designated as a collectible, curio/relic (C&R) firearm and removed from the provisions of the National Firearms Act (NFA).

As defined in the NFA, 26 U.S.C. Section 5845(a)(3), the term "firearm" includes a rifle having a barrel or barrels less than 16 inches in length. It is unlawful for anyone to possess NFA firearms that are not registered in accordance with the provisions of the NFA. However, Section 5845 also notes that the term "firearm" shall not include a weapon which the "[U.S. Attorney General] finds by reason of the date of its manufacture, value, design and other characteristics is primarily a collector's item and is not likely to be used as a weapon."

With respect to your submission, based on our examination and research, FTB has determined that the following firearm falls into the exempted category described above and is hereby removed from the provisions of the NFA:

Winchester, Model 1894, caliber .30 W.C.F., serial number 1076898; with 15-inch barrel.

We have further determined that the above firearm is a "curio or relic" as that term is defined in 27 CFR Section 478.11. This determination authorizes licensed collectors to acquire, hold, or dispose of this firearm as a C&R item subject to the provisions of 18 U.S.C. Chapter 44 and 27 CFR Part 478. Please note that the submitted Winchester rifle is still a "firearm" as defined in 18 U.S.C. Section 921(a)(3).